

TRUSTEE CODE OF CONDUCT

Trusteeship is a significant challenge and responsibility. Decisions made and behaviours demonstrated by trustees directly affect the quality of educational services provided for students and the overall direction of the school jurisdiction. The importance of this role underscores the need for trustees to establish and adhere to a code of conduct specified in this policy.

Ethical decision-making, and behaviours supportive of the fiduciary corporate responsibility of the board represents the basis through which trustees will pursue their duties at all times.

The Board Chair will ensure that new trustees are familiar with this Code of Conduct as part of the new trustee orientation process.

The Board Chair will be responsible for periodically reviewing this Code of Conduct with Board members.

The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions. (see Appendix A)

Ethical Decision Making

1. Trustees will honour the responsibilities which this membership demands by:
 - 1.1. Thinking always in terms of children first.
 - 1.2. Understanding that the basic function of the trustees is policy making rather than administrative, and accepting the responsibility of learning to discriminate between these two functions.
 - 1.3. Accepting the responsibility, along with fellow Board members, of seeing that adequate facilities and resources are provided for the proper functioning of the schools.
 - 1.4. Refusing to play politics in either the traditional partisan or in any other-sense.
 - 1.5. Representing at all times the entire school Division.
 - 1.6. Accepting the responsibility of becoming well informed concerning the duties of Board members and the proper functions of schools.
 - 1.7. Recognizing responsibility as a provincial as well as a local official to seek the improvement of education not only in the Division but throughout the Province of Alberta. (see Affiliated Associations' Codes of Ethics)

- 1.8. Having the administrative officers present at regular meetings of the Board.
- 1.9. Granting the administrative officers the privilege of discussion at the Board meetings.
- 1.10. Referring complaints to the proper administrative officers and discussing them at the regular meetings if an administrative solution is not achieved.

Behaviours Supportive of the Fiduciary Corporate Responsibility

1. Trustees should meet their responsibility to the community by:
 - 1.1. Displaying a devotion to duty.
 - 1.2. Working in a spirit of harmony and cooperation.
 - 1.3. Stating Board positions clearly.
 - 1.4. Attempting to appraise fairly both the present and the future educational needs of the community.
 - 1.5. Acting within the major responsibility of the Board to interpret the aims and the activities of the schools in the community.
 - 1.6. Insisting that all the school business transactions be conducted on an ethical basis.
 - 1.7. Vigorously seeking adequate financial support for the schools.
 - 1.8. Refusing to use their position on the Board for personal gain.
 - 1.9. Avoiding conflict of interest with respect to their trusteeship responsibility.
2. Trustees should respect their relationship with other Trustees of the Board by:
 - 2.1. Recognizing that authority rests only with the Board in official meetings and that the individual member has no authority to commit the Board outside of such meetings.
 - 2.2. Recognizing the integrity of their predecessors and associates and the merit of their work.
 - 2.3. Refusing to make promises on voting on any matter which should properly come before the Board as a whole.
 - 2.4. Making decisions only after relevant facts bearing on the subject are made known.
3. Trustees should maintain effective relationships with the administrative officers of the Division and their respective staffs by:
 - 3.1. Striving to procure, when the vacancies exist, the best professional leaders available.

- 3.2. Giving the administrative officers full administrative authority for properly discharging their professional duties and holding them all responsible for the achievement of desired results within established parameters.
- 3.3. Refusing to act on matters relating to the employment or dismissal of teachers without reference to the administrative officers.
- 3.4. Respecting the confidentiality of privileged Board business.

Affiliated Provincial Association Codes of Ethics

1. In fulfilling responsibilities to the Board's provincial associations, trustees will support the following Codes of Ethics as outlined through the links provided:
 - 1.1. ASBA Trustee Code of Ethics
 - 1.2. ACSTA Code of Ethics for Roman Catholic School Trustees

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. In particular, the Trustee Code of Conduct requires that trustees respect the confidentiality of privileged Board business.

