

BOARD
MEMORANDUM

Date: February 9, 2022
To: Board of Trustees
From: Shawna Walter, Acting Superintendent
Originator(s): Office of the Superintendent
Subject: Policy 220 – Trustee Code of Conduct

Purpose:

For review and consideration.

Consideration:

That the Board of Trustees review and provide a recommendation regarding Policy 220–*Trustee Code of Conduct*, for approval at the February 23, 2022, Public Board meeting.

Background:

During the 2018-2019 school year, the Division completed a comprehensive Board Policy Review. The Education Committee (Policy Committee) had oversight of the review process, which saw 129 policies and 14 Board Regulations condensed to 43 policies. A Policy Tracker was created to schedule a regular review of all policies under the responsible administrator.

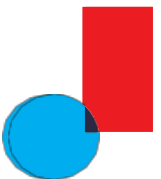
Administration has updated Policy 220 – *Trustee Code of Conduct* to clearly define and establish expectations of Trustee conduct while carrying out the duties they have been elected to fulfill. The description of the role of a Trustee has been removed from Policy 220 and Policy 221 has been created to clearly outline the role of the Trustee.

Administration is prepared to respond to questions at the February 9, 2022, Committee of the Whole meeting.

Sincerely,

Shawna Walter, M.Ed
Acting Superintendent

Attachment





Trustee Code of Conduct

EFFECTIVE: January 30, 2019

REVISED:

REVIEW: 2024-2025

1.0 POLICY

The Board of Trustees is committed to Public Education and its Trustee members shall conduct themselves ethically and responsibly in carrying out the duties that they have been elected to fulfill. It is expected that all interactions related to the operations of the Board is characterized by mutual respect, which acknowledges the dignity and worth of all individuals.

2.0 GUIDELINES

2.1 Board Oath of Office

Every Trustee shall take and subscribe to the official oath prescribed by the Oaths of Office Act before commencing his/her duties and shall deposit the oath with the Secretary of the Board.

2.2 Code of Ethics

The Board's Code of Ethics (found in Appendix A) will be read aloud at an appropriate time during the Annual Organization Meeting.

2.3 Code of Conduct

2.3.1 Trustees for Sturgeon Public Schools shall conduct themselves in an ethical and prudent manner which includes proper use of authority and appropriate decorum in group and individual behavior. Each Trustee shall behave in a manner that demonstrates respect for the dignity and worth of all individuals.

2.3.2 Trustees shall carry out their responsibilities as outlined in Policy 221 with diligence.

2.3.3 Trustees shall endeavor to work collaboratively with fellow Board members to further the work of the Board.

2.3.4 Trustees shall be loyal to the interests of Sturgeon Public Schools. This loyalty supersedes loyalty to the personal interest of any Trustee whether acting as an individual consumer of the School Division's services or not.

2.3.5 Trustees must be mindful of the fact that they are accountable to exercise the powers and discharge the duties of their office honestly and in good faith. To this end, Trustees

References: Policies: 120 Harassment Policy
225 Board Responsibility and Conduct
235 Conduct at Meetings
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shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

2.3.6 Trustees shall avoid any conflict of interest with respect to their pecuniary interests:

2.3.6.1 By understanding pecuniary interest in a matter before the Board, as defined in the Education Act (S85).

2.3.6.2 By filing with the Board's secretary, a disclosure of interest statement as required by the Education Act (S.86), and updating forthwith if changes occur,

2.3.6.3 By complying with the Education Act (S88) which may involve the disclosure of pecuniary interest and/or abstaining from voting on the matter, and/or refraining from discussing the matter, and/or leaving the room while discussion occurs.

