

POLICY 133 TRUSTEE CODE OF CONDUCT

The Board of Education of School District No. 83 (North Okanagan-Shuswap) requires that each Trustee commit to the highest ethical standards in their dealings with fellow Trustees, the school community, and all members of the district.

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, Rightsholders, members of the community, and other Board members.

The Board has established a Trustee Code of Conduct to help provide the conditions necessary for effective Board operations. The Board recognizes that Code of Conduct infractions vary in their intent and severity and has established both informal and formal enforcement procedures.

INTEGRITY

- All decisions will be based on putting the needs of students first;
- Trustees will carry out their responsibilities in accordance with the *School Act*, Regulations, and Board Policy;
- Trustees will make all decisions based on available facts and their independent judgment and shall refuse to surrender that judgment to individuals or special interest groups; and,
- Trustees will act with the highest standards of professional integrity and in a manner that inspires public confidence in the Board.

RESPECT

- While Trustees can express individual opinions on issues under consideration by the Board, in doing so they will respect the differing points of view of colleagues, staff, Rightsholders, and the public and thereby enhance public confidence in the work of the Board; and,
- Trustees will carefully review all information packages in preparation for discussion at all scheduled meetings of the Board and its committees.

CONFIDENTIALITY

- Trustees will maintain confidentiality of privileged information, including information discussed in closed sessions.

RESPONSIBILITY

- Once the Board has voted, Trustees are bound by the majority decision and will respect and abide by the Board's decisions; and,

- Trustees will recognize that the expenditure of Board funds is a public trust and will ensure effective and transparent stewardship of the Board's resources in the best interests of the students.

CONFLICT OF INTEREST

- Trustees will voluntarily and immediately declare any pecuniary conflict of interest (direct, indirect, or deemed) in matters before the Board or a committee of the Board.

RELATIONSHIPS

- Trustees will speak as the voice of their entire community (including people who do not have children in the school system or people outside of their direct constituency) at the Board table;
- Trustees will work with other Trustees in a spirit of respect, openness, courtesy, and cooperation in spite of differences of opinion that may arise during debate. Trustees will refrain from gossip; and,
- Trustees will maintain professional commentary (public or private) at all times about the Superintendent, all employees of School District No. 83, and third-party service providers.

BREACH OF CONDUCT

- 1.1 If a concern brought forward by a Trustee, the Superintendent, or the Secretary Treasurer, 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 no later than fourteen (14) school days after the concern arises.
- 1.2 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 no later than fourteen (14) school days 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

- 1.3 When a complaint is made regarding the conduct of a Trustee(s), the Board delegates authority to the Chair to conduct an initial assessment and attempt an Informal Resolution between the Complainant and Trustee(s) subject to the complaint.

- i. The Chair of the Board, on their own initiative, or at the request of the Trustee, Superintendent or Secretary Treasurer, who alleges a breach of the Code has occurred, may meet confidentially and informally with the Trustee who is alleged to have breached the Code, to discuss the breach.
- ii. The Chair of the Board shall bring the allegation of the breach to the attention of the Trustee and discuss sanctions to address the breach as an infraction and/or measures to correct the offending behaviour.
- iii. The sanctions or measures to address the alleged breach as an infraction may include a warning, an apology, or an agreed upon consequence which may include that the Trustee engage in professional development.
- iv. The agreement of the Trustee that the infraction of the Code occurred and with the sanctions or measures imposed shall be reported to a Closed Meeting or Closed Session of the Board and no further action in respect to the infraction shall be taken.

Formal Resolution

- 1.4 The Chair of the Board will seek direction of the Board when:
 - i. An informal resolution cannot be achieved within fourteen (14) school days.
 - ii. Refusal of the Trustee to agree that the infraction occurred or with the suggested sanctions or measures may result in the allegation of a breach of the Code being elevated by the Chair or the Board to the Formal Resolution process.
 - iii. The Chair of the Board, in their judgement, determines that an Informal Resolution process cannot resolve the nature and/or severity of the complaint.
- 1.5 The Chair of the Board will call a Special Closed Meeting of the Board within fourteen (14) school days.
 - i. A written Complaint of Code of Conduct will be made available to all Trustees.
 - ii. The written Complaint of Code of Conduct shall include:
 - a) the name of the Trustee who is alleged to have breached the Code;
 - b) the alleged breach or breaches of the Code;
 - c) information as to when the breach came to the individual's attention;
 - d) the grounds for the belief of the individual that a breach of the Code has occurred;

- e) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach; and
 - f) the signature of the individual alleging the breach of the Code.
- 1.6 Within fourteen (14) school days of the Special Closed Meeting, the Board will give direction to the Chair of the Board, by motion, to seek Informal Resolution or to proceed with a formal Breach of Code of Conduct Investigation.
- 1.7 The Trustee alleged to have breached the Code shall not vote in respect to a motion to undertake an investigation of the alleged breach.

Breach of Code of Conduct Investigation

- 1.8 When the Board determines that a formal investigation will be conducted, it shall be conducted by an independent investigator.
- 1.9 The Chair of the Board has the authority to appoint the independent investigator, and the appointment should be made no later than thirty (30) school days after the determination of the Board.
- 2.0 If the Breach of Code of Conduct Investigation is made against the Chair of the Board, the Vice-Chair has the authority to appoint the independent investigator.
- 2.1 The independent investigator will begin the investigation promptly and will be directed to provide the results within thirty (30) school days of being engaged to conduct the investigation.
- 2.2 Upon receiving the results of the investigation, and within fourteen (14) school days, the Board will, by majority vote, pass a motion to:
 - i. confirm or reject that a Breach of Code of Conduct occurred;
 - ii. conduct a Code of Conduct Hearing;
 - iii. impose consequences.
- 2.3 The Trustee alleged to have breached the Code shall not vote in respect to the motions in paragraph 2.2.

Process for Code of Conduct Hearing

- 2.4 If the Board determines that consequences in paragraph 2.5 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 potential consequences that will be considered by the Board at the Code of Conduct Hearing.
 - 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 three-fifths 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

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

- i. A verbal warning.
- ii. A letter outlining the breach or concern.
- iii. A recommendation for public censure of the Trustee.
- iv. Removal of the Trustee from some or all Board committees or other appointments of the Board.
- v. Temporarily suspend the Trustee from participation in private (in camera) Board meetings.

Restorative Process

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