

## Policy 4

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### TRUSTEE CODE OF CONDUCT

Through the School Act, the Minister of Education has vested in the Board the power and authority to govern the District in a fiscally responsible and cost-effective manner.

The primary function of the Board is to establish the policies by which the District is administered. The day-to-day administration of the education program and conduct of the school operation is the responsibility of the Superintendent and District staff.

#### Specifically

Trustees will:

1. Abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act, and the Oath of Office.
2. Strive to instill the community's trust in the public education system by carrying out their duties in an open and collaborative manner.
3. Base decisions upon all available facts and vote their honest and unbiased conviction in every case.
4. Recognize their duty to represent and advocate for the best interests of learners in the Delta community, including Indigenous communities and First Nations on whose traditional territories our schools operate.
5. Do everything possible to maintain the integrity, confidence and dignity of the office of trustee and will not use their position for personal advantage or the advantage of friends and/or family.
6. Be aware that the public has a greater interest in the opinion of an elected official and use discretion at all times to minimize the impression that the individual trustees' statements reflect the corporate opinion of the Board.
7. Respect and abide by the majority decisions made by the Board.
8. Recognize that as individuals, trustees have no authority outside the meetings of the Board unless specifically delegated by the Board.
9. Declare any conflict of interest and will not participate in, vote on, or exert influence on, the decision in which the trustee has a conflict of interest. A trustee may request guidance from other trustees or the Board on this matter.
10. Respect confidentiality and not divulge the contents of closed (in-camera) meetings, recognizing that a disclosure could seriously harm the Board's ability to conduct its business.

11. In any interaction with public, media or other entities, recognize the inability of any member of the Board, except for the Board Chair or designate, to speak for the Board, and the general limitation to not attempt to exercise individual authority over the organization. Trustees may speak about what the Board has decided in a public meeting, and individuals may state the reason for their vote.

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

Revised: June 2022

## Policy 4 – Appendix

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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 instituting sanctions.
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. 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.
4. 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.
5. 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.
6. 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.

7. 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 his/her views of the alleged violation of the Code of Conduct.
8. 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:

- 8.1 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.
- 8.2 The sequence of the Code of Conduct hearing shall be:
  - 8.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
  - 8.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
  - 8.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
  - 8.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
  - 8.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
  - 8.2.6 The complaining trustee shall be given the opportunity to make final comments; and
  - 8.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 8.3 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).
- 8.4 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.

- 8.5 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.
  - 8.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
  - 8.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.
  - 8.8 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
  - 8.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.
  - 8.10 The presiding Chair shall declare the closed (in-camera) Board meeting adjourned.
9. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 9.1 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
  - 9.2 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;
  - 9.3 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.
10. 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.

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