

# ROLLING RIVER SCHOOL DIVISION POLICY

## Trustee Code of Ethical Conduct

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Under the authority of *The Public Schools Act*, Section 35, the Board of Trustees has established the following Code of Conduct.

The position of school trustee is one of responsibility and trust, and individuals holding that position must conduct themselves, accordingly, fulfilling their responsibilities and obligations as elected public officials in a fashion that inspires confidence and trust in the integrity, objectivity, and impartiality of the school board.

A trustee Code of Conduct is an agreement between the board as a whole and individual board members that identifies the standards of behavior expected from trustees. The Board of Trustees of the Rolling River School Division expects individual trustees to adhere to the highest ethical standards in their dealings with the collective board, divisional staff, school communities and the public. Therefore, the board accepts the following principles and will:

- ☐ abide by the provisions of all federal, provincial and local legislation, including but not limited to human rights statutes, and *The Public Schools Act*, as well as school division by-laws and policies.
- ☐ recognize that the school board's authority rests with the corporate body, not with individual trustees, and therefore will speak or act on behalf of the school board only if they have been authorized to do so.
- ☐ make every effort and prioritize attendance of all regular and special meetings of the board and those committees on which they serve, and if unable to do so, advise the designated individuals of their pending absence.
- ☐ review meeting agendas and other relevant information prior to board and committee meetings and arrive at such meetings informed and prepared to contribute to the open and honest discussion about matters before the board or committee.
- ☐ work in a spirit of harmony and cooperation encouraging full and open discussions in all matters and not withhold or conceal any information needed to make responsible decisions.
- ☐ listen respectfully and with an open mind to the full range of opinions on each matter before them. Make their decisions based on the merits of these varying opinions, on available information and in the best interest of the welfare of students.
- ☐ treat board colleagues, divisional and school staff, students and community members in a respectful and courteous manner, and refrain from using abusive or denigrating language in any dealings with them.
- ☐ abide by and respect majority decisions of the board. Uphold the implementation of all board resolutions. Trustees will be free to repeat opinions that were given in open board meetings.
- ☐ understand that their position may make them privy to confidential information about individuals including students or staff, or financial or other sensitive matters, and will keep any such information confidential and not use it for either personal gain or to the detriment of

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- ☐ the board. Trustees will abstain from discussing the confidential business of the board outside of a board or committee meeting or after retiring from trusteeship.
- ☐ refrain from expressing opinions and/or sharing information through social media that would discredit, undermine, or compromise the integrity of the board.
- ☐ notwithstanding limits outlined in the *Public Schools Act Section 39.3(5)*, refrain from accepting a gift from any person or entity that has dealings with the board if it could be perceived that the gift could influence the trustee when performing his or her duties to the board. Exchanges of gifts and tokens shall be permitted in association with cultural ceremonies and customary traditions.
- ☐ refrain from using financial or other resources for personal use (e.g. information, equipment, supplies, transportation, training, staff time) outside normal division business unless authorized by the Chair.

### Process

The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice-Chair.

### Relationship Bias

It is recognized that trustees elected to serve Rolling River School Division are often involved with and have connections through community activities outside their school board responsibilities. Further to that, trustees may have immediate family, close associates and friends working for the school division.

Regardless, trustees are expected to place the public interest first in carrying out their school board duties. Part of protecting the public interest involves avoiding or effectively resolving relationship bias situations where personal interests influence or may appear to influence, the performance of their duties and responsibilities.

#### 1. Definition

Immediate family member is that which is commonly understood in legal terms.

A relationship bias exists:

- when a trustee's personal interests, or those of immediate family members, close personal associates, financial or otherwise, interfere with or compromise the trustee's ability to act or make unbiased decisions in the best interests of the school division. Such relationship bias may be real or perceived.
- when a trustee is involved in staffing and student issues involving immediate family, business associates or close friend (i.e., contracting for services, hiring, promotions, evaluations, disciplinary actions)
- when an immediate family member or close friend belongs to a union with which the board is involved in contract talks or negotiations

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### 2. Disclosure

- A trustee must openly disclose a real or perceived relationship bias as soon as the issue arises and before the board or its committees deal with the matter.
- Where uncertain about whether or not the issue constitutes a relationship bias, the trustee may consult with the board Chair for advice and guidance.
- Where any trustee is aware of a real or perceived conflict of interest not declared by any other trustee, he/she has a responsibility to raise the issue for clarification with the individual, and if unresolved, then with the board
- Full disclosure does not remove or eliminate a relationship bias.

### 3. Decision-Making Process

- Where relationship bias is in question, the board by vote shall make a final determination.
- The trustee so affected may be present and participate during the discussion of the issue but will not vote upon it. The trustee shall not attempt to intimidate or manipulate fellow trustees with regard to the vote.
- If a relationship bias is declared a trustee will recuse themselves from any voting related to the matter. The recusal shall be recorded in the meeting minutes.

### Elections

While actively campaigning for election, use of any Division-owned resources:

- May not be used other than to carry out Division related business.
- Use of Division trademarks and logos are not permitted in campaign material.
- Use of trustee divisional email accounts are not permitted in campaign correspondence or advertising.

### External Organizations

While carrying out business of the board, a trustee's interests are first and foremost that of the division. In order to ensure that this primary responsibility is not compromised, nor their impartiality drawn into question:

- school trustees are strongly discouraged from serving as a member of any organization (whether school or community based) that may have, from time to time, cause to make a request of the school board.

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- when an organization which includes among its membership a school trustee, official or otherwise, the board will not receive the trustee as part of the organization's delegation or when making a formal presentation.
- when an organization which includes among its membership a school trustee, makes a request of a school board, the member trustee shall recuse themselves from any discussions or vote on the matter involving that organization.