2.3.7 Trustees shall avoid any conflict of interest or personal bias with respect to their fiduciary responsibility owed to Sturgeon Public Schools. Each Trustee shall, in considering any matter, determine whether he/she has a conflict of interest or personal bias requiring him/her to recuse him/herself from addressing a particular matter before the Board of Trustees. In making the determination respecting conflict of interest or personal bias each Trustee shall consider the following:

2.3.7.1 Whether a reasonably well-informed person would conclude that the Trustee has a substantial personal interest in the matter;

2.3.7.2 The Trustee's interest in the subject matter of the vote must go beyond that which he or she may have in common with other members of the community;

2.3.7.3 The Trustee's interest in the matter must be something that will serve his or her own personal ends; and

2.3.7.4 Where there is such an interest it must be so related to the subject matter of the vote before the Board of Trustees that a reasonably well-informed person would conclude that the interest may well influence the Trustee's vote and exercise of his or her public duty.

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2.3.8 Trustees shall observe confidentiality regarding information received as Trustees.

2.3.8.1 According to the Freedom of Information and Protection of Privacy Act (FOIP), all information a Trustee receives regarding the School Board's mandate and functions are considered records under the control of the School Board. All records containing personal information about an identifiable individual such as employee information, student information or information in letters to the School Board, must be kept confidential and may only be released in accordance with FOIP. Employee information, student information or information in letters to the School Board must be kept confidential and may only be released in accordance with FOIP. Information received by individual Trustees in their capacity as trustees must also be processed and treated in accordance with FOIP.

2.3.8.2 Trustees shall not use Board information for their own direct benefit or advantage. This requires that Board deliberations during in-camera or closed board planning meetings be kept confidential as required by law.

2.4 Violation of Code of Conduct

2.4.1 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.

2.4.2 If a resolution is not achieved and a complaint is to be filed, the complaint process is found in Appendix B.

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Appendix A - Code of Ethics

As an elected member of the Board of Trustees,

- 1.0 I will devote time, thought and study to the duties and responsibilities of trusteeship so that I may render effective and credible service.
- 2.0 I will recognize that the expenditure of school funds is a public trust and I will support policies and practices which ensure that all such funds are expended efficiently, economically and in the best interest of the students and electors of the Division.
- 3.0 I will endeavor to work with my fellow Trustees in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debate. I will avoid rancor and bitterness; observe proper decorum and behavior; encourage full and open discussions in all matters with my fellow members of the Board.
- 4.0 I will base my personal decision upon all available facts in each situation, voting my honest conviction in every case.
- 5.0 I will do everything possible to maintain the integrity, confidence and dignity of the office of the school Trustee and I will resist every temptation and outside pressure to misuse my position as a trustee to benefit either myself or any other individual or agency.
- 6.0 I will remember at all times that as an individual, I have no legal authority outside the meetings of the Board, unless the Board has so delegated. My relationships with the school staff, the local citizenry and the media will be conducted on the basis of this fact.
- 7.0 I will always bear in mind that the primary function of the Board is to establish the policies by which the schools are to be administered and that the daily administration of the educational program and conduct of school business shall be the responsibility of the Superintendent and his/her staff; therefore, I will refer complaints and other communications to the Superintendent in accordance with policies and procedures approved by the Board.
- 8.0 I will earnestly attempt to promote goals based on the needs and aspirations of the community and do my best to support effective educational programs for the students.

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Appendix B - Code Of Conduct Complaint

- 1.0 A Trustee who wishes to commence an official complaint, under the Code of Conduct, shall
 - 1.1 File a letter of complaint with the Chair, or Vice Chair in the absence of the Board Chair, or in cases when the complaint is about the Chair,
 - 1.2 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.
- 2.0 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 Chair, or where otherwise applicable by the Vice Chair, within five (5) days of receipt by the Chair/Vice Chair of the letter of complaint.
- 3.0 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 this Trustee Code of Conduct.
- 4.0 Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct hearing. Upon receipt of a complaint, a special meeting of the Board of Trustees shall be called. The 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.
- 5.0 Violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
 - 5.1 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. Trustees are allowed to vote if they do not have a conflict of interest and/or personal bias relative to the matter under consideration. The Trustee filing the complaint as well as the Trustee alleged to have violated the code shall not be eligible to vote;
 - 5.2 Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board;

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- 5.3 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.
- 6.0 The Board may vote, at its discretion, to 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.
- 7.0 Procedures for a Code of Conduct Hearing are found in Appendix C.

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Appendix C - Code of Conduct Hearing

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

- 1.0 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.
 - 1.1 The Board, in its sole discretion, may record the in-camera session of the Special Board Meeting by electronic means. Where recording will take place, trustees shall be advised by the presiding Chair at the commencement of the Code of Conduct Hearing.
- 2.0 The sequence of the Code of Conduct Hearing shall be:
 - 2.1 The information supporting the complaint shall be presented to members of the Board of Trustees and may be written or oral or both;
 - 2.2 The respondent Trustee shall provide a presentation which may be written or oral or both;
 - 2.3 The Trustee advancing the complaint shall then be given an opportunity to reply to the respondent Trustee’s presentation;
 - 2.4 The respondent Trustee shall then be provided a further opportunity to respond to any additional information or presentation and subsequent remarks;
 - 2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 2.6 The Trustee advancing the complaint shall be given the opportunity to make final comments; and
 - 2.7 The respondent Trustee shall be given the opportunity to make final comments.
- 3.0 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. The Board

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- may however, in its discretion, call upon legal advisors to assist them on points of law, or the drafting of a possible resolution.
- 4.0 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.
- 5.0 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.
- 6.0 The remaining Trustees, in deliberation, may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.
- 7.0 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.
- 8.0 All documentation or records 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.
- 9.0 The presiding Chair shall declare the Special Board Meeting adjourned.

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Trustee Responsibility and Code of Conduct

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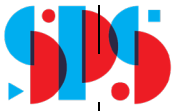
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2.3.6.2 Trustees shall not use Board information for their own direct benefit or advantage. This requires that Board deliberations during in-camera or closed board planning meetings be kept confidential as required by law.

2.4 Violation of Code of Conduct

2.4.1 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.

2.4.2 If a resolution is not achieved and a complaint is to be filed, the complaint process is found in Appendix B.

2.5 Trustee Responsibilities

~~2.5.1 The role of each individual Trustee is to:~~

~~2.5.1.1 Represent his or her constituents and consider the interests of all dDivision stakeholders when making decisions.~~

~~2.5.1.2 Be familiar with the Education Act and Division policies and procedures.~~

~~2.5.1.3 Be familiar with and adhere to the Trustee Code of Conduct.~~

~~2.5.1.4 Stay informed on significant developments in Public eEducation.~~

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~~2.5.1.5 — Following a Trustee development activity, share materials and ideas gained in written format with fellow Trustees.~~

~~2.5.1.6 — Support the corporate decisions of the Board.~~

~~2.5.1.7 — Respect and support the authority of the Superintendent/CEO to direct the work of administration and staff.~~

~~2.5.1.8 — Observe the Board’s rules of order for conduct at Board meetings.~~

~~2.5.1.9 — Promote positive relationships between the Board and all ~~d~~Division stakeholders.~~

~~2.5.2 — Trustees shall not attempt to exercise individual authority over the organization and/or schools; the Superintendent/CEO ~~of Schools~~; or any member of the staff. In particular:~~

~~2.5.2.1 — Individual Trustees will not assume personal responsibility for resolving operational problems or complaints. Any such complaints will be referred forthwith to the Superintendent/CEO for investigation and resolution.~~

~~2.5.2.2 — Trustees shall not encourage direct communication with employees and members of the public who attempt to bypass school or Central Office Administration but shall encourage employees and members of the public to utilize reporting lines at the school level or within Central Office Administration to bring their concerns to the Board.~~

~~2.5.2.3 — Trustees shall comply with their fiduciary duty to inform ~~a~~Administration of concerns brought to their attention.~~

