

MONDAY, APRIL 11, 2022

Open Session: 5:00 p.m. – 6:00 p.m. (Virtual Meeting via MS Teams)

AD HOC GOVERNANCE AGENDA

ATTENDANCE

Trustee Committee Members

Trustee Doug Newton (Chair)

Trustee Nancy Beamer

Trustee Alex Bradnam

Trustee Lora Campbell

Trustee Elizabeth Klassen

Administration/Resource

Warren Hoshizaki – Director of Education

Karen Bellamy – Executive Assistant to Director of Education

Jennifer Feren – Board Lawyer

Recording Secretary

Kerry Baker – Legal Assistant to the Board Lawyer

1. CALL TO ORDER / WELCOME

2. APPROVAL OF AGENDA

3. BUSINESS ARISING FROM THE MINUTES

None

4. NEW BUSINESS

- A. Code of Conduct**
(report attached)

5. NEXT MEETING

The next meeting will be Monday, May 16, 2022 at 5:00 p.m.

6. ADJOURNMENT

CODE OF CONDUCT REVIEW AS REQUIRED UNDER THE *EDUCATION ACT*

Monday, April 11, 2022

BACKGROUND:

Purpose of Review

Regulation 246/18 under the *Education Act* requires every board to adopt a Code of Conduct that applies to the members of the Board and that the Code of Conduct must be reviewed before May 15th in every fourth year after it is adopted.

The District School Board of Niagara's Trustee Board of Conduct (2018-2022) was adopted September 25, 2018. As a result, it must be reviewed prior to May 15, 2022.

Section 2(3) of the Regulation directs the Board to make required changes, if any or if no changes are required, confirm the existing Code of Conduct.

Recommended Changes

The attached draft incorporates changes that are recommended for the Board's consideration:

- Equity and Inclusion
 - Paragraphs 1, 4, 7 and 8 added to enshrine the Trustees' commitment to equity and inclusion and paragraph 12 expanded in a similar regard.
 - Other amendments are proposed throughout to ensure gender neutrality (paragraphs 14, 15, 16, 27, 30, 36 and 64)
- Clarification that Respect for Confidentiality of any information acquired as a Trustee extends beyond the term of office (paragraph 25)
- Providing for an additional alternate Committee member (paragraph 38)
- Update to align with changes made to the By-laws that removed By-law M-3 (removal of original paragraph 61 of the Code of Conduct)
- Clarifications on the process after the decision codifying the practice of the Board where written submission received and ensuring a specific reference to the closed meeting requirements included (paragraphs 72-78)
- Housekeeping
 - Adding Student Trustees to the application of the Code of Conduct (paragraph 6)
 - Amendments made for consistency, such as ensuring the reference in all places to Board and Committee are capitalized and Code of Conduct was always referenced in full
 - Some typographical errors were corrected (paragraphs 22, 55 and 62)
- If the Board approves the addition of an Indigenous Trustee, it is recommended to clarify under Sanction that prior to imposing a sanction that might include barring the Indigenous Trustee from Board or Committee meeting(s) where the meeting may engage the interests of Indigenous students, the Board shall consider the role of the Indigenous Trustee to represent the interests of Indigenous students (paragraph 68)

AD HOC GOVERNANCE COMMITTEE

Monday, April 11, 2022

RECOMMENDED MOTION:

“That the draft District School Board of Niagara Code of Conduct (2022-2026) as presented be approved.”

“That the District School Board of Niagara Code of Conduct (2022-2026) form part of the Trustee Handbook.”

“That the District School Board of Niagara Code of Conduct (2022-2026) be implemented and take effect at the commencement of the new term of the Board of Trustees.”

APPENDED DATA:

Draft Revised Code of Conduct 2022-2026

Respectfully submitted,

Jennifer Feren
School Board Lawyer

Date: April 11, 2022

For further information, please contact Jennifer Feren, School Board Lawyer



SCHOOL BOARD TRUSTEE CODE OF CONDUCT

DISTRICT SCHOOL BOARD OF NIAGARA

2022-2026

PURPOSE

1. The District School Board of Niagara Trustee Code of Conduct (the “Code of Conduct”) supports both legislated requirements and Board policies, procedures and By-Laws that support the governance and accountability framework at the District School Board of Niagara. The *Education Act* requires the Board to establish a Trustee Code of Conduct. This Code of Conduct supports the Board’s commitment to meeting high standards of conduct by Trustees and staff.

