

Policy 4

TRUSTEE CODE OF CONDUCT

The School Act states that the rights, powers, duties, and liabilities of the Board rest only with the legally constituted Board as a whole, not with committees of the Board or with individual trustees. Members of the Board exercise their powers and responsibilities as a matter of public trust, and only when the Board is officially in session.

However, it is recognized that Board members hold considerable influence as a result of being elected to public office as a trustee. It is important that the Board and its individual members operate in an ethical and business-like manner. This commitment includes proper use of authority, appropriate decorum in individual and group behaviour and fair and respectful treatment of students, parents, staff, members of the community and other Board members.

Therefore, the Board has established the following Standards of Conduct to help provide the conditions necessary for effective Board operations.

1. Board members will establish a District culture which will foster student achievement and which will provide an atmosphere where each student can reach his/her full potential.
2. Board members will devote time, thought and study to their duties and responsibilities so that they may render effective and creditable service.
3. Board members recognize that the expenditure of Board funds is a public trust and, therefore, they will ensure that all such funds shall be expended efficiently, economically, and for the best interest of students.
4. Board members will not attempt to exercise individual authority over or to act on behalf of the District except as explicitly set forth in Board policies.
5. Board members will make decisions with a focus on the educational welfare of children and will strive to meet the educational needs of all children.
6. The Board recognizes the right of trustees to express their disagreement with Board decisions.
7. Board members will endeavor to work in a spirit of harmony and cooperation in spite of differences of opinion that may arise during debate. Trustees will observe proper decorum and behavior; encourage full and open discussion in all matters with their fellow trustees; treat them with respect and consideration; and will not withhold or conceal from them any information or matter with which they should be concerned.
8. Board members will not use the schools, school or District equipment or any part of the school program for personal advantage or for the advantage of friends.
9. Trustees will not disclose the confidential business of the Board.

10. Board members will establish policies by which the District and schools are administered. Board members recognize that the education program and the conduct of school business will be left to the Superintendent/CEO and Secretary-Treasurer as designated by the School Act, Regulations, Ministerial Orders and Board Policy.
11. Board members will support policies and procedures that ensure the employment of those persons best qualified to serve as District staff.
12. Board members will be mindful of legislation governing Conflict of Interest and will avoid placing themselves in positions of Conflict of Interest.
13. Board members will endeavor to remain informed concerning provincial and national developments in education.
14. Board members will do everything possible to maintain the integrity, confidence and dignity of the office of School Trustee.

Legal Reference: Sections 49, 50, 55, 56, 57, 58, 59, 62, 65, 85, 94, 95 School Act

Policy 4 – Appendix

TRUSTEE CODE OF CONDUCT SANCTIONS

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.

Code of Conduct Sanctions other than a Failure of Security

2. A trustee who believes that a fellow trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
3. Conciliatory measures will normally include:
 - 3.1 The trustee who believes a violation has occurred will engage in an individual private conversation with the trustee affected.
 - 3.2 Failing resolution through the private conversation the parties will engage the Board Chair, Vice-Chair to gain resolution. If the concern is with the Board Chair, the concern is to be raised with the Vice-Chair.
 - 3.3 The Chair and at the Chair's option the Chair and Vice-Chair will attempt to resolve the matter to the satisfaction of the trustees involved.
4. A trustee who wishes to commence an official complaint, under the Code of Conduct shall file a letter of complaint with the Board Chair within thirty (30) days of the alleged event occurring and indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the trustee. The trustee who is alleged to have violated the Code of Conduct and all other trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where otherwise applicable in what follows, by the Vice-Chair, within five (5) days of receipt by the Board Chair of the letter of complaint. If the complaint is with respect to the conduct of the Board Chair, the letter of complaint shall be filed with the Vice-Chair.
5. When a trustee files a letter of complaint, and a copy of that letter of complaint is forwarded to all trustees; the filing, notification, content and nature of the complaint shall be deemed to be strictly confidential, the public disclosure of which shall be deemed to be a violation of the Code of Conduct. Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Board Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct hearing.
6. To ensure that the complaint has merit to be considered and reviewed, at least one (1) other trustee must provide to the Board Chair within three (3) days of the notice in writing of the complaint being forwarded to all trustees, a letter indicating support for having the complaint heard at a Code of Conduct hearing. Any trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon, the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.

7. Where no letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in Section 5 above, the complaint shall not be heard. The Board Chair shall notify all other trustees in writing that no further action of the Board shall occur.
8. Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in Section 5 above, the Board Chair shall convene, as soon as is reasonable, a closed (in-camera) meeting of the Board to allow the complaining trustee to present their views of the alleged violation of the Code of Conduct.
9. At the closed (in-camera) meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted.

Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:

- 9.1 The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at a closed (in-camera) Board meeting convened for that purpose. All preliminary matters, including whether one (1) or more trustees may have a conflict of interest in hearing the presentations regarding the complaint, shall be dealt with prior to the presentation of the complaint on behalf of the complaining trustee.
- 9.2 The sequence of the Code of Conduct hearing shall be:
 - 9.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
 - 9.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
 - 9.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
 - 9.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
 - 9.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 9.2.6 The complaining trustee shall be given the opportunity to make final comments; and
 - 9.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 9.3 Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall deliberate in private, without assistance from administration but with the continuing presence of the Secretary-Treasurer. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution(s).
- 9.4 If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.
- 9.5 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.

- 9.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
 - 9.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.
 - 9.8 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
 - 9.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.
 - 9.10 The presiding Chair shall declare the closed (in-camera) Board meeting adjourned.
10. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 10.1 Having the Board Chair write a letter of censure marked “personal and confidential” to the offending trustee, on the approval of a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the Board;
 - 10.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the Board;
 - 10.3 Having a motion to remove the offending trustee from one (1), some or all Board committees or other appointments of the Board passed by a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the Board.
11. The Board may, in its discretion, make public its findings where the Board has not upheld the complaint alleging a violation of the Board’s Code of Conduct or where there has been a withdrawal of the complaint or under any other circumstances that the Board deems reasonable and appropriate to indicate publicly its disposition of the complaint.

Failure of Security

12. The Trustee Code of Conduct requires that trustees shall respect the confidentiality appropriate to issues of a sensitive nature. Failure to comply with this requirement constitutes a failure of security. An individual trustee may bring a suspected breach of security to the attention of the Board, at a closed meeting of the Board. If by majority vote the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:
- 12.1 The Board Chair shall request that the Superintendent (as head of the District under the Freedom of Information and Protection of Privacy Act FOIPPA), appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at a closed meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
 - 12.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.
 - 12.3 The Board Chair shall present at a closed meeting of the Board, the report of the independent investigator. At this time, the trustee in question shall have an opportunity to present any additional, relevant information.
 - 12.4 If it is determined by a majority vote of the Board that a willful violation of security has occurred, for a first occurrence, a motion to write a letter of censure marked “Personal

and Confidential” is required to be discussed and agreed upon by a majority of trustees present at a closed meeting of the Board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.

- 12.5 For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of trustees present at such a meeting.

Legal Reference: Sections 49, 50, (Part 5 Sections 55-64), 65, 85, 94, 95 *School Act*