
Policy 4

TRUSTEE CODE OF CONDUCT

Code of Conduct

- 1.1 Trustees have a duty to discharge their duties and responsibilities in an ethical and professional manner. Trustees must comply with Bylaws and policies of the Board, the provisions of the *School Act* and any other relevant legislation. Trustees must act in a manner consistent with the Oath of Office.
- 1.2 Trustees must:
 - i. Work with fellow Trustees in a spirit of cooperation including when differences of opinion arise.
 - ii. Maintain the highest standards of civility and respect conferred to public office through the absence of unwarranted criticism of fellow trustees, the Board, or employees.
 - iii. Ensure that staff can provide objective reports and guidance to the Board without pressure or influence.
 - iv. Represent the Board in all Board related matters with decorum and respect for others.
 - v. Make themselves aware of their obligations outlined in the *BC Human Rights Code*.
 - vi. Protect and enhance the reputation of the District and the Board.
- 1.3 Trustees must observe confidentiality with respect to:
 - i. private meetings and special private meetings;
 - ii. any personal, privileged, or confidential information obtained in their capacity as a Trustee; and,
 - iii. any legal advice given to the Board.
- 1.4 Should a Trustee fail to comply with the confidentiality requirement in 1.3 of this Policy, the Board may, in addition to imposing consequences for a breach of this Code of Conduct, pursue available legal avenues. The Board will not indemnify or compensate a Trustee for legal costs incurred in response to any action related to a Trustee's breach of their duty of confidentiality where that breach is intentional or amounts to gross negligence.
- 1.5 In compliance with sections 55 to 64 of the *School Act*, Trustees must avoid any conflict of interest. A conflict of interest includes a direct or indirect pecuniary interest. Pecuniary interest is defined in the *School Act* as an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 56 of the *School Act*.
 - i. If a Trustee has any pecuniary interest in any matter, the Trustee must disclose the nature of that interest before any Board consideration of the matter.
 - ii. A Trustee who has any pecuniary interest in any matter must not take part in the discussion of or vote on any question in respect of the matter.
 - iii. A Trustee who has any pecuniary interest must leave a meeting that is not open to the public during the time the matter is under discussion. "Meeting" includes any regular, special, committee or other meeting of the Board.

- iv. If a Trustee who has any pecuniary interest does not attend a meeting where the matter was discussed, the Trustee must disclose their interest at the first meeting after the meeting where the matter was discussed.
 - v. Any declaration of pecuniary interest including the nature of that interest must be recorded in the minutes of meetings open to the public. Any declaration of interest made in meetings not open to the public, but not the nature of that interest, must be recorded in the minutes of the next open meeting.
 - vi. A Trustee who has any conflict of interest with respect to bargaining must disclose the nature of that interest to the Secretary Treasurer of the Board.
 - vii. A Trustee who has any pecuniary interest in any matter must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
 - viii. A Trustee may request guidance from other Trustees, the Superintendent, and the Secretary Treasurer in regard to conflict of interest matters.
- 1.6 A Trustee must keep an open mind when considering matters before the Board and must not prejudge an issue.
- 1.7 A Trustee must not use their position for personal advantage or for the advantage of friends, associates or family and must avoid conflicts of interest not specifically addressed in the *School Act*. A Trustee must declare when such a conflict of interest arises and must not take part in a discussion of or vote on the matter or attempt to influence the Board's decision on the matter.
- 1.8 Trustees should not accept gifts from anyone who receives services from, does business with or wants to do business with the District. Trustees may be able to accept gifts of nominal values that are given as an expression of courtesy or hospitality.
- 1.9 Trustees will not attempt to exercise individual authority with respect to Board matters, except as explicitly permitted by policies of the Board. Committees of Trustees or individual Trustees may not exercise the rights, duties and powers of the Board.
- i. Trustees may interact with the Superintendent and staff; however, individual Trustees must recognize that the authority of the Board to delegate specific and general administrative and management duties to one or more of its employees derives from the Board's corporate status and must comply with applicable Bylaw or Board policy.
 - ii. Trustees must ensure that they do not purport to speak for the Board in any interactions with the public, media or other entities unless explicitly authorized by Bylaw or Board policy.
 - iii. 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.
 - iv. Trustees will not express opinions on individual staff performance unless explicitly authorized by Bylaw, Board policy or an official Board process.
 - v. Trustees recognize that only the Board and not individual trustees, may assess the Superintendent's performance.

