

Policy 4

TRUSTEE CODE OF CONDUCT

Trustees as members of the corporate Board shall act prudently, ethically and legally, in keeping with the requirements of provincial legislation. This includes proper use of authority and appropriate decorum in terms of group and individual behaviour.

Guidelines and Procedures

1. The Board is committed to ethical conduct and to the responsibility of Trustees to properly discharge their duties and to conduct themselves with decorum and professionalism.

Specifically, Trustees will:

- 1.1 Carry out their responsibilities as detailed in Policy 3 – Role of the Trustee with diligence.
 - 1.2 Keep confidential any personal, privileged, or confidential information obtained in their capacity as a Trustee (the “Confidential Information”) and not disclose the Confidential Information except when authorized by law or by the Board to do so. Trustees shall not divulge the contents of private meetings, recognizing that all information disclosed in private meetings is Confidential Information and that such disclosure could seriously harm the Board’s ability to conduct its business.
 - 1.3 Comply with Part 5 (sections 55 to 64) of the *School Act* regarding Trustee conflict of interest.
 - 1.4 Prior to discussion of any matter at a public meeting where a Trustee has a real or perceived, pecuniary or non-pecuniary, conflict of interest, declare that conflict or perceived conflict and not take part in the discussion on the matter or vote on it. The Trustee must not discuss the matter outside the meeting with other Trustees or exert influence on the decision in which the Trustee has a conflict or perceived conflict of interest.
 - 1.5 If the subject matter with respect to which the Trustee has a real or perceived conflict of interest is to be discussed in a private meeting, the Trustee will immediately declare the conflict and leave the meeting.
2. Other Trustees, the Superintendent, and the Secretary Treasurer, may bring forward to a Trustee a concern with respect to a real, potential, or perceived conflict of interest both pecuniary and non-pecuniary in nature.
 3. A Trustee may request guidance from other Trustees, the Superintendent, and the Secretary Treasurer in regard to conflict of interest matters.

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4. Any declaration of conflict of interest at a public meeting must be recorded in the minutes of the meeting. Any declaration of conflict of interest at a private meeting shall be recorded in the minutes of the next public meeting.
5. A Trustee will not use their influence to obtain employment within the District for family members or friends and will not use their position for personal advantage or the advantage of friends and/or family.
6. Trustees will not attempt to exercise individual authority with respect to Board matters, except as explicitly permitted by policies of the Board.
7. Trustees recognize that only the Board and not individual Trustees, may assess the Superintendent's performance.
8. Trustees will:
 - 8.1 Abide by the policies of the Board, all applicable legislation and regulations, in particular the *School Act*, and the Oath of Office.
 - 8.2 Respect and abide by the majority decisions made by the Board in legally constituted meetings.
 - 8.3 Endeavour to work with fellow Board members in a spirit of harmony and cooperation even when there are differences of opinion which may arise during debate.
 - 8.4 Ensure that their comments are issue based and not personal, demeaning, derogatory or disparaging with regard to Board staff or fellow Trustees, including comments made to media or news outlets.
 - 8.5 Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to their employer, advocacy or interest groups, and membership on other Boards.
 - 8.6 Represent the Board in all Board related matters with proper decorum and respect for others.
 - 8.7 Be aware of their obligations as outlined in the BC Human Rights Code.
 - 8.8 Use discretion at all times to minimize the impression that the individual Trustees' statements reflect the position of the Board.
 - 8.9 Ensure the use of electronic devices do not adversely affect the business of a meeting.

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- 8.10 Ensure staff are able to provide objective reports and guidance to the Board without pressure or influence.
- 8.11 Protect and enhance the reputation of the District and Board.
- 9. Trustees are individually responsible for the content of their comments, posts and “likes” on social media and must ensure that their use of social media is consistent with the Trustee Code of Conduct.
- 10. Consequences for the failure of individual Trustees to adhere to the Trustee Code of Conduct are specified in Policy 4 Appendix – Trustee Code of Conduct Sanctions

