

## POLICY 130: Trustee Code of Conduct

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.

Accordingly, Trustees are expected to:

- 1.1. Operate within the parameters of the *School Act*, Board policies and practices, all applicable legislation and regulations, in particular aligned to the Oath of Office, this policy, the BC Human Rights Code, and the Declaration on the Rights of Indigenous People's Act;
- 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) 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. Endeavor to enhance their knowledge of the Trustee roles and responsibilities and become acquainted with current educational topics and trends; Act in accordance with the School Act primary functions of boards of education, including setting the Strategic Plan, policy development, and 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;
- 1.5. Maintain effective and appropriate communication with the Board and Superintendent/CEO between meetings by regular monitoring of Board email and responding in a timely manner;

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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- 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.
- 1.7. Attend Board and Committee meetings having reviewed agenda materials and being fully prepared to discuss the agendas;
- 1.8. Inform the Board Chair if unable to attend any meeting or function;
- 1.9. Use communication media in accordance with Board Policy, including an acknowledgement that opinions expressed are those of the individual and not the Board; and
- 1.10. Adhere to Board Norms and ensure that trustee communication and behaviour aligns to the Norms as stated in Policy 112: Governing Principles.

## 2. Code of Ethics

### A. Confidentiality

Trustees shall preserve the confidentiality of information discussed at closed 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.

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

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 factual information and their independent judgement. Trustees act in a manner that supports all students.

**D. Relationships**

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. Respect**

Trustees shall work 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. This commitment includes appropriate decorum, and fair and respectful behaviour. Trustees will recognize their duty to represent and advocate for the best interests of all learners. Trustees will engage in a manner that honours and encourages diverse opinions.

**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 decisions made by the Board.

Trustees will welcome and encourage active participation by community residents, organizations, learners, parents, guardians, and staff in the district, within 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.

**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) for three consecutive months, 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 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

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called Meeting of the Board held in Public, Closed Meetings, 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 to a Trustee for any reason deemed acceptable to the Board.

#### **4. Breach of the Trustee Code of Conduct**

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 address Code of Conduct breaches in a respectful manner and will maintain the integrity of the Board.

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 or restorative manner, reflecting on the seriousness of the breach.

#### **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.
- 4.2. Those with concerns are encouraged to seek appropriate conciliatory measures prior to commencing an official complaint regarding a breach of the Code.
- 4.3. Potential breaches pertaining to interpersonal concerns will normally include the following conciliatory measures:
  - 4.3.1. If there is an interpersonal concern the person who believes a breach of the Code has occurred may engage in a confidential and informal private conversation with the Trustee affected.
  - 4.3.2. 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.
  - 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.

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- 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.
  - 4.4.2. The Board Chair or Vice Chair will consult with the Superintendent/CEO and will seek legal consultation.
  - 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.
  - 4.4.5. The process beyond this section will be informed by legal counsel.
  - 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.
  - 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.
  - 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.
- 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 process.
  - 4.5.3. Participate in specific coaching, training, or counselling.
  - 4.5.4. Have the Board Chair write a letter of concern/warning.
  - 4.5.5. Have the Board Chair write a letter of censure.
  - 4.5.6. Have a motion of censure passed by the majority of voting trustees at a closed meeting and remove the trustee from some or all Board committees or other appointments of the Board.
  - 4.5.7. Temporary or indefinite suspension of the trustee from attendance at closed meetings including receipt of materials pertaining to closed meetings.
  - 4.5.8. Temporary or indefinite suspension of the trustee from attendance at public meetings.

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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.

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

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