~~2.5.3 — Trustees shall recognize that:~~

~~2.5.3.1 — The Board Chair is the official spokesperson for the Board of Trustees, and therefore, the only person authorized to speak to the public, media or other entities and communicate corporate decisions or positions on behalf of the Board.~~

~~2.5.3.2 — Without limiting the right of Trustees to express their own personal views, when interacting with the public, media or other entities, Trustees shall~~

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~~accurately represent and accept the corporate decision of the Board, once a decision has been made.~~

~~2.5.4 Trustees shall be prepared for Board deliberations by attending in person or by electronic means:~~

~~2.5.4.1 All ~~r~~Regularly scheduled or ~~s~~Special ~~m~~Meetings of the Board of Trustees and any ~~c~~Committee ~~m~~Meetings to which they are assigned, on a regular and punctual basis.~~

~~2.5.4.1.1 The presence or absence of every Trustee shall be recorded in the minutes. If a Trustee wishes to absent himself/herself during the course of a meeting, he/she will declare this wish and ensure that the recording secretary has noted it. Failure to do so will result in inaccuracies in the recording of minutes.~~

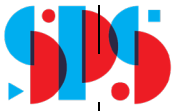
~~2.5.4.1.2 As outlined in the Education Act, a person is disqualified from remaining as a Trustee of a board if that person absents himself/herself, without being authorized by a resolution of the ~~b~~Board to do so, for three consecutive regular meetings of the ~~b~~Board, unless his/her absence is due to illness and he/she provides evidence of that illness in the form of a medical certificate respecting the period of absence.~~

~~2.5.4.1.3 Repeated partial or late attendance shall be cause for disciplinary action, as determined by the Board.~~

~~2.5.4.1.4 Unless an absence has been previously approved by the Board, failure to attend Regular and Special Board Meetings as well as scheduled committee meetings, will result in the deduction from trustee remuneration.~~

~~2.5.4.1.5 Two days per year are allowed without deduction for illness on the part of the Trustee, and two days ~~of~~ compassionate leave are also permitted. If, however, a Trustee is absent from any Regular or Special Meeting of the Board or scheduled committee meetings due to illness, beyond the two sick days permitted, he/she must produce a doctor's certificate and no deduction from trustee remuneration will be made.~~

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~~2.6~~ With regards to Standing Committees of the Board, the ~~a~~Administrators assigned to support these ~~c~~Committees will include in the meeting notes the date and time of the next scheduled ~~c~~Committee ~~m~~Meeting, the estimated length of the next scheduled meeting and the names of those Trustees who will be in attendance.

~~2.7~~ In particular, Trustees should attend Trustee Orientation and Renewal sessions, Board Retreats, School Council meetings, Student Discipline Hearings, Teacher Transfer Hearings and meetings with external organizations (such as Municipal Councils and Chamber of Commerce). Trustees are also expected to attend the ~~a~~Annual ~~g~~General ~~m~~Meetings of the PSBAA and/or the ASBA and other conferences as approved by the Board.

~~2.8~~ Board Chair Responsibilities

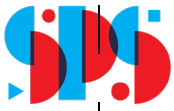
The Board Chair shall have the authority on behalf of the Board to:

~~2.8.1~~ Preside at all Board meetings.

~~2.8.2~~ Sign all documents required by law or as authorized by the action of the Board.