### Enforcement of the Code of Conduct

#### 1. Identifying a Breach of the Code

- A trustee, employee or member of the public who has reasonable grounds to believe that a Trustee of the Board has breached the board's Code of Conduct may bring the alleged breach to the attention of the board. This is done through the Chair of the Board.
- Any allegation of a breach of the Code must be brought to the attention of the Chair no later than five (5) weeks after the breach comes to the knowledge of the person reporting the breach. An inquiry into a breach of the Code will not be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.
- It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the board, the first purpose of alerting a trustee to a breach of the Code is to assist the trustee in understanding his/her obligations under the Code.

#### 2. Process

- The Board Chair on his/her own initiative, or at the request of a trustee (without the necessity of providing a formal written complaint) may review the complaint and may, along with a designate, meet informally, with the trustee who is alleged to have breached the Code, to discuss the breach. The purpose of the meeting is to bring the allegation to the attention of the trustee and to discuss remedial measures to correct the offending behaviour.
- Notes of any informal meetings may include those names of those present, the name of the person alleged to have breached the Code and reference to the section being discussed.
- The remedial measures may include, for example, a warning that a continuation of the behaviour may bring sanctions, an apology, disallowing the person to stand for the position of Chair or Vice-Chair of the board or a committee of the board and/or the

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requirement of the trustee to engage in the successful completion of professional development training. Any agreed upon remedial measures must include a timeframe.

- If there is a cost to an agreed upon remedial measure, such as PD, it will be borne by the division.
- If the board and the trustee alleged to have breached this Code cannot agree on a remedy, or if the agreed upon remedy is not carried out in an agreed upon timeframe, then a further complaint, by the board, will be brought against the trustee alleged to have breached this Code and that complaint will be dealt with through sanctions provided in *The Public Schools Act*.
- A trustee, employee or member of the public who has reasonable grounds to believe that a trustee of the board has breached the board's Code of Conduct may verbally bring the breach to the attention of the board by providing to the Chair:
  - the name of the trustee who is alleged to have breached the Code;
  - the alleged breach or breaches of the Code;
  - when the alleged breach occurred;
  - information as to when the alleged breach came to the attention of the complainant;
  - the grounds for the belief of the complainant that a breach of the Code has occurred; and
  - the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
- The Chair shall share with all trustees an oral report of the complaint within thirty (30) days of receiving it. The complaint, any response to the complaint and any investigation of the complaint shall be confidential until it is before the board for a decision on sanctions.

### 3. Refusal to Conduct Inquiry

- If the Board is of the opinion that the breach is out of time, trivial, frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for a breach, it shall be recorded in the minutes stating the date, section of the code discussed and the reason for not moving forward. If the person bringing the allegation forward is not present at the meeting, the Chair shall communicate the board's decision not to move forward to the complainant.

### 4. Steps of Inquiry

- Any inquiries into a breach will be conducted confidentially. If the inquiry includes written statements, the person making the statement should be informed that it may be subject to release through FIPPA or litigation.

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- The trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations in a private meeting with the person(s) bringing it to their attention or those undertaking the inquiry. The trustee may also respond in writing but should be informed that any written reports or statements may be subject to FIPPA or litigation.
- If the accused trustee refuses to participate in the inquiry, the inquiry will continue in his/her absence.
- If the Chair or Code of Conduct Committee discover that the matter is being investigated by police, that a charge has been laid, or is being dealt with in accordance with a procedure established under another Act, the inquiry shall be suspended, and this shall be reported to the board and the complainant.

### 5. Decision

- An oral report containing the recommendations of the Chair or Code of Conduct Committee shall be made to the board, and a decision by the board as to whether or not the Code of Conduct has been breached and the sanction, if any, shall be made as soon as practical after receipt of the report.
- The trustee who is alleged to have breached the Code of Conduct may be present and can participate in deliberations but will not attempt to intimidate or manipulate other trustees or the committee either at a meeting or outside a meeting.
- The trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach nor a resolution to sanction. The trustee who brought the complaint to the attention of the board may vote on those resolutions.
- A vote on a sanction must be carried out at a public board meeting. The resolution shall be recorded in the minutes and include the trustee's name, the sanction and a reference to the point of the Code that was breached.
- The resolution on policy sanctions or for public censure shall be decided by a majority vote the total number of trustees allotted for the division. A resolution on a sanction to bar or suspend a trustee in accordance with the Public Schools Act subsection 35.2(1) shall be decided by 2/3 (two-thirds) of the trustees allotted to the division.
- Deliberations may be held in camera. In accordance with subsection 35.2(2) of the Public Schools Act, the motion may be debated at a board meeting that is closed to the public but must be voted on in public.

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### 6. Sanctions

- If the board determines that the trustee has breached the board's Code of Conduct, the board will take action. The board may choose to impose policy sanctions outlined above, or may impose one or more of the sanctions in subsection 35.2(1) of *The Public Schools Act*
- The board has no power to declare the trustee's seat vacant if they are barred or suspended.
- A trustee who is barred from attending all or part of a meeting of the board or a meeting of a committee of the board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.
- The imposition of a sanction barring a trustee from attending all or part of a meeting of the board shall be deemed to be authorization for the trustee to be absent from the meeting.

### 7. Appeal to Adjudicator

- In accordance with the process in Section 35.3 of the Public Schools Act, a trustee may appeal a sanction to a single adjudicator appointed by the minister.
- In accordance with the Public Schools Act Trustee Code of Conduct Appeal Regulation, the final determination of the Adjudicator will be provided to both parties.

### Pecuniary Conflicts of Interest

The provisions of Sections 36 – 39 of *The Public Schools Act*, shall govern the board.

### Index

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