



**SPECIAL BOARD
Report No. 24-098**

19 August 2024

**REVISIONS TO POLICY P.073.GOV BOARD MEMBER CODE OF
CONDUCT**

**Key Contact: Janice McCoy, Executive Officer of Corporate Services,
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PURPOSE:

1. To seek approval for the proposed revisions to Policy P.073.GOV Board Member Code of Conduct.

STRATEGIC LINKS:

2. Enabling the Board to meet the changing requirements of the Ministry regulations will support the Board's commitment to effective governance which is a key feature within the Social Responsibility pillar of the 2023-2027 Strategic Plan.

CONTEXT:

3. Ontario Regulation 246/18: *Member of School Boards – Code of Conduct* has been revoked and replaced with a new Ontario Regulation 312/24 *Members of School Boards – Code of Conduct* that sets out certain mandatory provisions for codes of conduct.

The Regulation requires boards to review their codes of conduct within 30 days after the Regulation comes into force, and to approve any required changes or, if no changes are required, confirm the existing code. As a result, it is necessary to bring the policy forward for review and revision or confirmation by the Board by no later than August 28, 2024.

This report presents the revisions required to Policy P.073.GOV to align with this new regulation, as detailed in Appendix B.

KEY CONSIDERATIONS:

4. Regulation 312/24 - Obligations and Prohibitions
The Regulation sets out specific obligations and prohibitions that all codes of conduct established under section 218.2 of the *Education Act* must contain.

A review of Policy P.073.GOV against the Regulation has indicated that there are gaps between the current policy and the mandatory requirements set out in the Regulation. Wherever possible, specific language from the regulation has been added or, in some cases, substituted for existing language, in order to provide certainty in terms of compliance with the Regulation.

5. Key Changes

The Ontario Public School Boards' Association (OPSBA) created a template (attached as Appendix C) to support Board's in the application of the regulatory requirements. The revised regulation includes the following mandatory obligations and prohibitions:

- A board member shall comply with the board's code of conduct and any applicable board by-law, resolution, policy or procedure.
- When acting or holding themselves out as a board member, the member shall conduct themselves in a manner that would not discredit or compromise the integrity of the board.
- When acting or holding themselves out as a board member, the member shall treat persons equally without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.* *Note: Socioeconomic disadvantage has been included in the list of prohibited grounds in the proposed revisions, in alignment with the Board's Human Rights Policy.*
- No board member shall use or permit the use of board resources for any purpose other than the business of the board.
- No board member shall disclose confidential information obtained or made available to them in their role as a board member except as authorized by law or by the board.
- No board member shall use information described above in a manner that would be detrimental to the interests of the board or for the purpose of personal gain or for the gain of the member's parent, spouse or child.
- No board member shall accept a gift from any person, group or entity that has dealings with the board if a reasonable person might conclude that the gift could influence the member when performing their duties unless,
 - the gift is of nominal value,
 - the gift is given as an expression of courtesy or hospitality, and
 - accepting the gift is reasonable in the circumstances.
- No board member shall act as a spokesperson to the public on behalf of the board unless authorized by the board to do so

6. Breaches to the Code of Conduct

The current policy language and process for investigating breaches remains in place until the new Integrity Commissioner-led process becomes effective January 1, 2025. Until that time, the Board will refer to the current enforcement

process. OPSBA has committed to providing an updated template enforcement process in the Fall of 2024 that will comply with new s.218.3 and regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* and paragraphs 4.1 and 4.2 of Section 2 of Regulation 312/24 *Member of School Boards – Code of Conduct*. Because the District’s enforcement process is included in Policy P.072. Board Member Code of Conduct, the policy will again have to be amended effective January 1, 2025. It is anticipated that these additional policy changes will follow the newly established policy review and development process and work through the Ad Hoc Policy Committee.

RESOURCE IMPLICATIONS:

7. There are no anticipated resource implications with proposed revisions to the policy.

COMMUNICATION/CONSULTATION ISSUES:

8. As the proposed revisions are in response to the new *Regulation 312/24*, consultation is neither required nor possible given the 30 day timeline provided for reviewing and revising the current policy.

RECOMMENDATION

THAT Policy P.073.GOV Board Member Code of Conduct, attached as Appendix B to Report 24-098, be approved.

Janice McCoy
Executive Officer of Corporate Services

Pino Buffone
Director of Education and
Secretary of the Board

Appendices

Appendix A: [Standing Policy](#)

Appendix B: Revised Policy P.073.GOV

Appendix C: OPSBA Updated Template Board Members Code of Conduct - August 8