

## SD 42 POLICY: 2919

### TRUSTEES' CODE OF CONDUCT

#### Philosophy

The Trustee Code of Conduct is based on the respect and consideration for the responsibilities and rights of each Trustee. Trustees have the responsibility to know and observe the rules and regulations of the Board of Education ~~Corporate Board~~ as they carry out the work of the Corporate Board.

#### Code of Conduct

- 1.00 Trustees will seek to establish and maintain an inclusive culture of care and belonging where the well-being, diversity, identity, and success of all learners is supported and celebrated, and to foster student achievement and provide an environment in which every individual feels valued, and all learners reach their potential.
- ~~1.00~~1.01 Trustees will do everything possible to maintain the integrity, confidence and dignity of the Corporate Board and their role as a Trustee. The Board expects of itself and its members ethical and businesslike conduct. This commitment includes proper use of authority and respect in group and individual behaviour when acting as Board members.
- ~~1.01~~1.02 Board members Trustees shall will respect the decisions of the Corporate Board.
- ~~1.02~~—Trustees will preserve the honour confidentiality business of the Board, including information discussed in closed meetings and communications between trustees and staff, and shall not release privileged information in any format to the public until the Board has done so in an official capacity regarding:
- ~~1.03~~—matters discussed at Closed Meetings;
- 1.03 correspondence, reports, e-mails and other information placed in confidence with Trustees.
- 1.04 Trustees will carefully review all information packages in preparation for discussion at all scheduled meetings of the Board of Education and its committees.
- 1.05 Trustees will keep an open mind when considering matters before the Board and must not prejudice an issue.
- ~~(-)~~—Trustees will not use their position for personal advantage or for the advantage of their friends, associates, family or business and must
- 1.06 Board members shall avoid giving rise to a conflict of interest (direct or indirect; pecuniary or non-pecuniary; statutory or common law) with respect to their fiduciary responsibility.
- 1.00—
- Conflict of interest is defined as:
- (c)(a) Where a member has any pecuniary interest, direct or indirect, in any matter, the member A Trustee must declare when a conflict of interest situation arises and

disclose the general nature of interest before any consideration of the matter. The member must not take part in any consideration or discussion of, or vote on ~~any question in respect to~~ the matter, and must not attempt in any way before, during or after the meeting to influence the voting.

~~(d)~~(b) \_\_\_\_\_ If the meeting is not open to the public, the member must leave the meeting during the time the matter is under discussion. Note: Meeting is defined to "include any regular, special, committee or other meeting" of the Board.

~~(e)~~(c) \_\_\_\_\_ If absent from a meeting, members of the Board must disclose their interest at the first meeting attended after such meeting.

~~(f)~~(d) \_\_\_\_\_ Declarations of ~~pecuniary conflict of~~ interest and the general nature thereof must be recorded in the minutes of the ~~open~~ meetings. ~~Every d~~Declaration of conflict of interest made in private-closed board meetings, but not the general nature of the ~~interest~~conflict, must be recorded in the ~~minutes of the next open meeting~~public board record at the next public meeting.

~~1.05~~1.07 \_\_\_\_\_ Trustees ~~shall~~will abide by the policies of the Board and all applicable legislation and regulations including comply with the provisions of the School Act, Freedom of Information and Protection of Privacy Act and the Oath of Office, and any other relevant legislation.

~~1.06~~1.08 ~~Board members shall~~Trustees will not attempt to exercise individual authority over the organization.

- (i) Trustee interaction with the Superintendent of Schools and staff is encouraged; however, individual Board members or groups of Board members shall recognize authority over the Superintendent of Schools or staff is only through the corporate body.
- (ii) Board members' interaction with the public, media or other entities shall recognize the same limitation and similar inability of any Board member or Board members to speak for the Board.
- (iii) Board members will voice no judgments on individual staff performance except as that performance is assessed against explicit Board policies by the official process.

1.09 Trustees ~~shall will~~ at all times act with decorum and shall be respectful of students, parents, staff, members of the community and other Trustees ~~and members of staff, as well as the public.~~

~~1.07~~1.10 Trustees will work with fellow board members, staff and others in a spirit of harmony and cooperation and be respectful of differences of opinion. Trustees will refrain from making discrediting comments about others, engaging in unwarranted criticism, or taking private action that could compromise the integrity or authority of the Board.

