

## TRUSTEE CODE OF CONDUCT

The *School Act* states that the rights, powers, duties, and liabilities of the Board rest only with the legally constituted Board as a whole, not with committees of the Board or with individual Trustees. Members of the Board exercise their powers and responsibilities as a matter of public trust, and only when the Board is officially in session.

However, it is recognized that Board members hold considerable influence as a result of being elected to public office as a Trustee. It is also understood that the Board's ability to influence public policy in matters of education is related to the community perception of the Board as an effective corporate entity through its conduct of the public business.

Therefore, it is important that the Board and its individual members operate in an ethical and business-like manner. This commitment includes proper use of authority, appropriate decorum in individual and group behaviour and fair and respectful treatment of students, parents, staff, members of the community and other Board members.

The Board, representing all members of the community wishes to operate under the highest of ethical standards. Therefore, the Board has established the following Standards of Conduct to help provide the conditions necessary for effective Board operations.

1. The Trustee shall become familiar with the School Act, Regulations and Ministerial orders of the Ministry of Education and School District No. 5 (Southeast Kootenay) policies, regulations and contracts.
2. The Trustee will recognize that, although they are elected from a particular area of the District, their responsibility is to ensure that decisions are made in the best interests of all district students as a whole including Indigenous communities and First Nations on whose traditional territories the schools operate.
3. The Trustee shall have a general knowledge of education mandates, goals and objectives of the system, both provincially and within the District. The Trustee shall abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act and the Oath of Office.
4. The Trustee will do everything possible to maintain the integrity, confidence, and dignity of the office of School Trustee
5. The Trustee shall represent the Board in all Board-related matters with proper decorum and respect for others.

6. The Trustee shall conduct Board business in the spirit of openness, cooperation and trust working harmoniously with other Board members without trying either to dominate the Board or neglect their share of the work.
7. The Trustee shall be accessible to the public and devote the necessary time, thought, and study to the Board's duties, responsibilities, and committee work in order to render effective and creditable service.
8. The Trustee shall make an effort to attend all required meetings of the Board of Education and meetings at which they are representing the Board.
9. The Trustee shall represent the Board and School District No. 5 (Southeast Kootenay) to the public only in such a way as to promote both interest in and support for public education. This includes, but is not limited to, all communication such as verbal, written or electronic media.
10. The Trustee shall understand the needs and operations of the entire school system to support effective educational programs for students and to deal with issues in a fair and impartial manner.
11. The Trustee shall refer concerns following appropriate district policies and procedures.
12. The Trustee shall promote the mission, vision and values of the District.
13. The Trustee shall model respect and a spirit of collaboration for and with all partner groups to support the District's vision of working and learning together supporting all students to achieve a successful future.
14. The Trustee recognizes that the expenditure of Board funds is a public trust and, therefore, will ensure that all such funds shall be expended efficiently, economically, and for the best interest of students.
15. The Trustee will not attempt to exercise individual authority over or to act on behalf of the District except as explicitly set forth in Board policies or specific Board motion.
16. The Board recognizes the right of Trustees to express their disagreement with Board decisions, however, Trustees will endeavour to work with fellow Trustees in a spirit of harmony and cooperation in spite of differences of opinion that may arise during debate. Trustees will observe proper decorum and behaviour; encourage full and open discussion in all matters with their fellow Trustees; treat them with respect and consideration; and will not withhold or conceal from them any information or matter with which they should be concerned.
17. The *School Act* requires trustees to voluntarily and immediately declare any pecuniary conflict of interest (direct, indirect or deemed) in matters before the board or a committee of the board. To be consistent, it is further recommended that the words "The trustee will not use their role as Trustee for their own personal advantage or for the advantage of friends, supporters, or business." If the Trustee becomes aware that they are in a position that creates a conflict of interest (direct, indirect;

statutory or common law), they 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.

18. 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 anyone until the Board has made such information public in an official capacity or has specifically authorized the trustee to share such information as part of the trustee's delegated responsibilities."
19. The Trustee will use technology applications and social media in a responsible and appropriate manner which does not bring the Board, other Trustees, or the District into public disrepute or ridicule.
  - 19.1 It is the responsibility of all District Trustees, using the District's Information and Communication Technology (ICT) and technology services, to keep their passwords confidential to protect themselves, their data and the District data.
  - 19.2 Accounts or personal information must never be shared or distributed to others and must never use another person's account.
  - 19.3 District ICT and technology services must be used in a legal, ethical, responsible and professional manner. (Distributing obscene, abusive, racist, threatening, unsolicited e-mail messages, or sexual, harassing and/or bullying messages or material is unacceptable).
20. The Trustee shall report to the Board Chair, in good faith, unlawful conduct by another Trustee.

