

POLICY 130: Trustee Code of Professional and Ethical Conduct**1. Conduct of Trustees**

Trustees are elected to 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 of Education of School District No. 8 (Kootenay Lake).

Accordingly, Trustees are expected to:

- 1.1. Operate within the parameters of the *School Act* and Board policies and practices, including this Trustee Code of Professional and Ethical Conduct;
- 1.2. Recognize that an 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;
- 1.3. Execute their duties in an honourable, professional, and respectful manner that does not denigrate the office of School Trustee;
- 1.4. Develop an understanding of education issues;
- 1.5. Confine actions primarily to policy making, along with planning and evaluation of the overall operation of the School District, respecting the Chief Executive Officer's authority over and responsibility for the day-to-day administration of the School District;
- 1.6. Maintain effective communication with the Board and senior leadership between meetings by regular monitoring of Board email and responding in a timely manner;
- 1.7. Attend Board and Committee meetings fully prepared to discuss the agendas;
- 1.8. Inform the Board Chair of the reason if unable to attend any meeting or function;
- 1.9. 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,
- 1.10. Trustees must abstain from undignified public communication. They must use all media responsibly, including an acknowledgement that opinions expressed are those of the individual and not the Board of Education.

Related Legislation: Specifically but without limitation Parts 4 and 5 of the *School Act* [RSBC 1996].

Related Contract Article: Nil

Adopted: September 9, 1997

Amended: June 12, 2018; May 28, 2019; November 23, 2021; January 10, 2023

2. 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 all learners and the entire School District No. 8 (Kootenay Lake) community. Trustees will respect and abide by the majority decisions made by the Board, and refrain from criticizing Board decisions.

C. Ethical and Respectful Behavior

Trustees will maintain the highest standards of civility and respect at all times. They will refrain from unwarranted criticism of fellow Board members, and 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 must always conduct themselves honourably and with the highest standards of professional integrity in a manner which sustains and enhances the integrity of and public confidence in the Board of Education, as well as the dignity of the office of School Trustee. Trustees must never misrepresent facts.

F. Inclusivity

Trustees will welcome and encourage active participation by community residents, organizations, learners, parents, guardians, and staff in the district to develop and support the best programs which meet the educational needs of all learners. Trustees are encouraged to promote public knowledge about educational matters. To that end, Trustees must always provide truthful and accurate statements.

G. Responsibility

Each trustee will devote time, thought and study of the issues and provide effective and informed 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 all learners. Trustees shall carry out this function in an open and collaborative manner.

I. Conflict of Interest

Whenever a decision or discussion is required about any matter, Trustees are to declare any

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conflict of interest. In such situations, Trustees are to recuse themselves from all associated discussions and votes, and must not exert influence on, any decision in which the Trustee has a conflict of interest.

3. Procedures

3.1. Should a Trustee be absent from the Board meetings (Meetings of the Board Held in Public, Closed Meetings or Special Meetings) on three consecutive Board meeting days, the Board may review the circumstances and a prorated reduction of stipend may be imposed by Board resolution based on this review.

3.1.1. For the purposes of the proration of stipend contemplated in Section 3.1, the calculation of the time of absence shall be from 30 days following the meeting last attended by the Trustee to the next Board meeting attended by the Trustee.

3.2. 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 Meeting of the Board held in Public, Closed Meetings, Partner Advisory Committees or Special meeting of the Board, for a period of three consecutive months.

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

4. 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

4.1. Those with concerns are encouraged to seek appropriate conciliatory measures prior to commencing an official complaint with regard to a breach of the Code.

Conciliatory measures will normally include:

- 4.1.1. The person who believes a breach of the Code has occurred may engage in a confidential and informal private conversation with the Trustee affected.
- 4.1.2. 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.
- 4.1.3. 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.
- 4.1.4. 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.

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Related Contract Article: Nil

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- 4.2. The agreement of the Trustee that the infraction of the Code occurred, and 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.
- 4.3. 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.
 - 4.3.1. 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.
- 4.4. 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.
 - 4.4.1. The investigator shall conduct an investigation and submit a report of findings to the Board Chair and the Superintendent of Schools.
 - 4.4.2. 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.
- 4.5. 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:
 - 4.5.1. The issuance of a public or private, as appropriate, apology by the Trustee responsible.
 - 4.5.2. Having the Board Chair write a letter of concern/warning;
 - 4.5.3. Having the Board Chair write a letter of censure;
 - 4.5.4. Having a motion of censure passed and removing the trustee from some or all Board committees or other appointments of the Board.
 - 4.5.5. Temporary or indefinite suspension of the trustee from attendance at In-Camera meetings
 - 4.5.6. including receipt of materials pertaining to In-Camera meetings.
 - 4.5.7. Temporary or indefinite suspension of the trustee from attendance at public meetings
- 4.6. 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, 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. Before making its findings public, the Board will provide the affected trustee with the opportunity to address the Board on this issue. In no event will the Board act in a manner which would contravene its obligations under the Freedom of Information and Protection of Privacy Act.

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- 4.7. 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 discussed.
- 4.8. 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.