- (i) A Trustee may comment on, or disagree with, a decision taken by the Board. In expressing such comment or disagreement, a Trustee may not make disparaging remarks about a Trustee(s), or individual, nor speculate on the motives of a Trustee or individual.
- ~~(ii)~~ Any member who resists the rules of the Board, uses offensive language, disobeys the decision of the ~~Chair/Acting Chair~~Chairperson of the Board on points of order, or makes any disorderly noise or disturbance may, by resolution of the Board, be ordered to leave for all or part of the remainder of the meeting. (Such removal is to be recorded in the minutes of the meeting).

1.11 Trustees will recognize their duty to represent and advocate for the best interests of learners in the community, including Indigenous communities and First Nations on whose traditional territories our schools operate.

1.12 Trustees are individually responsible for their use of social media and will ensure that any such use is consistent with this Trustee Code of Conduct.

1.13 The Board will review this policy within six months of the Inaugural Board Meeting.

1.14 Trustees will endeavour to take advantage of educational conferences, workshops, and training sessions made available by local or provincial affiliations. Through participating in professional development opportunities, Trustees can enhance their knowledge of Trustee roles and responsibilities and become acquainted with current educational topics and trends.

~~(ii)~~ —

## **Breach of Conduct**

2.00 Process for Investigation of Allegations of Breach of Conduct

- (i) The Chairperson of the Board has the authority to investigate allegations of breaches of the Code of Conduct and shall, where appropriate, consult with the Vice Chairperson regarding course of action.

- (ii) The Chair~~person~~ has the authority to invoke consequences 2.01 (a) and (b); but consequences (c) and (d) require Board resolution. The consequences invoked will depend on the seriousness of the conduct or breach. Where the alleged breach of conduct has been committed by the Chair~~person~~ of the Board, the Board shall empower the Vice Chair~~person~~ to perform the above responsibilities of the Chair~~person~~.

#### 2.01 Consequences of Breach of Conduct

Consequences should be representative of the infraction and may include:

- (a) a verbal warning
- (b) a letter outlining the breach or concern
- ~~(c)~~ a recommendation for public censure of the Trustee

~~(e)~~ in respect of a Trustee's failure to comply with the duty of confidentiality ~~as stated~~  
~~in~~

~~(f)(d)~~ ~~above~~, the following additional sanctions may be pursued by the Board:

- (i) The Board may pursue available legal avenues where a Trustee has breached his/her duty of confidentiality.
- (ii) The Board will not compensate a Trustee for legal costs incurred in response to any action pursued as per (i).

Notwithstanding this procedure, it is the intent of the Board to provide a fair and just review of the concern respecting the Trustee's right to due process, including:

- being advised of the specifics of the allegations
- the right to make a presentation before the Board
- appropriate notice

An appeal to the Board of any consequences applied by the Chair~~person~~ may be made at the next Closed Meeting of the Board. Consequences applied by the Board are not subject to appeal.

## 2.02 Procedure to Invoke Consequences for Breach of Conduct

When appropriate, the Board may exercise its corporate authority over individual members. Accordingly:

- (i) The Board may, by special motion duly passed, declare the office of the Chair~~person~~ and/or Vice Chair~~person~~ to be vacant effective as of the date of passage of the resolution, where such person:
  - ~~becomes~~ disqualified by law as a Trustee;
  - ~~deliberately~~ breaches any relevant legislation or Board policy; and/or
  - ~~acts~~ in such a manner as to lose the confidence of the Board.

If such a resolution is passed, the Board shall, at the same meeting, elect a new Chair~~person~~ and/or Vice Chair~~person~~ respectively as the case may be following the election process as per *Board Policy 2400: School Board Meeting Proceedings*, *Board Policy 2915: Board Chair~~person~~ – Elections, Roles, Responsibilities*, and *Board Policy 2918: Vice-Chairperson – Elections, Roles, and Responsibilities*. ~~The~~ Board may, by special motion duly passed, remove a Trustee from a Board Committee. If such resolution ~~is~~ passed, the Board shall, at the same meeting, elect a new Trustee to fill the vacancy on that committee.

- (ii) The Board may, by special motion duly passed either in a Public Meeting, or a Closed Meeting, censure a Trustee for:
  - ~~breach~~ of Board bylaws and/or Board policies
  - ~~breach~~ of relevant legislation

Note: For the purpose of this section, a "special motion" is interpreted as a motion duly moved, seconded, and adopted by a two-thirds majority of the entire members present. The topic to be decided by "special motion" must appear on the distributed agenda for the meeting. For a special motion that has not been included in the distributed agenda to be considered at a board meeting, all Trustees must be advised of the motion at least 48 hours before the commencement of the meeting and two-thirds of trustees present at the meeting must agree to add the motion to the agenda.

**APPROVED: February 13, 2013**

**~~AMENDED: December 11, 2019~~ UPDATED: February 2024**