Breach of Conduct

- 2.1 If a concern arises that a Trustee has acted contrary to this Code of Conduct, the Chair of the Board, or Vice Chair if the concern involves conduct of the Chair, must be notified in writing of the alleged breach of conduct as soon as reasonably possible after the concern arises.
- 2.2 If a concern arises that both the Chair of the Board and the Vice Chair have acted contrary to this Code of Conduct, the Superintendent and the Secretary Treasurer must be notified in writing of the alleged breach of conduct as soon as reasonably possible after the concern arises. The Superintendent and the Secretary Treasurer have the authority to initiate an investigation into the allegations of breaches of the Code of Conduct and appoint an independent investigator to conduct the investigation. The appointment of the investigator should be made within a reasonable period and no later than thirty (30) school days after being informed of the concern.

Informal Resolution

- 2.3 If an alleged breach of conduct notification is received, the Chair of the Board, or Vice Chair if the concern involves conduct of the Chair, may address the alleged breach of the Code of Conduct with the Trustee who is the subject of the Complaint and attempt to resolve the matter informally. The decision to pursue an informal resolution should be made within a reasonable period, and no later than thirty (30) school days after being notified of the concern.

Investigation of Allegations of Breach of Conduct

- 2.4 The Chair of the Board has the authority to initiate an investigation into allegations of breaches of the Code of Conduct (a “Complaint”) and appoint an independent investigator if deemed necessary. If a Complaint is made against the Chair of the Board, the Vice-Chair has the authority to initiate an investigation into a Complaint and appoint an independent investigator if deemed necessary. The decision to initiate an investigation should be made within a reasonable period, and no later than thirty (30) school days after being informed of the concern.
- 2.5 The independent investigator will begin the investigation promptly and will be directed to endeavor to provide the results within thirty (30) school days of being engaged to conduct the investigation. The results of an investigation will be brought to the Board, as soon as reasonably practicable, for a determination as to whether the consequences described in paragraph 2.7 could potentially be imposed by the Board. Consequences under paragraph 2.7 require Board resolutions that may only occur after a Code of Conduct Hearing.

Process for Code of Conduct Hearing

- 2.6 If the Board determines that consequences in paragraph 2.6 could potentially be imposed by the Board, the Board will, by majority vote, pass a motion initiating the following process:
 - i. Provide to the Trustee who is the subject of the Complaint (the “Subject of the Complaint”), at least seven (7) days prior to a Code of Conduct Hearing:
 - a. the Complaint, in writing,
 - b. any material to be considered by the Board at the Code of Conduct Hearing, and
 - c. a list of the potential consequences that will be considered by the Board at the Code of Conduct.
 - ii. Convene a special private Board meeting regarding the Complaint (a “Code of Conduct Hearing”).

- a) At the Code of Conduct Hearing, the Chair of the Board (or Vice Chair if the Complaint is made against the Chair of the Board or the trustee appointed to chair the meeting if the Complaint is made against both the Chair of the Board and the Vice Chair) shall read out the Complaint and refer to any relevant materials for the Board’s consideration.
- b) The Subject of the Complaint will have the opportunity to respond to the Complaint.
- c) The Board may ask clarifying questions to the Subject of the Complaint.
- d) The Subject of the Complaint shall then leave the Code of Conduct Hearing while the Board deliberates.
- e) The Chair of the Board shall then request any 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.
- f) The Subject of the Complaint will be informed of the decision of the Board.
- g) All documentation related to the Code of Conduct Hearing shall be given to the Superintendent or the Secretary Treasurer immediately upon the conclusion of the Code of Conduct Hearing.

Potential Consequences of Breach of Conduct

2.7 A violation of the Code of Conduct may result in the following:

- a) A verbal warning.
- b) A letter outlining the breach or concern.
- c) A recommendation for public censure of the Trustee.
- d) Removal of the Trustee from some or all Board committees or other appointments of the Board.
- e) Temporarily suspend the Trustee from participation in private (in camera) Board meetings.

Restorative Process

2.8 When harm results from a breach of conduct and all parties agree a restorative process may be used to address the conflict.

Legal Reference: Sections 49, 50, (Part 5 Sections 55-64), 65, 85, 94, 95 School Act;
 BC Human Rights Code
 Policy 3 – Role of Trustee

Adopted: Sept 24, 2018

Amended: December 13, 2021
 February 28, 2024