2. A Code of Conduct contributes to confidence in public education and promotes respect for the integrity of Trustees in the community. It deals with acceptable and respectful behaviours.

3. A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

4. Trustees work to ensure equity across their school boards so that every student has the opportunity to succeed regardless of their background, identity, or personal circumstances. The role of Trustees involves bringing the voices of everyone, including marginalized communities (e.g., Indigenous students, ethnic and/or racial minority students, newcomers and/or immigrants, students with disabilities, LGBTQ2s+ students, and students with low socio-economic backgrounds, etc.) to the Board table.

5. The Board is guided by its Mission, Vision and Values as follows:

MISSION

The District School Board of Niagara is committed to student success by working together to inspire, empower, and support all learners to achieve their full potential.

VISION

Achieving Success Together

VALUES

Respect
Relationships
Responsibility

APPLICATION

64. This Code of Conduct and the Enforcement Procedures apply to all Trustees of the Board, including the Chair of the Board and Student Trustees.

CODE OF CONDUCT

Integrity and Dignity of Office

7. Trustees shall conduct themselves in an ethical and prudent in the performance of their duties. Trustees shall treat everyone, including fellow Board members, Board staff, students, parents and guardians, and other members of the community with respect and behave in a manner that reflects the diversity, dignity, and worth of all individuals.

8. Trustees shall not discriminate anyone on the basis of race, religion/creed, disability, colour, age, sex, sexual orientation, gender identity or expression, and/or other prohibited grounds under the Ontario Human Rights Code and any other applicable human rights legislations.

95. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

106. Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.

117. Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.

128. Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff, ~~or~~ fellow Board members, the Board as a whole, students, parents and guardians, and other members of the community.

139. Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

Avoidance of personal advantage and conflict of interest

~~140.~~ No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing ~~his or her~~ their duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event.

~~154.~~ A Trustee shall not use ~~his or her~~ their office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.

~~162.~~ No Trustee shall use ~~his or her~~ their office to obtain employment with the Board for the Trustee or a family member.

Compliance with Legislation

~~173.~~ A Trustee of the Board shall discharge the Trustee's duties in accordance with the *Education Act* and any regulations, directives or guidelines thereunder and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation.

~~184.~~ Every Trustee of the Board shall uphold the letter and spirit of this Code of Conduct.

~~195.~~ Every Trustee shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Director of Education, and the Chair of the Board.

Civil Behaviour

~~2046.~~ No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Board.

~~2147.~~ A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.

~~2248.~~ When expressing individual views, Trustees shall respect the differing points of view of other Trustees ~~on~~ of the Board, staff, students, and the public.

~~2349.~~ Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students, and the public.

~~240.~~ All Trustees of the Board shall endeavour to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

Respect for Confidentiality

~~254.~~ Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or ~~committee-Committee~~ Committee of the Board, or part of a meeting of the Board or ~~committee-Committee~~ Committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the Trustees' term of office.

~~262.~~ No Trustee shall use confidential information for either personal gain or to the detriment of the Board.

~~273.~~ Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of ~~his or her~~their position, except when required by law or authorized by the Board to do so.

Upholding decisions

~~284.~~ All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.

~~295.~~ Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.

~~3026.~~ A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state ~~his or her~~their position on a resolution provided it does not in any way undermine the implementation of the resolution.

~~3127.~~ Each Trustee shall comply with Board policies, procedures, By-Laws, and Rules of Order.

~~3228.~~ The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or Board to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

ENFORCEMENT OF THE CODE OF CONDUCT

Identifying a Breach of the Code of Conduct

3329. A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board.

340. Any allegation of a breach of the Code of Conduct must be brought to the attention of the Chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code of Conduct be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.

354. Any allegation of a breach of the Code of Conduct shall be investigated following the *Informal* or *Formal* Complaint Procedures below, as the case may be.

362. It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the Informal Complaint Procedure. It is recognized that from time to time a contravention of the Code of Conduct may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code of Conduct is to assist the Trustee in understanding ~~their~~his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code of Conduct by a Trustee should be investigated following the *Formal Complaint Procedure*.

Chair of the Board

373. The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code of Conduct by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice-Chair of the Board.