~~Represent the cCorporate Board as required.~~

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- 4.0 I will base my personal decision upon all available facts in each situation, voting my honest conviction in every case.
- 5.0 I will do everything possible to maintain the integrity, confidence and dignity of the office of ~~the~~ school trustee and I will resist every temptation and outside pressure to misuse my position as a trustee to benefit either myself or any other individual or agency.
- 6.0 I will remember at all times that as an individual, I have no legal authority outside the meetings of the Board, unless the Board has so delegated. My relationships with the school staff, the local citizenry and the media will be conducted on the basis of this fact.
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REVIEW: ~~2020-2021~~2024-2025

Appendix B - Code Of Conduct Complaint

- 1.0 A Trustee who wishes to commence an official complaint, under the Code of Conduct, shall
 - 1.1 File a letter of complaint with the Chair, or Vice Chair in the absence of the Board Chair, or in cases when the complaint is about the Chair,
 - 1.2 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.
- 2.0 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 Chair, or where otherwise applicable by the Vice Chair, within five (5) days of receipt by the Chair/Vice Chair of the letter of complaint.
- 3.0 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 this Trustee Code of Conduct.
- 4.0 Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct hearing. Upon receipt of a complaint, a special meeting of the Board of Trustees shall be called. The 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.
- 5.0 Violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
 - 5.1 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. Trustees are allowed to vote if they do not have a conflict of interest and/or personal bias relative to the matter under consideration. The Trustee filing the complaint as well as the Trustee alleged to have violated the code shall not be eligible to vote;
 - 5.2 Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board;

References: Policies: 120 Harassment Policy
 225 Board Responsibility and Conduct
 235 Conduct at Meetings
 Education Act: Sections [64](#), 85, 86, 87, 88, [256](#)
 Board Procedures Regulation 82/2019
 Freedom of Information and Protection of Privacy Act
 Oaths of Office Act, 2014



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- 5.3 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.
- 6.0 The Board may vote, at its discretion, to 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.
- 7.0 Procedures for a Code of Conduct Hearing are found in Appendix C.

References: Policies: 120 Harassment Policy
 225 Board Responsibility and Conduct
 235 Conduct at Meetings
 Education Act: Sections 64, 85, 86, 87, 88, 256
 Board Procedures Regulation 82/2019
 Freedom of Information and Protection of Privacy Act
 Oaths of Office Act, 2014



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Appendix C - Code of Conduct Hearing

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

- 1.0 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.
 - 1.1 The Board, in its sole discretion, may record the in-camera session of the Special Board Meeting by electronic means. Where recording will take place, trustees shall be advised by the presiding Chair at the commencement of the Code of Conduct Hearing.
- 2.0 The sequence of the Code of Conduct Hearing shall be:
 - 2.1 The information supporting the complaint shall be presented to members of the Board of Trustees and may be written or oral or both;
 - 2.2 The respondent Trustee shall provide a presentation which may be written or oral or both;
 - 2.3 The Trustee advancing the complaint shall then be given an opportunity to reply to the respondent Trustee’s presentation;
 - 2.4 The respondent Trustee shall then be provided a further opportunity to respond to any additional information or presentation and subsequent remarks;
 - 2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 2.6 The Trustee advancing the complaint shall be given the opportunity to make final comments; and
 - 2.7 The respondent Trustee shall be given the opportunity to make final comments.
- 3.0 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. 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.

References: Policies: 120 Harassment Policy
225 Board Responsibility and Conduct
235 Conduct at Meetings
Education Act: Sections [64](#), 85, 86, 87, 88, [256](#)
Board Procedures Regulation 82/2019
Freedom of Information and Protection of Privacy Act
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- 4.0 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.
- 5.0 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.
- 6.0 The remaining Trustees, in deliberation, may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.
- 7.0 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.
- 8.0 All documentation or records related to the Code of Conduct Hearing shall be returned to the Superintendent/~~CEO~~ or designate immediately upon conclusion of the Code of Conduct Hearing and shall be retained in accordance with legal requirements.
- 9.0 The presiding Chair shall declare the Special Board Meeting adjourned.

References: Policies: 120 Harassment Policy
 225 Board Responsibility and Conduct
 235 Conduct at Meetings
 Education Act: Sections 64, 85, 86, 87, 88, 256
 Board Procedures Regulation 82/2019
 Freedom of Information and Protection of Privacy Act
 Oaths of Office Act, 2014