

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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The Board commits itself and its members to legal, professional and ethical conduct. This includes proper use of authority and appropriate decorum and business conduct when acting as board members.

1. Trustees shall carry out their responsibilities as detailed in section 34 of the Education Act and in 3. Board Policy *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. Members shall be accountable to exercise the powers and discharge the duties of their office honestly, in good faith and in the best interest of the students, parents and communities of the division as a whole.
4. Trustees shall commit themselves to professional and lawful conduct.
  - a) Trustees must have a valid criminal record check when the Board has such an existing bylaw in place.
5. While elected from specific wards, trustees shall represent the best interests of the entire Division.
6. 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.
  - a) Any Trustee who wishes to seek elected office for the provincial, federal or municipal governments must advise the Board Chair in writing of their intent to seek office and shall take a leave of absence effective the date they officially submit their nomination papers. This leave of absence will be effective from the date the papers are filed until the date of election. If elected, the trustee must resign their position immediately. If unsuccessful, the Trustee may return from their leave of absence.
7. Trustees shall honor their fiduciary responsibilities which supersedes any conflicting loyalty such as that to advocacy or interest groups, family considerations, or membership on other boards or staffs. It also supersedes the personal interest of any Board Member acting as a consumer of the organization's services.
8. Board Members must avoid conflict of interest with respect to their fiduciary responsibility as legislated in the Education Act, through abstaining and absenting themselves from discussion or voting on the matter in question.
9. Trustees shall not attempt to exercise individual authority over the Superintendent or any member of staff.

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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- a) Members' interaction with the Superintendent or with employees must recognize the lack of authority vested in individuals except when explicitly Board authorized.
  - b) Members' interaction with public, press or other entities must recognize the same limitations and the inability of any Board Member to speak for the Board, unless designated by the Board.
  - c) Members will make no judgments of the Superintendent's or employee's performance except as that performance is assessed against explicit Board policies by the official process.
10. Members will respect the confidentiality appropriate to issues of a sensitive nature.
- a) Members will not communicate either directly or indirectly, information designated confidential to anyone not entitled to receive the same.
  - b) Members shall maintain confidentiality of information gained from or about the division including any information which may in any way jeopardize the confidentiality of students, staff & contractors of the division or is likely to call into disrepute the reputation of the Board.
  - c) Members will not use information which has been designated as confidential by the board for their personal profit or use for themselves or any other person.
  - d) Members will respect confidential information in perpetuity.
11. Trustees shall support the decision of the Board on any matter, regardless of the trustee's personal position on the issue.
12. Trustees shall make all disclosures as required under Section 86 of the Education Act to the Board Chair and to the Corporate Secretary within 30 days of being sworn in, and forthwith after each change to the information.
13. Trustees shall disclose the nature of any conflict of interest and abstain and absent themselves from discussion or voting on the matter in question.
14. 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.
- a) When a trustee applies for employment within the Division, they must take a leave of absence from the Board to do so. If offered a contract of employment, they must first resign from the Board.
15. a) Members shall acquaint themselves with the Division's policies and organizational structure of the Board, as well as the rules of procedure and proper conduct at a meeting so that any decision of the board may be made in an efficient, knowledgeable and expeditious manner.

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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b) Within budget limitations, members shall take part in educational activities, which will assist them in carrying out their responsibilities.

16. a) Members will not use their position of trust to secure special privileges, favors or exceptions for themselves or any other person.

b) Members will avoid any situation, which they feel would cause any person to believe that they have brought undue bias or favoritism to a question before the board.

17. As with any other activity, Trustees must ensure that their use of social media complies with the law, the requirements of this Code of Conduct and any related Board policy. This Code of Conduct applies to all communications a Trustee makes, regardless of the social media account or device from which the communication is made.

18. For the purposes of section 9 of this Code of Conduct, “communications” means any information or data submitted by a Trustee to a social media network or platform that is capable of being displayed using software or approved hardware such as text, images, videos, or links to other content and includes a Trustee liking, commenting on or sharing content created by other users of the social network or platform.

19. Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Sanctions below.

##### **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

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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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 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, an in-camera special meeting of the Board to decide whether to proceed to investigate the complaint or not. If the Board is of the opinion that:

- a) a complaint is frivolous or vexatious or is not made in good faith,
- b) a complaint is outside the jurisdiction of the Board or is more appropriately dealt with by another applicable legislative appeal, complaint or court process, or
- c) there are no grounds or insufficient grounds for conducting an investigation.

The Board may choose not to investigate or, if already commenced, may terminate any investigation or may dispose of the complaint in a summary manner. In such an event, the complainant shall be advised of the Board's decision in writing, with reasons, and provided with information regarding other options to pursue the complaint, if applicable.

8. If the Board decides to investigate the complaint, it shall take such steps as it may consider appropriate in the circumstances having regard for the specific nature of the complaint, which may include but is not limited to, proceeding to investigate on its own, appointing a committee of the Board to conduct the investigation, seeking legal advice and/or engaging a third-party investigator.

9. Investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

10. Where the Board determines to proceed with its own investigation, the Board Chair shall convene, as soon as is possible, another special meeting of the Board. At this 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.

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures.

- a) 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.
- b) The sequence of the Code of Conduct hearing shall be:
  - i) The complaining trustee shall provide a presentation which may be written or oral or both
  - ii) The respondent trustee shall provide a presentation which may be written or oral or both
  - iii) The complaining Trustee shall then be given an opportunity to reply to the respondent Trustee's presentation
  - iv) The respondent Trustee shall then be provided a further opportunity to respond to the complaining Trustee's presentation and subsequent remarks
  - v) The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties
  - vii) The complaining Trustee shall be given the opportunity to make final comments
  - x) The respondent Trustee shall be given the opportunity to make final comments.
  - xi) 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.
  - xii) 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.
  - xiii) 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.
  - xiv) The remaining trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent trustee.
  - xv) 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.
  - xvi) All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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Code of Conduct hearing and shall be retained in accordance with legal requirements.

xvii) The presiding Chair shall declare the special Board meeting adjourned.

11. Where the Board determines it will appoint a committee of the Board to conduct the investigation or to engage a third-party investigator:

- a) Prior to commencing an investigation, the complainant and the respondent member(s) will be advised of the investigation, and the respondent member(s) will receive a copy of the complaint.
- b) A complainant or witness may be asked to provide additional information during an investigation. Staff may also be requested to provide information, and any person conducting an investigation under this Code of Conduct may look at any record or thing belonging to or used by the Division and enter any Division facility to complete the investigation.
- c) The respondent member(s) is entitled to disclosure of all relevant information gathered during an investigation and must be given an opportunity to respond to the complaint before the Board deliberates and disposes of the complaint.
- d) Upon conclusion of the investigation as conducted by a committee of the Board or a third-party investigator, the Board will convene at an in-camera meeting of the Board, excluding the member(s) alleged to have contravened the Code of Conduct, to consider the results of the investigation and dispose of the complaint.

12. A violation of the Code of Conduct however determined, may result in the Board instituting, without limiting what follows, any or all of the following sanctions:

- a) 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;
- b) Having a motion of censure passed by a majority of those trustees present and allowed to vote at the special meeting of the Board;
- c) 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.

13. 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.

14. All complaints received under this Code of Conduct and all information and records received, reviewed or generated during the course of an investigation and disposition of a

#### **4. Board Policy *Trustee Code of Conduct and Ethics***

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complaint, including interviews and investigation reports, are and shall remain strictly confidential unless the Board directs otherwise.

Legal Reference: Sections 33, 34, 51, 52, 53, 64, 67, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96  
Education Act

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