384. At the commencement of each term, ~~two-three~~ (3) alternate Trustees shall be chosen by the Board to be used when the circumstance warrants that one or both Trustees are needed in place of the Chair and/or Vice- Chair of the Board to carry out any of the duties required under this Code of Conduct and Enforcement. In no circumstance shall the Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.

395. Nothing in this Code of Conduct prevents the Chair of any meeting of the Board or ~~committee~~Committee of the Board from exercising their power pursuant to s. 207(3) of the *Education Act* to *expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting*. For greater certainty, this may be done at the sole

discretion of the Chair of the Board or of any ~~committee~~-Committee of the Board, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair of the Board or of any ~~committee~~-Committee of the Board must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code

~~4036~~. The Chair of any meeting of the Board or ~~committee~~-Committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

~~4137~~. The Chair of the Board or of any ~~committee~~-Committee of the Board shall follow the Rules of Order and meeting procedures contained in any Policy or By-Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the Enforcement of the Code of Conduct, except for persistent improper use of the Rules of Order by the Chair of the Board or of any ~~committee~~-Committee of the Board.

Informal Complaint Procedure

~~4238~~. The Chair of the Board (or the Vice Chair of the Board as alternate), on the Chair's own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) who alleges a breach of the Code of Conduct has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code of Conduct, to discuss the breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. The Informal Complaint Procedure is conducted in private.

~~4339~~. The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation *Professional Development Program for School Board Trustees*. If the Chair of the Board (or alternate as above-noted) and the Trustee alleged to have breached this Code of Conduct cannot agree on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code of Conduct and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.

Formal Complaint Procedure

~~440~~. A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached the Board's Code of Conduct may bring the breach to the attention of the Board by first providing to the Committee of the Board, a written, signed complaint setting out the following:

- _____ (i) the name of the Trustee who is alleged to have breached the Code of Conduct;
- _____ (ii) the alleged breach or breaches of the Code of Conduct;
- _____ (iii) information as to when the breach came to the Trustee's attention;
- (iv) the grounds for the belief by the Trustee that a breach of the Code of Conduct has occurred; and
- (v) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

Except as provided below, if a written complaint is filed with the Committee of the Board, then a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.

454. In an election year for Trustees, a Code of Conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code of Conduct is not re-elected, no inquiry into the alleged breach of the Code of Conduct by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.

462. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code of Conduct.

Refusal to Conduct Formal Inquiry

473. If the above-noted Committee of the Board is of the opinion that the complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, a formal inquiry shall not be conducted and a confidential report stating the reasons for not doing so shall be provided to all Trustees of the Board.

484. If an allegation of a breach of the Code of Conduct on its face is with respect to the non-compliance with a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that procedure.

Steps of Formal Inquiry

495. If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Committee of the Board being any three (3) of the

Chair, Vice-Chair, and the alternate Trustees (as selected in paragraph 34, above), or an outside consultant chosen by the Chair and Vice-Chair.

5046. Regardless of who undertakes the formal inquiry, the following steps shall be followed.

5147. The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.

5248. Procedural fairness and the rules of natural justice shall govern the formal inquiry. The formal inquiry will be conducted in private.

5349. The formal inquiry may involve both written and oral statements by any witnesses, the Trustee bringing the complaint and the Trustee who is alleged to have breached the Code of Conduct.

540. The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal inquiry and in writing.

551. It is expected that the formal inquiry will be conducted within a reasonable period of time which will depend on the circumstances of the case. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within ten (10) days of receiving the written allegation, or such extended period of the time as the investigators deem appropriate in the circumstance.

562. If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in the Trustee's absence.

573. Once the formal inquiry is complete, the investigators shall provide a confidential draft copy of their report containing the findings of fact to the Trustee who is alleged to have breached the Code of Conduct and the Trustee who brought the complaint for their written comment to the investigator(s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. The two Trustees shall have ten (10) days (or such reasonable period of time as deemed appropriate by the investigators) from the receipt of the draft report to provide a written response.

584. The final report shall outline the finding of facts, but not contain a recommendation or opinion as to whether the Code of Conduct has been breached. This will be determined by the Board of Trustees as a whole.

Suspension of Formal Inquiry

595. If the investigators, when conducting the formal inquiry, discover that the subject-matter of the formal inquiry is being investigated by police, that a charge has been laid, or is being dealt with in accordance with a procedure established under another Act, the

formal inquiry shall be suspended until the police investigation, charge or matter under another Act has been finally disposed of.

