

<b>Section:</b>	<b>Governance</b>	
<b>Title:</b>	<b>Trustee Code of Ethical Conduct</b>	<b>1.2</b>

**Purpose**

To provide guidance and direction for the ethical behaviour and professionalism of Trustees in the fulfilment of their roles and responsibilities.

**Policy**

Critical trust is invested in the Board by the electorate to govern the affairs and business of the Mission Public School District. Recognizing this, the Trustees commit to conducting the business of the Board in a fair, respectful, and professional manner. This commitment includes using respectful authority and decorum when interacting with other trustees, staff, partner groups, and the community, or when representing the Board of Education or the Mission Public School District.

Trustees will uphold the commitments of the Code of Ethical Conduct policy, the Respectful Workplaces policy, and the Safe, Caring, and Respectful Schools policy, and will address any complaints of violation of the code or these policies by a Trustee at a closed meeting of the Board.

**Ethical Conduct Commitments**

Trustees will fulfill their roles and responsibilities as a Trustee of the School District considering the following ethical conduct commitments.

**Behaviour:**

- Trustees are expected to use respectful behaviour in all School District and community interactions.
- Trustees are expected to use behaviour that is not disrespectful of others or their opinions. Trustees are expected to maintain decorum during all meetings, respect the protocols of the meeting process, the authority of the Board Chair, and encourage full, open, and courteous discussions in all matters with other trustees.
- Trustees will endeavour to work cooperatively in spite of differences of opinion.
- Trustees shall refrain from making discrediting comments about others, engaging in unwarranted personal criticism, or taking private action that could compromise the integrity or authority of the Board.
- Information that may be of potential concern should not be concealed or withheld.

**Decision-making process:**

- Trustees are expected to give the opinions and objectives of other trustees, staff, partner groups, and the public, their respect and full consideration.
- Trustees are expected to conclude discussions and reach decisions, only after considering all available information and opinions for each situation. Trustees shall remain open to altering a perspective or an opinion after considering other information received in the discussion process. Trustees shall not have an unreasonable bias or closed mind to an issue.
- Trustees must encourage full and open discussions in all matters. Trustees must not dismiss or disregard others when they submit an opinion that is different or contradicts their own opinion.
- Trustees must not withhold or conceal matters or information from other Trustees that would be of concern to the School District.

## Communications:

- After decisions are reached, Trustees are expected to abide by, uphold, and support the final majority decision of the board. Trustees must not undermine the decisions of the Board, even if the Trustee was opposed to a decision.
- Trustees must not discuss the confidential business of the Board outside of a closed board or closed committee meeting.

## Confidentiality:

- Confidential information, in any form, that Trustees receive during their elected term must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information.
- Trustees with care or control of personal or sensitive information, electronic media, or devices, must handle and dispose of them appropriately. Trustees who are in doubt as to whether certain information is confidential must ask the Superintendent or Secretary-Treasurer, before disclosing, releasing, or transmitting it.
- The proper handling and protection of confidential information is applicable both within and outside of the District and continues to apply after the term of the Trustee ends.
- Confidential information that Trustees receive through their elected position must not be used by a Trustee for the purpose of furthering any private interest, or as a means of making personal gains.

## Conflicts of Interest:

- Trustees are expected to adhere to all applicable legislation regarding conflicts of interest, including the *School Act, Part 5, Conflict of Interest*, and to avoid any actual, perceived, or potential conflicts of interest whenever possible. A conflict of interest exists when:
  - A trustee uses their position to advance the personal interests of the trustee, the trustee's family or the trustee's friends; or
  - A trustee accepts, directly or indirectly, any compensation, gratuity, gift, reward or a tangible or intangible benefit from an organization or individual that has dealings with the Board if a reasonable person would perceive this as influencing the trustee's exercise of their duties.
  - When a trustee becomes aware that they have a conflict of interest with respect to the matter coming before the Board, the trustee is expected to:
    - Disclose to the Board that they have an interest in the matter,
    - State the general nature of the trustee's interest,
    - Not take part in any discussion of the matter,
    - Abstain from voting on any question in respect of the matter,
    - Not attempt in any way to influence the voting on any question in respect of the matter before, during or after the meeting which could compromise the integrity of the School District,
    - Leave the meeting until the matter has been dealt with if the meeting is closed to the public.
- Trustees are expected to declare any conflicts of interest to the Board.
- Trustees are expected to be excused from participating in the decision-making process if they are involved in a conflict of interest situation which could compromise the integrity of the School District.

## Personal Gain:

- Trustees must not use the schools, any part of the school program, or their position as a Trustee, for personal advantage or for the advantage of friends or family.
- Trustees must declare any gifts received by virtue of holding the office of Trustee of the Board of Education.

## Trustee Acknowledgment

Upon being elected to a term as a Trustee for the Mission School District, at the Inaugural Board Meeting, Trustees will be asked to commit to this Code of Ethical Conduct.

## Definitions

- Procedural Fairness** The process used to reach a decision must provide the person(s) affected by the decision the opportunity to review or hear the allegations and to respond to the allegations before a decision is reached.
- Natural Justice** Natural Justice requires that a person receive a fair and unbiased hearing before a decision is made that will negatively affect them. Three main requirements must be met in every case; adequate notice, fair hearing and no bias.

## Procedures

1. For contraventions of the code or the policies that are seemingly minor or inadvertent due to an error in judgment made in good faith, a Trustee initiating a complaint is encouraged to seek resolution of a matter through the Informal Complaint Process, when possible. If resolution through the Informal Complaint Process is not possible, the Formal Complaint Process is to be followed.
2. Serious and/or recurring breaches by a Trustee, or complaints made by an employee or a member of the public regarding a Trustee's conduct, are to be investigated following the Formal Complaint Process.
3. Informal Complaint Process
  - a. The offended Trustee should alert the offending Trustee of the violation and the obligations required under the Code or Policies, by engaging the offending Trustee in a private conversation.
  - b. The Trustees shall seek resolution in an informal, cooperative fashion marked by mutual respect, seeking to understand, with an openness to growth and improvement.
  - c. Failing resolution through a private conversation, the parties will engage the Board Chair, Vice-Chair or a designate to gain resolution. If the concern is with the Board Chair, the concern should be raised with the Vice-Chair.
  - d. The Chair, or at the Chair's option the Chair and Vice-Chair, will attempt to resolve the matter to the satisfaction of the Trustees involved.
  - e. If the parties are unable to gain resolution through the Informal Complaint Process, the matter will be referred to the Formal Complaint Process.
4. Formal Complaint Process
  - a. The Trustee, Employee, or Member of the Public who wishes to commence an official complaint under the Code or Policies, shall file a letter of complaint with the Board Chair, or Vice-Chair if the complaint is against the Board Chair, within a reasonable period of time following the alleged event occurring or the knowledge of the alleged event. The letter of complaint must indicate the nature of the complaint and the section of the Code or Policy that is alleged to be violated by the Trustee.
  - b. The Board Chair shall convene a closed meeting of the Board as soon as is reasonable, to allow for a hearing and formal inquiry into the alleged violation of the Code or Policy.
  - c. A copy of the letter of complaint must be provided to each Trustee with the notice of the meeting, as soon as is reasonable. The letter of complaint, the filing of the complaint, the content and nature of the complaint, and the closed meeting agenda for the hearing and inquiry are to remain strictly confidential.
  - d. Trustees must make their best efforts to attend the closed meeting of the Board for the hearing and inquiry, even in circumstances where Trustees may be in a conflict of interest or may otherwise wish to abstain.
  - e. Procedural Fairness and the rules of natural justice shall govern the hearing and the formal inquiry.

- f. At the commencement of the meeting, the Chair shall indicate the nature of the business to be transacted and outline the process for the hearing and inquiry in accordance with this procedure for the hearing.
  - i. The Board shall ensure fairness in dealing with the complaint by adhering to the following procedures:
  - ii. Preliminary matters will be considered, including altering the outlined procedures as necessary before the formal hearing begins;
  - iii. Review whether one (1) or more Trustees have a conflict of interest in making a decision regarding the complaint.
    - i. A conflict of interest is as defined in the Code and as may be determined by an individual or a majority of those Trustees present at the hearing.
    - ii. A conflict of interest is ordinarily raised only in circumstances where a Trustee has a personal interest or financial interest in the outcome. It would not typically be raised in circumstances where a Trustee has been a witness to conduct that is the subject matter of a complaint since it is expected that all Trustees will conduct themselves in accordance with the Code and in the interest of the School District.
    - iii. If it is determined that a Trustee is in a conflict of interest, the Trustee shall not participate in deliberations or vote in respect of any resolution; however, the Trustee shall be present as required to maintain a quorum of the Board but shall not influence or vote on the matter.
    - iv. If any Trustees are excused from the hearing due to a conflict of interest, the remaining Trustees, if a quorum is still present, shall proceed with the hearing as the Voting Trustees;
  - iv. The complainant shall provide a presentation which may be written, oral, or both. The complainant may opt to rely on the written complaint in place of a presentation;
  - v. The respondent Trustee shall provide a presentation which may be written or oral or both;
  - vi. The complainant shall be provided with an opportunity to reply to the Trustee's presentation;
  - vii. The respondent Trustee shall be provided with a further opportunity to respond to the complainant's presentation and subsequent remarks;
  - viii. The Voting Trustees shall be given the opportunity to ask questions of both parties;
  - ix. The complainant shall be given the opportunity to make final comments;
  - x. The respondent Trustee shall be given the opportunity to make final comments.
- g. Following the presentation of the respective positions of the parties, the parties, and all persons, except the Voting 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 staff. The Board may, in its discretion, call upon legal advisors to assist them on points of law, or upon staff in respect of any points of information or to provide administrative direction or for assistance in the drafting of a resolution.
- h. If the Voting Trustees in deliberation require further information or clarification from the parties, the parties and staff will be invited to return to the hearing to receive the questions 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 hearing to a later date.
- i. If the Voting Trustees taking part in the deliberations request that an external party investigate the allegations, such investigation will be conducted in accordance with the procedures of natural justice. The Board may, at its discretion, call upon legal advisors to assist them in the event an investigation is requested. A report of the investigation findings will be provided to the Board at the reconvening of the hearing. The parties will be allowed the opportunity to provide additional submissions in respect of the report.

- j. The Voting Trustees in deliberation may draft a resolution (s) indicating what action if any, may be taken regarding the complaint and any party.
  - k. The presiding Chair shall reconvene the hearing with the parties and staff returning and call for a resolution to be placed before the Board and a vote to be conducted. Only the Voting Trustees shall be able to vote on any resolution(s). If any of the Voting Trustees request that the vote occurs by secret ballot, the vote will proceed by secret ballot for all Voting Trustees. The Board may request staff to assist with a secret ballot vote. At the conclusion of the vote, the presiding Chair shall declare the closed Board meeting adjourned.
  - l. All documentation that is related to the hearing shall be returned to the Superintendent, the Secretary-Treasurer, or designate, immediately upon adjournment or conclusion of the hearing, and shall be retained in accordance with legal requirements. This includes all notes taken by Trustees other than the parties in relation to the submissions or deliberations.
5. Sanctions
- a. Sanctions for a violation of the Code or Policies should be imposed in a remedial and restorative manner.
  - b. The Sanctions should reflect the seriousness of the breach and the harm to others or to the School District.
  - c. Sanctions must be imposed by a resolution approved by the majority of the Voting Trustees.
  - d. Example sanctions include:
    - i. Having the offending Trustee write a letter of apology;
    - ii. Having the offending Trustee participate in a restorative justice process;
    - iii. Having the offending Trustee participate in specific training, coaching or counselling;
    - iv. Provide a letter of censure from the Board to the offending Trustee;
    - v. Provide another form of formal censure of the offending Trustee;
    - vi. Remove the offending Trustee from one, some, or all Committee or liaison appointments of the Board.
6. Public Disclosure
- a. Public disclosure of the complaint and any Board decision, including any sanctions imposed due to the complaint, may be disclosed by the Board Chair only at the direction of the Board following the disposition of the complaint.
7. Appeals Process
- a. Trustees who have been sanctioned or had other measures imposed upon them by the Board under this policy can appeal those decisions through the legal system, at their own expense.

**Date of Original Board Approval: September 2008 (Policy #5)**

**Date Amended: May 23, 2017  
June 21, 2022**

*Legal Reference: School Act, Part 5, Conflicts of Interest*

*Cross Reference: Trustee Election Protocol Administrative Procedure (409)*

*Respectful Schools / Workplaces: Anti: Bullying, Harassment, Discrimination Policy (2.2)*