Breach of Confidentiality

1. Failure to comply with these requirements constitutes a failure of security. 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 any of these codes.
2. If unresolved, an individual trustee may bring a suspected breach of security to the attention of the Board Chair, or where otherwise applicable in what follows, to the Vice Chair. The suspected breach of security will go to an in-camera meeting of the Board. If by majority vote at a public meeting, the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:
 - 2.1. The Board Chair shall request that the Superintendent or designate (as Head of the Division under the Freedom of Information and Protection of Privacy Act), appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at an in-camera meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
 - 2.2. The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.
 - 2.3. The Board Chair shall present at a closed meeting of the Board, the report of the independent investigator. At this time, the trustee in question shall have an opportunity to present any additional, relevant information.
 - 2.4. If it is determined by a majority vote of the Board that a willful violation of security has occurred, for a first occurrence, a motion to write a letter of censure marked "Personal and Confidential" is required to be discussed and agreed upon by a majority of trustees present at an in-camera meeting of the Board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.

- 2.5. For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of trustees present at such a meeting. In addition, at a public meeting of the Board, a motion to remove the trustee from one (1) or more Board appointments may be presented.

All Other Breaches of the Code of Conduct

1. A trustee who believes that a fellow trustee has violated the Code of Conduct for matters other than respecting confidentiality may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
2. A trustee who wishes to commence an official complaint 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 any of the code 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.
3. 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 hearing.
4. 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 be heard at a hearing. Any trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon, the complaint at a hearing convened to hear the matter, solely for having issued such a letter.
5. Where no letter supporting a hearing is forthcoming, 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.
6. Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 4 above, the Board Chair shall convene, as soon as is reasonable a special meeting of the Board within 15 calendar days to allow the complaining trustee to present his or her views of the alleged violation of the Code of Conduct.

7. At the special meeting of the Board, the Board Chair shall indicate in the notification commencement of the meeting, the nature of the business to be transacted and that the complaint shall be addressed as a formal hearing conducted within an in-camera session of the special meeting.
8. 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 sequence of the hearing shall be:
 - 8.1.1. The complaining trustee shall provide a presentation which may be written or oral or both;
 - 8.1.2. The respondent trustee shall provide a presentation which may be written or oral or both;
 - 8.1.3. The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
 - 8.1.4. The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
 - 8.1.5. The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 8.1.6. The complaining trustee shall be given the opportunity to make final comments; and
 - 8.1.7. The respondent trustee shall be given the opportunity to make final comments.
 - 8.2. 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.
 - 8.3. 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 hearing to a later date.
 - 8.4. In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the hearing may take place until the meeting is reconvened.
 - 8.5. The remaining trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent trustee.

- 8.6. The presiding Chair shall reconvene the parties to the hearing and request a motion to revert to the open meeting in order to pass the resolution.
- 8.7. All documentation that is related to the hearing shall be returned to the Superintendent or designate immediately upon conclusion of the hearing and shall be retained in accordance with legal requirements.
- 8.8. The presiding Chair shall declare the special Board meeting adjourned.
9. A violation of a section or sections of the Code of Conduct other than matters of confidentiality shall result in:
 - 9.1. The Board Chair writing a letter of censure marked “Personal and Confidential” to the trustee in question. This occurs only after having such action discussed and agreed upon by a majority vote of trustees present at an in-camera meeting of the Board. A majority of trustees at a public meeting of the Board shall immediately approve this decision.
 - 9.2. For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of trustees present at such a meeting. In addition, at a public meeting of the Board, a motion to remove the trustee from one (1) or more Board appointments may be presented.

Conflict of Interest

1. 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 85, 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.
 - 1.1. Determining whether the trustee is qualified to remain as a trustee; or
 - 1.2. Declaring the trustee to be disqualified from remaining as a trustee.

General

1. Depending on the significance of the violation, the Board by majority resolution may omit steps in the process defined above or take alternate action if deemed more appropriate.
2. The Board may, in its discretion, make public its finding 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 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.

3. The Board, in its sole discretion, may record the in-camera session by electronic means. Where recording will take place, the complaining trustee and respondent trustee shall be advised by the presiding chair at the commencement of the meeting or hearing.
4. All documentation, including any recording by electronic meaning, that is related to the hearing shall be returned to the superintendent or designate immediately upon conclusion of the hearing and shall be retained in accordance with legal requirements.

Legal Reference: Section 67(1), 85-95 *Education Act*

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