Decision

~~6056~~. The final report shall be delivered to the Board of Trustees, and a decision by the Board of Trustees as to whether or not the Code of Conduct has been breached and the sanction, if any, for the breach shall be made as soon as practical after receipt of the final report by the Board.

~~6157~~. Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.

~~6258~~. If the Board of Trustees determine that there has been no breach of the Code of Conduct or that a contravention occurred, although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.

~~6359~~. The determination of a breach of the Code of Conduct and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting. The reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees of the Board present and voting.

~~640~~. Despite s. 207 (1) of the *Education Act*, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) being:

- (a) the security of the property of the ~~board~~Board;
- (b) the disclosure of intimate, personal or financial information in respect of a member of the ~~board~~Board or ~~committee~~Committee, an employee or prospective employee of the ~~board~~Board or a pupil or ~~their~~his or her parent(s) and/or guardian(s);
- (c) the acquisition or disposal of a school site;
- (d) decisions in respect of negotiations with employees of the ~~board~~Board; or
- (e) litigation affecting the ~~board~~Board.

~~61. Similarly, the part of a meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any matters under paragraph M-3 of the Board's By-laws and Rules of Order being:~~

- ~~(a) Legal matters or any litigation affecting the Board;~~
- ~~(b) Decisions in respect of negotiations with employees of the Board;~~
- ~~(c) Purchase, lease or disposal of property;~~
- ~~(d) Suspensions, expulsions, exclusion of pupils and re-admission of such pupils;~~
- ~~(e) Indigent pupils;~~
- ~~(f) Personnel matters involving efficiency, discipline, termination or other retirement of employees, medical reports or examinations, and staff changes;~~
- ~~(g) Human resources update by the Director;~~
- ~~(h) The security of the property of the Board;~~
- ~~(i) The disclosure of intimate, personal or financial information in respect of a member of a Board or committee, an employee or prospective employee of the Board or a pupil or his or her parent or guardian; and~~
- ~~(j) Other matters agreed upon by the majority of the Board members.~~

~~652.~~ The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach and/or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.

~~663.~~ The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but shall not participate in the deliberations and shall not be required to answer any questions at that meeting.

~~674.~~ The Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed, influence the vote on the decision of breach and/or sanction, except as permitted below after these decisions have been made.

Sanctions

~~685.~~ If the Board determines that the Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:

- (a) Censure of the Trustee.
- (b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
- (c) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.

That said, if applicable, where the Trustee is the Indigenous Trustee, prior to imposing one of the above-noted sanctions that might include barring the Indigenous Trustee from Board or Committee meeting(s), the Board shall consider the role of the Indigenous Trustee to represent the interests of Indigenous students of the Board.

~~6966~~. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.

~~7067~~. A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a ~~committee~~-Committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.

~~7168~~. The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the *Education Act* regarding absences from meetings.

Reconsideration Required Process After the Decision

~~7269~~. If the Board determines that a Trustee has breached the Board's Code of Conduct the Board shall,

- (a) give the Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;
- (b) the notice shall inform the Trustee that ~~he or she~~they may make written submissions to the Board in respect of the determination and/or sanction by the date specified in the notice that is at least fourteen (14) days after the notice is received by the Trustee; and
- (c) consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within the fourteen (14) days after the submissions are received.

~~730~~. If as part of the Board's consideration of any written submissions received from the Trustee, if the Board revokes a determination, any sanction imposed by the Board is revoked.

~~744~~. If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary, or revoke the sanction.

~~752~~. If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.

763. The Board decisions to confirm or revoke a determination or confirm, vary, or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public unless the breach or alleged breach involves any matters described in paragraph 64 of the Code of Conduct (being the closed meeting section of the Education Act). Both resolutions shall be decided by a vote of at least 2/3 of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to confirm, vary or revoke a sanction. The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The Trustee who brought the complaint may vote on those resolutions.

774. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.

785. If appropriate, the original sanction may be stayed pending the reconsideration consideration by the Board of the written submissions, if any, made by the Trustee regarding the determination and/or sanction.

ACKNOWLEDGEMENT AND UNDERTAKING

I confirm that I have read, understand, and agree to abide by the District School Board of Niagara's Trustee Code of Conduct and the Enforcement Procedures.

DATE:

SIGNATURE:

Please Print Name:
