

## POLICY 130: Trustee Code of Conduct ~~and of Ethics~~

The Board of Education makes decisions for the educational welfare of children/students and strives for public schools that will meet the needs of all students.

The purpose of this policy is to outline an individual Trustee's accountability to protect the integrity and fiduciary responsibilities of the Corporate Board. The Trustee's code of conduct provides a clear understanding of roles and expectations on conduct, as well as approaches to investigate breaches of conduct, determine consequences, and restore relationships.

### 1. 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 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, all applicable legislation and regulations, in particular aligned to the School Act and the Oath of Office, including this policy, the BC Human Rights Code, and the Declaration on the Rights of Indigenous People's Act ~~the Trustee Code of Ethics~~ Conduct;
- 1.2. Recognize that the individual Trustee has no authority to act on behalf of the Board of Education 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 a professional and respectful manner that does not denigrate the office of School Trustee;
- ~~1.4. Trustees will e~~ Endeavor to enhance their knowledge of the Trustee roles and responsibilities and become acquainted with current educational topics and trends; Develop an awareness of education issues;

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

Related Contract Article: Nil

Adopted: September 9, 1997

Amended: June 12, 2018

Amended: May 28, 2019

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~~1.5.~~

~~1.6.~~1.4. Act in accordance with the The School Act outlines the primary functions of boards of education, including setting the Confine Board action primarily to Strategic Plan, policy makingdevelopment, planning and evaluation of the overall operation of the School Districtand approving the school district's operating budgets and capital plans, while respecting the Superintendent/CEO's responsibility for the day-to-day administration of the School District;

~~1.7.~~1.5. Maintain effective and appropriate communication with the Board and senior leadershipSuperintendent/CEO between meetings by regular monitoring of Board email and responding in a timely manner;

1.6. Be aware that deliberation and debate regarding Board decisions is avoided outside of convened Board meetings and in alignment with Policy 140: Trustee Communication.

~~1.8.~~1.7. Attend Board and Committee meetings having reviewed agenda materials and being fully prepared to discuss the agendas;

~~1.9.~~1.8. Inform the Board Chair of the reason if unable to attend any meeting or function; and

~~1.10.~~1.9. Use social communication media responsiblyin accordance with Board Policy, including an acknowledgement that opinions expressed are those of the individual and not the Board.

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

Related Contract Article: Nil

Adopted: September 9, 1997

Amended: June 12, 2018

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## 2. Code of Ethics

### A. Confidentiality

~~Trustees shall preserve the confidentiality of information discussed at closed school Board or committee meetings and shall not release privileged information in any format to the public until the Board has done so in an official capacity. Trustees will deal appropriately with sensitive issues and maintain the confidentiality of discussions that take place during in-camera sessions.~~

### B. Conflict of Interest or Apprehension of Bias ~~Conflict of Interest~~

Whenever a decision is required on any matter, Trustees are to declare any conflict of interest (direct, indirect; statutory or common law). Trustees will declare the nature and extent of the conflict at a meeting of the Board of Education and abstain from deliberating or voting on the issue giving rise to the conflict. Trustees will not participate in, vote on, or exert influence on the decision in which the trustee has a conflict of interest. Trustees shall be excused from Closed Meeting discussions on topics with determined conflict of interest or apprehension of bias. Trustees may inquire about other Trustees' conflict of interest.

In order to protect its fiduciary responsibility, the Board of Education may take steps to determine conflict of interest or apprehension of bias as per the BC School Act Section 55 to 64.

### C. 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. Trustees make decisions based on available factsfactual information and their independent judgement and refusing to surrender that judgment to individuals or special interest groups and-. Trustees act with the highest standards of professional integrity and in a manner that supports all students. inspires public confidence in the board.~~

### ~~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.~~

### D. Relationships

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

Related Contract Article: Nil

Adopted: September 9, 1997

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Trustees shall represent the Board in all Board-related matters with proper decorum and respect for others. Trustees will maintain the highest standards of civility and respect accorded to public office and refrain from criticism of fellow Board members, or district employees. Trustees will work with their fellow board members in a spirit of harmony and co-operation and refrain from taking private action that could compromise the integrity or authority of the Board.

### **E. Ethical and Respectful Behavior**

Trustees shall work respectfully constructively with other trustees, staff, and members of the educational community in order to contribute positively to a respectful workplace free from discrimination, harassment, and bullying. Trustees shall contribute positively to a respectful workplace. This commitment includes appropriate decorum, in individual and group behaviour and and fair and respectful behaviour. treatment of students, staff, parents, and members of the community and other Board members. Trustees will recognize their duty to represent and advocate for the best interests of all learners. in the community, including Indigenous communities and First Nations on whose traditional territories our schools operate. Trustees will engage in a manner that honours and encourages diverse opinions.

~~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.~~

### **C. Legal Authority**

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

### **D. 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.~~

### **E. Inclusivity**

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

### **F. Responsibility**

Trustees will ensure that decisions are made in the best interests of the District as a whole, even though they are elected by a particular area of the District. Each trustee will devote time, thought and study of the issues in order to provide effective decision making. Trustees will respect and abide by the majority decisions made by the Board.

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

Related Contract Article: Nil

Adopted: September 9, 1997

Amended: June 12, 2018

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Trustees will welcome and encourage active participation by community residents, organizations, learners, parents, guardians and staff in the district, within ~~their~~the Board's scope and authority.

Trustees acknowledge that the expenditure of funds is a community trust and will endeavor to see that funds are expended efficiently, economically and in alignment with the Strategic Plan.in the best interest of the learners.

### **G. 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.~~

### **H. 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.~~

### 3. Guidelines

3.1. Should a Trustee be absent from the Board meetings (Meetings of the Board Held in Public, Closed Meetings or Special Meetings) ~~on for~~ three consecutive ~~months~~ ~~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, ~~Committees of the Whole~~ ~~or~~ Special meeting of the Board, for a period of three consecutive months.

3.2.1. A Trustee seeking a leave of absence will submit their request to the Board Chair for addition to a closed agenda. The Board, by resolution, may grant a leave ~~beyond three months~~ to ~~any a~~ Trustee for any reason deemed acceptable to the Board.

### ~~4. Breach of the Trustee Code of Conduct and Code of Ethics~~

#### ~~5.4.~~

A concern over a breach of the Code may be raised by an individual Trustee, the Superintendent of Schools/CEO or the Secretary-Treasurer. The Board will ensure it follows a fair process, including due notice of the alleged misconduct and a fair opportunity to respond.

The Board of Education will take a proactive approach to fostering respectful and productive relationships between Trustees. Misconduct and breaches of the Code of Conduct may affect the Board’s ability to deliver on their core responsibilities. The Board of Education will to address Code of Conduct breaches in a respectful manner and to restore relationships and will maintain the integrity of the Board after the occurrence of the breach. ~~Misconduct and breaches of the Code of Conduct may affect the Board’s ability to deliver on their core responsibilities.~~

Trustees will attempt to resolve issues proactively using informal measures. If proactive measures do not result in changed behaviour, disciplinary measures for breaches may be imposed in a remedial and/or restorative manner, reflecting on the seriousness of the breach. ~~including Breaches of the Trustee Conduct and Code of Ethics Policy (the “Code”) may result in the imposition of sanctions on the offending trustee.~~

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

Related Contract Article: Nil

Adopted: September 9, 1997

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~~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 for a Breach of Code of Conduct

4.1. Trustees will endeavor to reach acceptable solutions in the most constructive way possible. The steps outlined below will be followed only as far as necessary to resolve the situation.

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

5.2.4.3. ~~Conciliatory measures~~Potential breaches pertaining to interpersonal concerns will normally include the following conciliatory measures:

5.2.1.4.3.1. ~~If there is an interpersonal concern t~~The person who believes a breach of the Code has occurred may engage in a confidential and informal private conversation with the Trustee affected.

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

5.2.3.4.3.3. 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.

4.3.4.~~In the event no resolution can be reached, the Chair may bring the issue forward to the Board.~~

4.4. Potential breaches involving Board matters will follow the process as outlined below:

4.4.1. Trustees will report potential breaches to the Board Chair for placement on a Special Closed Meeting agenda for consideration. If the concern is with the Board Chair, the concern will be raised with the Vice-Chair.

5.2.4.4.4.2. ~~The Board Chair or Vice Chair will consult with the Superintendent/CEO and will seek legal consultation.~~

~~5.3. The agreement of the Trustee that the infraction of the Code occurredoccurred, 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.~~

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

Related Contract Article: Nil

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~~5.4. 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.~~

~~4.4.3. The Trustee respondent shall be given due notice of the alleged misconduct and provided a fair opportunity to respond at the Special Closed Meeting.~~

~~4.4.4. 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 Special Closed Meeting.~~

~~5.4.1.4.4.5. The process beyond this section will be informed by legal counsel.~~

~~5.4.2.4.4.6. If the Board concludes, by majority vote at a Special Closed meeting, that a breach of the Code may have occurred the Board will move forward to section 4.5. If this cannot be determined, the Board may direct the conduct of an investigation for material concerns. 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.~~

~~5.4.3.4.4.7. The investigator shall conduct an investigation and submit a report of findings to the Board Chair and the Superintendent of Schools/CEO.~~

~~5.4.4.4.4.8. 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.~~

~~5.5-4.5. 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 of a Trustee 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. Participate in a restorative justice process.~~

~~5.5.1.4.5.3. Participate in specific coaching, training, or counselling.~~

~~5.5.2.4.5.4. Have~~ing~~ the Board Chair write a letter of concern/~~warning; warning~~.~~

~~5.5.3.4.5.5. Have~~ing~~ the Board Chair write a letter of censure~~;~~.~~

~~5.5.4.4.5.6. Have~~ing~~ a motion of censure passed by the majority of voting trustees at a closed meeting and remove~~ing~~ the trustee from some or all Board committees or other appointments of the Board~~;~~.~~

~~5.5.5.4.5.7. Temporary or indefinite suspension of the trustee from attendance at ~~the~~ Cameraclosed meetings including receipt of materials pertaining to ~~the~~ Cameraclosed meetings.~~

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

Related Contract Article: Nil

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5.5.6.4.5.8. Temporary or indefinite suspension of the trustee from attendance at public meetings.

5.6.4.6. 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.

5.7.4.7. 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.

## 5. Affirmation of the Code of Conduct

5.8.5.1. The Board of Education will review this policy annually as part of its Board Self-Evaluation Process.