

Policy 4

Trustee Code of Conduct (formerly Trustee Protocol)

BOARD POLICY #4

POLICY TITLE	TRUSTEE CODE OF CONDUCT(formerly Trustee Protocol)
POLICY HOLDER	Board of Trustees Palliser Regional Schools
ORIGINAL DATE	July 2017
REVIEW DATE	December 15, 2020
REVISED DATE	
NEXT REVIEW	

Policy Statement:

Trustees are expected to be representatives of Palliser School Division and responsive to the needs of the School Division. As such trustees may need to interact with students, parents, employees, constituents, and various communities, and become and stay informed. It is expected that all personal interactions and relationships will be characterized by mutual respect, which acknowledges the dignity and affirms the worth of each person. The following is to provide Trustees with guidance in the fulfilment of their duties.

Board Action:

1. Trustees shall carry out their responsibilities as detailed in Policy 3 – Role of the Trustee with reasonable diligence.
2. Trustees shall endeavour to work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during debate.
3. Trustees shall commit themselves to dignified, ethical, professional and lawful conduct.
4. Trustees shall reflect the Board's policies and resolutions when communicating with the public.
5. Trustees shall keep confidential any personal, privileged or confidential information obtained in their capacity as a trustee and not disclose the information except when authorized by law or by the Board to do so.
6. While elected from specific wards, trustees shall represent the best interests of the entire Division.

7. Trustees shall honor their fiduciary responsibility to the Board which supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs, or acting as an individual consumer of the Division's services.
8. Trustees shall disclose the nature of any conflict of interest, and abstain and absent themselves from discussion or voting on the matter in question.
9. Trustees shall not use their influence to advance personal, family or friends' interests or the interests of any organization with which the trustee is associated.
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.

In the instance where a concern is brought forward the following will guide the Trustees. The Trustee will first need to gain sufficient knowledge of the concern in order to deal with the situation, refer the individual and/or declare conflict of interest.

- **Community Member** – the Trustee should suggest that contact be made with the Superintendent, Principal or other Senior Administrator (if known). If the community member is not prepared to do the follow-up, it would be appropriate to suggest contact with the Board Chair and/or Board. If the community member is not prepared to take further action, the Trustee should inform the Principal, Board Chair and/or Board and Superintendent about the concern, maintaining whatever discretion and confidentiality deemed appropriate.
- **Student/Parent**- the Trustee, in the following order, should suggest that contact be made with the Teacher, Principal, Senior Administrator, Superintendent and Board Chair and /or Board regarding the concern. If the student/parent is not prepared to take further action, the Trustee should inform the Board Chair and/ or Board, and Superintendent about the concern maintaining whatever discretion and confidentiality deemed appropriate.
- **Employee** – The Trustee, in the following order, should suggest that contact be made with the Principal, Senior Administrator, Superintendent, Board Chair and/ or Board regarding the concern. If the employee is not prepared to take further action, the Trustee should inform the Board Chair and/ or Board and Superintendent about the concern, maintaining whatever discretion and confidentiality deemed appropriate.

The Trustee has the obligation to bring items to the attention of the appropriate official. The notifications should also be provided to the Superintendent.

By virtue of providing the notification, it must be understood that the Trustee is not providing direction to the employee. The Trustee shall ask the individual to contact him/her again if the matter has not been resolved within a reasonable time period.

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Policy 4 Appendix

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 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

special meeting of the Board to allow the complaining trustee to present his or her views of the alleged violation of the Code of Conduct.

8. At the special meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting.

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 conducted at an in-camera session, Code of Conduct hearing, of a special Board meeting convened for that purpose. All preliminary matters, including whether one 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.

- 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 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 and request a motion to revert to the open meeting in order to pass the resolution.
 - 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 declare the special 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 special 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 special meeting of the Board;
 - 9.3 Having a motion to remove the offending trustee from one, 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 special meeting of the Board, for a time not to exceed the trustee’s term as trustee.
 10. The Board may, in its discretion, make public its findings at the special meeting or at a regular meeting of the Board 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.
 11. If a trustee is disqualified under section 87 or 88 of the Education Act from remaining as a trustee of the Board and does not resign as required under section 90, the Board may by resolution declare the trustee to be disqualified from remaining a trustee or the Board may apply for originating notice to the Court of Queen’s Bench for an Order:
 - 11.1 Determining whether the trustee is qualified to remain as a trustee, or

11.2 Declaring the trustee to be disqualified from remaining as a trustee.

Scope and Limitations:

Trustees are prohibited from discussing confidential matters such as personnel, land, labor and legal and any other matters that are deemed or held in camera.

Superintendent will inform the Board and/or Board Chair of any matters that should come to the Board attention.

Information and Monitoring Requirements:

Board Chair/Superintendent will inform the Board/Trustees of the outcome and /or the resolution of the concern.

Legal Reference: Education Act

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