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

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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 imposing sanctions.
 - 1.1. Code of Conduct Sanctions other than a Breach of Board Confidences
2. A Trustee who believes that a fellow Trustee has violated the Code of Conduct shall report such violation in writing (the "Violation Notice") to the Board Chair (or Vice-Chair if the complaint pertains to the Chair) and permit the Board Chair to seek resolution of the matter through conciliatory measures prior to commencing an official complaint under the Code of Conduct. The Board Chair must notify the allegedly offending Trustee of the reported violation within three (3) business days of receiving the Violation Notice.
3. It is recognized that from time to time a contravention of the Code of Conduct may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting the allegedly offending Trustee to a possible breach of the Code of Conduct is to assist the Trustee in understanding and discharging their obligations under the Code.
4. The conciliation process will begin within seven (7) business days of receipt of the Violation Notice, as follows:
 - 4.1. The Board Chair (or the Vice-Chair if the complaint pertains to the Chair) will engage in a private conversation with the allegedly offending Trustee, the purpose of which is to discuss, among other things, the nature of the alleged violation of the Code of Conduct and to provide the allegedly offending Trustee with an opportunity for explanation and to learn from their actions, if appropriate.
 - 4.2. Following the private conversation between the Board Chair or Vice Chair and the allegedly offending Trustee, the Board Chair or Vice Chair will act as conciliator in a meeting between the complainant and the allegedly offending Trustee in an effort to seek resolution of the matter to the satisfaction of the Trustees involved.
 - 4.3. If a satisfactory resolution is reached through the conciliation process, the Board Chair shall report to the Board that a complaint of a breach of the Code of Conduct had been made, and that it had been resolved informally through the conciliation process. All discussions through the conciliation process, the content and nature of the alleged violation, and any terms of resolution, will be kept confidential, and the public disclosure of which shall be deemed to be a violation of the Code of Conduct without the written consent of the complaining and offending Trustees.

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5. If a resolution is not reached to the satisfaction of the complainant, the complainant may commence an official complaint to the Board by filing a letter of complaint (the "Complaint") with the Board Chair (or Vice-Chair if the Complaint pertains to the Chair) within thirty (30) days of the conclusion of the conciliation process. The Complaint shall indicate the nature of the violation of the Code of Conduct and the section or sections of the Code of Conduct that are alleged to have been violated by the allegedly offending Trustee and provide all relevant information relating to the complaint.
6. The allegedly offending Trustee and all other Trustees shall be forwarded a copy of the Complaint by the Board Chair, or where applicable the Vice-Chair, within five (5) business days of receipt by the Board Chair of the Complaint.
7. 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 Confidential Information, 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.
8. To ensure that the Complaint has merit to be considered and reviewed, at least one (1) other Trustee must provide to the Board Chair (or Vice-Chair where the Complaint pertains to the Chair) within three (3) business days of receipt of the Complaint, a letter indicating support for having the Complaint heard at a private Board meeting (the "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
9. Where no letter of support is received by the Board Chair within three (3) business days, 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.
10. Where a letter of support is received by the Board Chair in the three (3) business days referred to in section 8 above, the Board Chair shall convene, as soon as practicable, a Code of Conduct Hearing to consider the alleged violation of the Code of Conduct by the allegedly offending Trustee. At the Code of Conduct Hearing, the presiding Trustee shall indicate, at the commencement of the meeting, the nature of the business to be transacted.
11. The presiding Trustee shall ensure fairness in dealing with the Complaint by adhering to the following procedures:
 - 11.1 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 by the complainant. No Trustee shall be deemed to have a conflict of interest simply for the reason that they are affiliated with the same political party.