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

Revised: November 15, 2023

## 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 instituting sanctions.

### Code of Conduct Sanctions other than a Failure of Security

2. A Trustee who believes that a fellow Trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
3. Conciliatory measures will normally include:
  - 3.1 The Trustee who believes a violation has occurred will engage in an individual private conversation with the Trustee affected.
  - 3.2 Failing resolution through the private conversation the parties will engage the Board Chair, Vice Chair to gain resolution. If the concern is with the Board Chair, the concern is to be raised with the Vice Chair.
  - 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. A Trustee who wishes to commence an official complaint, under the Code of Conduct shall file a letter of complaint with the Board Chair within thirty (30) days of the alleged event occurring and indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the Trustee. The Trustee who is alleged to have violated the Code of Conduct and all other Trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where otherwise applicable in what follows, by the Vice Chair, within five (5) days of receipt by the Board Chair of the letter of complaint. If the complaint is with respect to the conduct of the Board Chair, the letter of complaint shall be filed with the Vice Chair.
5. 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 strictly confidential, 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 at a Code of Conduct hearing.
6. To ensure that the complaint has merit to be considered and reviewed, at least one (1) other Trustee must provide to the Board Chair within three (3) days of the notice in writing of the complaint being forwarded to all Trustees, a letter indicating support for having the complaint heard at a 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 convened to hear the matter, solely for having issued such a letter.

7. Where no letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, 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.
8. Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, the Board Chair shall convene, as soon as is reasonable, a closed (in-camera) meeting of the Board to allow the complaining Trustee to present their views of the alleged violation of the Code of Conduct.
9. At the closed (in-camera) meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted.

Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:

- 9.1 The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at a closed (in-camera) Board meeting convened for that purpose. 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 on behalf of the complaining Trustee.
- 9.2 The sequence of the Code of Conduct hearing shall be:
  - 9.2.1 The complaining Trustee shall provide a presentation which may be written or oral or both;
  - 9.2.2 The respondent Trustee shall provide a presentation which may be written or oral or both;
  - 9.2.3 The complaining Trustee shall then be given an opportunity to reply to the respondent Trustee's presentation;
  - 9.2.4 The respondent Trustee shall then be provided a further opportunity to respond to the complaining Trustee's presentation and subsequent remarks;
  - 9.2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;
  - 9.2.6 The complaining Trustee shall be given the opportunity to make final comments; and
  - 9.2.7 The respondent Trustee shall be given the opportunity to make final comments.
- 9.3 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).
- 9.4 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.
- 9.5 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.

- 9.6 The remaining Trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent Trustee.
  - 9.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.
  - 9.8 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.
  - 9.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.
  - 9.10 The presiding Chair shall declare the closed (in-camera) Board meeting adjourned.
10. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
    - 10.1 Having the Board Chair write a letter of censure marked “personal and confidential” to the offending Trustee, on the approval of a majority of those Trustees present and allowed to vote at the closed (in-camera) meeting of the Board;
    - 10.2 Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the closed (in-camera) meeting of the Board;
    - 10.3 Having a motion to remove the offending Trustee from one (1), some or all Board Committees or other appointments of the Board passed by a majority of those Trustees present and allowed to vote at the closed (in-camera) meeting of the Board.
  11. 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 or 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.

### **Failure of Security**

12. The Trustee Code of Conduct requires that Trustees shall respect the confidentiality appropriate to issues of a sensitive nature. Failure to comply with this requirement constitutes a failure of security. An individual Trustee may bring a suspected breach of security to the attention of the Board, at a closed meeting of the Board. If by majority vote the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:
  - 12.1 The Board Chair shall request that the Secretary Treasurer, as head of the District under the Freedom of Information and Protection of Privacy Act (FIPPA), appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of Trustees present at a closed meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
  - 12.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Secretary Treasurer.
  - 12.3 The Board Chair shall present at a closed meeting of the Board, the report of the independent investigator. At this time, the Trustee in question shall have an opportunity to present any additional, relevant information.
  - 12.4 If it is determined by a majority vote of the Board that a willful violation of security has occurred, for a first occurrence, a motion to write a letter of censure marked “Personal

and Confidential” is required to be discussed and agreed upon by a majority of Trustees present at a closed meeting of the Board. This decision requires immediate approval by a majority vote of Trustees at a public meeting of the Board.

- 12.5 For subsequent occurrences, a motion of censure against the Trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of Trustees present at such a meeting.

### **Restoration of Relationships**

13. The Board will attempt to take restorative actions such as attempting to come to agreement with the offending trustee on a public statement regarding the resolution of the matter.

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

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