

POLICY 130: Trustee Conduct and Code of Ethics

Conduct of Trustees

Trustees are elected into a position of trust under the provisions of the *School Act*, and have clear fiduciary duties to the corporate Board, who as a body, are accountable to the electorate. They collectively and individually owe a public duty to carry out their responsibilities in good faith and with reasonable diligence. It is crucial to the successful operation of the Board that each member demonstrates a commitment to an equitable share of trustee responsibilities and executes these responsibilities in an exemplary and credible manner, with adherence to all current Provincial legislation, and the policies and practices of the Board.

Accordingly, Trustees are expected to:

1. Operate within the parameters of the *School Act* and Board policies and practices, including the Trustee Code of Ethics;
2. Recognize that the individual Trustee has no authority to act on behalf of School District No. 8 (Kootenay Lake) or the Board unless so approved by the Board and/or Board Chair;
3. Execute their duties in a professional and respectful manner that does not denigrate the office of School Trustee;
4. Develop an awareness of education issues;
5. Confine Board action primarily to policy making, planning and evaluation of the overall operation of the School District, respecting the Chief Executive Officer's responsibility for the day-to-day administration of the School District;
6. Maintain effective communication with the Board and senior leadership between meetings by regular monitoring of Board e-mail and responding in a timely manner;
7. Attend Board and Committee meetings fully prepared to discuss the agendas;
8. Inform the Board Chair of the reason if unable to attend any meeting or function ~~Inform the Board Chair of the reason if unable to attend any meeting or function;~~
9. Provide notification to the Board if they expect to be absent from the District or otherwise unable to attend any statutory function for a period of more than 30 days; and
10. Use social media responsibly, including an acknowledgement that opinions expressed are those of the individual and not the Board.

Code of Ethics

A. Confidentiality

Trustees will deal appropriately with sensitive issues and maintain the confidentiality of discussions that take place during in-camera sessions.

B. Decision Making

Trustees will base decisions upon all available facts in each situation and vote their honest and unbiased conviction in every case, recognizing that their primary duty is to represent the district in the best interests of learners and the School District No. 8 (Kootenay Lake) community. Trustees will respect and abide by the majority decisions made by the Board.

C. Ethical and Respectful Behavior

Trustees will maintain the highest standards of civility and respect accorded to public office and refrain from unwarranted criticism of fellow Board members, or district employees. Trustees will work with their fellow board members in a spirit of harmony and co-operation.

D. Legal Authority

As individuals, Trustees will have no Board authority outside the meetings of the Board unless the Board has so delegated.

E. Integrity

Trustees will act with the highest standards of professional integrity and in a manner that inspires public confidence in the board and dignity of the office of School Trustee.

F. Inclusivity

Trustees will welcome and encourage active participation by community residents, organizations, learners, parents and staff in the district in order to develop and support the best programs which meet the educational needs of all learners.

G. Responsibility

Each trustee will devote time, thought and study of the issues in order to provide effective decision making.

H. Financial Stewardship

Trustees acknowledge that the expenditure of funds is a community trust and will endeavor to see that funds are expended efficiently, economically and in the best interest of the learners. Trustees shall carry out this function in an open and collaborative manner.

I. Conflict of Interest

Whenever a decision is required on any matter, Trustees are to declare any conflict of interest and will not participate in, vote on, or exert influence on, the decision in which the trustee has a conflict of interest.

Guidelines

1. Should a trustee be absent from three consecutive Closed, Regular, Committees of the Whole or Special Board meeting days, the Board may review the circumstances. A prorated reduction of stipend may be imposed by Board resolution based on this review.
 - 1.1. The calculation of time shall be 30 days from the end of the day of the last attended special or regular Board meeting.

2. Under Section 52(2) of the *School Act*, a Trustee is considered to be ‘disqualified’ when that Trustee is absent, except for illness or the Board has given leave, from a legally called Closed, Regular, Committees of the Whole or Special meeting of the Board for a period of three consecutive months.

2.1. The Board, by resolution, may grant a leave beyond three months to any Trustee for any reason deemed acceptable to the Board.

Breach of the Trustee Conduct and Code of Ethics

Breaches of the Trustee Conduct and Code of Ethics Policy (“The Code”) may result in the imposition of sanctions on the offending trustee.

Prior to imposing sanctions, the Board will ensure it follows a fair process, including due notice of the alleged misconduct and a fair opportunity to respond.

A concern over a breach of The Code may be raised by an individual Trustee, the Superintendent of Schools or the Secretary-Treasurer.

Procedures

1. Those with concerns are encouraged to seek appropriate conciliatory measures prior to commencing in-making an official complaint with regard to a breach of The Code.

1.1. Conciliatory measures will normally include:

1.1.1. The person who believes a breach of The Code has occurred will may engage in a confidential and informal private conversation with the Trustee affected.

1.1.2. Failing resolution through the private conversation, the parties will engage the Board Chair or Vice-Chair to gain resolution. If the concern is with the Board Chair, the concern will be raised with the Vice-Chair.

1.1.3. 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.

1.1.4. Resolution may include no further action, a warning, an apology, or an agreed-upon consequence which may include that the Trustee engage in professional development.

2. The agreement of the Trustee that the infraction of The Code occurred and with the sanctions or measures imposed shall be reported at a Closed meeting of the Board and no further action in respect to the infraction shall be taken.

3. If the matter is not resolved to the satisfaction of the trustees involved, then the matter will be considered by the Board at a Closed meeting.

3.1. The Chair shall compile the information obtained in the originating notification of the alleged breach and any actions the Chair may have taken to address the allegation, and make a confidential report to the Board in a Closed Meeting.

4. If the Board concludes, by majority vote at a Closed meeting, that a breach of The Code may have occurred, the Board may direct the conduct of an investigation. For that purpose, the Board may retain an independent investigator or conduct an internal investigation for the purposes of determining whether a breach has occurred and by whom.

Related Legislation: School Act [RSBC 1996, Part 5, Sections 55-64, 65, 85, 94, 95]

Related Contract Article: Nil

Adopted: September 9, 1997

Amended: June 12, 2018

- 4.1. The investigator shall conduct an investigation and submit a report of findings to the Board Chair and the Superintendent of Schools.
- 4.2. The Board Chair shall present the report of the investigator at a Closed meeting of the Board. If the report concludes that a breach has occurred, the Trustee or Trustees responsible shall be provided the opportunity to provide any further relevant information to the Board prior to the Board's deliberation.
5. Following its deliberation, the Board may institute by majority vote at a Closed meeting, without limiting what follows, any or all of the following sanctions appropriate to the severity of the breach:
 - 5.1 The issuance of a public or private, as appropriate, apology by the Trustee responsible.
 - 5.2 Having the Board Chair write a letter of concern/warning;
 - 5.3 Having the Board Chair write a letter of censure;
 - 5.4 Having a motion of censure passed and removing the trustee from some or all Board committees or other appointments of the Board.
6. The Trustee or Trustees who are the subject of the alleged breach of The Code shall not participate in any deliberations with respect to the matter nor shall they remain in the room while the matter is debated.
7. Where a breach of The Code has occurred, and the Board has determined a censure of the Trustee, the Chair will inform the trustee in a letter, marked "Personal and Confidential." This action shall be reported at the next Public Meeting of the Board.