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- 11.2 The sequence of the Code of Conduct hearing shall be:
- 11.2.1 The complainant, with or without the assistance of legal counsel, may provide a presentation to the Board which may be written or oral or both. In the absence of a presentation from the complainant, the Complaint shall stand as the presentation.
 - 11.2.2 The allegedly offending Trustee, with or without the assistance of legal counsel, shall then be given an opportunity to provide a responding presentation to the Board which may be written or oral or both.
 - 11.2.3 The complainant shall then be given an opportunity to reply to the allegedly offending Trustee's response.
 - 11.2.4 The allegedly offending Trustee shall then be provided a further opportunity to respond to the complainant's reply.
 - 11.2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties. The allegedly offending Trustee has the right not to answer any questions.
 - 11.2.6 The complainant shall be given the opportunity to make final comments to the Board; and
 - 11.2.7 Finally, the allegedly offending Trustee shall be given the opportunity to make final comments to the Board.
- 11.3 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. 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).
- 11.4 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.
- 11.5 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.
- 11.6 Following deliberation by the remaining Trustees, the presiding Chair shall reconvene the parties to the Code of Conduct Hearing. The presiding Chair shall then call for a resolution(s) to be placed before the Board. Any resolution(s) of the Board at a Code of Conduct Hearing requires a two-thirds majority vote.

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- 11.7 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.
- 11.8 The presiding Chair shall declare the private Board meeting adjourned.
12. A violation of the Code of Conduct may result in the Board instituting, without limitation, any or all of the following sanctions:
- 12.1 Privately censuring the offending Trustee
- 12.2 Removing the offending Trustee from some or all Board committees or other appointments of the Board; and
- 11.9 Suspending the Trustee from participation in private Board meetings if appropriate.
13. The Board may, by resolution and in its discretion, determine to make public its findings with respect to a Code of Conduct Complaint to the extent Trustees consider appropriate.
- 13.1. Breach of Board Confidences
14. The Trustee Code of Conduct requires that Trustees protect all Confidential Information obtained in their capacity as a Trustee. Willful failure to comply with this requirement where the disclosure of information pertains to matters of a sensitive nature constitutes a breach of confidentiality. For clarity, matters of a sensitive nature include but are not limited to: (1) the personal information of students, including sexual orientation and gender identities; (2) information that is subject to solicitor-client privilege; (3) information related to appeals under section 11 of the School Act; (4) and any other matter that is deemed to be sensitive at the sole discretion of the Board. No Trustee shall be in contravention of the requirement to protect all Confidential Information if the disclosure of information was done inadvertently or because of an error in judgment made in good faith.
15. If an individual Trustee or the Superintendent become aware of a suspected breach of the confidences of the Board, they may bring the suspected breach to the attention of the Board Chair (or Vice-Chair if the suspected breach relates to the Chair) to be discussed, at a private meeting of the Board. At such private meeting, the Chair (or Vice-Chair as applicable) shall present the nature and circumstances of the suspected breach of confidence and the allegedly offending Trustee, or their agent or representative, may respond to the allegations verbally or in writing or both. After hearing all of the circumstances of the suspected breach any Trustee may place a motion concerning the alleged breach before the Board.
- If a breach is confirmed, the Board may confirm a breach of the Board's confidences and impose, without limitation, any of the sanctions set out in paragraph 12, above, or such other sanction as the Trustees determine appropriate.

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If the Board is unable to make a determination whether a breach of the Board's confidences occurred and further information is required before that determination can be made, the Board may direct that the Superintendent (as head of the District under the *Freedom of Information and Protection of Privacy Act*) to appoint an independent investigator to review the alleged breach of the Board's confidences. In such a case, the following procedure shall be followed:

- 15.1 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair (or Vice-Chair as applicable) and to the Superintendent.
 - 15.2 The Board Chair shall present at a private meeting of the Board, the report of the independent investigator. At this time, the Trustee in question, with or without the assistance of legal counsel, shall have an opportunity to present any additional, relevant information.
 - 15.3 If it is determined by a two-thirds majority vote of the Board that a willful breach of the Board's confidences has occurred, the Board may impose, without limitation, any of the sanctions set out in paragraph 12, above, or such other sanction as the Trustees determine appropriate.
16. The Board may, with approval of two-thirds of Trustees present at a private board meeting, make public its findings where a Trustee has committed a willful breach of the Board's confidences.

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

Related Policies:

Policy 2 – Role of the Board
Policy 3 – Role of the Trustee
Policy 5 – Role of the Board Chair
Policy 6 – Role of the Vice-Chair
Policy 7 – Board Operations
Policy 8 – Board Committees
Policy 9 – Board Representatives
Bylaw 2 – Indemnification

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