
POLICY 8251

TRUSTEES' CODE OF CONDUCT

Drafted:

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Frequency

of Review: Within 6 months of the Inaugural Board Meeting and every two years

1.0 RATIONALE

- 1.1 Trustees are elected to their position, which carries with it the understanding that the electorate determines its support for the effectiveness of a Trustee at election time. As elected members of the Board of Education, Trustees fully acknowledge the public trust that is invested in the Board and the responsibility.
- 1.2 This Trustees' Code of Conduct represents the commitment of the Board of Trustees to meeting the highest standards of conduct and is designed to provide trustees with principles and standards for expected behavior in accordance with the Board's mission, vision and values and priorities outlined in the multi-year strategic plan.

2.0 DEFINITIONS

- 2.1 Conflict of Interest: a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
- 2.2 Fiduciary Duty: A fiduciary (the Trustee) is someone who has undertaken to act for and on behalf of another (the District) in a particular matter in circumstances which give rise to a relationship of trust and confidence. In such a relationship, good conscience requires the fiduciary to act at all times for the sole benefit and interest of the one who trusts (the District).

3.0 POLICY

3.0 AUTHORITY AND RESPONSIBILITY

3.0.1. Trustees will:

3.0.1.1. Carry out their responsibilities as detailed in [Policy 8250 – Role of the Trustee](#).

3.0.1.2. Abide by the policies and bylaws of the Board, all applicable legislation and regulations, in particular the School Act, and the Oath of Office.

3.0.1.3. Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to their employer, advocacy or interest groups, and membership on other boards. Protect and uphold the integrity of the District and Board.

3.0.2. Board members actively debate the merits of every decision, but once a decision has been made, all members recognize the democratic majority when articulating their opinions on a decision.

3.0.3. A Board of Education's authority and responsibility rest solely within the corporate board. Trustees have no individual authority.

3.0.4. Creating understanding and building respectful relationships between board members is instrumental to fostering healthy debate and ensuring an effective decision-making process.

3.0.5. Trustees will constructively engage with community members in the establishment and interpretation of Board policies, bylaws and directions to ensure the best possible outcomes for students.

- 3.0.6 Trustees are individually responsible for the content of their comments, posts and “likes” on social media and must ensure that their use of social media is consistent with the Trustees’ Code of Conduct.
- 3.0.7 Trustees will respect the authority vested in the role of Superintendent of Schools by definition in the School Act, and give the responsibility to manage and operationalize Board policies, bylaws and directions to the Superintendent of Schools and their leadership team.
- 3.0.8 This Code operates as a supplement to the existing statutes governing the conduct of Trustees in all their roles. The following primary provincial and federal legislation govern the conduct of Trustees:
- School Act
 - Trustee’s Oath of Office
 - Freedom of Information and Protection of Privacy Act
 - Human Rights Code
- 3.0.9 If there is uncertainty about the scope of any of the clauses contained in the Code, Trustees may consult with the Chair, Superintendent or Secretary-Treasurer, or ask the Board for clarification. A Trustee may request guidance from other Trustees, the Superintendent and the Secretary-Treasurer in regard to conflict of interest matters.
- 3.0.10 Trustees shall ensure comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Trustees.

3.1 CONFIDENTIALITY

- 3.1.1 Trustees must maintain confidentiality in regard to in camera issues.
- 3.1.2 No trustee shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board. This is a continuous obligation that extends beyond the trustees’ term of office.
- 3.1.3 Trustees should not access or attempt to gain access to confidential information in the custody or control of the Board unless it is necessary for the performance of their duties. No Trustee shall use confidential information for personal gain.
- 3.1.4 If there is uncertainty about whether information is confidential, the trustee should consult with the Chair of the Board, Superintendent or Secretary-Treasurer, or ask the Board for clarification.

3.2. CONFLICT OF INTEREST

- 3.2.1 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other trustee shall speak on behalf of the Board unless expressly authorized by the Chair or the Board to do so. When individual trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.
- 3.2.2 Trustees are required to adhere to all Board bylaws, policies, regulations, and procedures and Ministry directives regarding gifts, benefits and hospitality. Trustees shall not accept a gift from any person or entity that has dealings with the Board, if a reasonable person might conclude that the gift could influence the Trustee in performance of their duties.
- 3.2.3 There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to official trustee business.
- 3.2.4 Trustees shall avoid being placed in a position of conflict of interest. When a Trustee becomes aware that they are in a position that creates a conflict of interest, whether real or perceived, they must declare the nature and extent of the conflict at a Board meeting and abstain from deliberating or voting on the issue giving rise to the conflict.
- 3.2.5 No trustee may obtain personal financial gain from the use or sale of Board- developed intellectual property such as, but not limited to inventions, creative writings and drawings, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Board.
- 3.2.6 No trustee shall undertake individual campaign-related activities on Board property, unless organized by community organizations for all candidates’ participation.

- 3.2.7 No trustee shall use the influence of their office for any purpose other than for the exercise of their official duties. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a trustee to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.

3.3 WORKING RELATIONSHIPS

- 3.3.1 No trustee shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.
- 3.3.2 Trustees shall be respectful of the role of staff members to provide advice based on political neutrality and objectivity and without undue influence from any individual Trustee.
- 3.3.3 Individual Trustees shall not provide direction to staff members. Trustees work with the Chair of the Board and the Superintendent. The Superintendent is responsible for communication directions and associated expectations to staff on behalf of the Board of Education.
- 3.3.4 Trustees recognize that only the Board and not individual Trustees, may assess the Superintendent's performance.

3.4 CORRECTIVE MEASURES

- 3.4.1 Trustees are required to conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct. The failure by Trustees to conduct themselves in compliance with this policy may result in the Board instituting corrective measures. Misconduct and breaches of the Code of Conduct may affect the Board's ability to offer an educational program and the ability to support safe and inclusive schools and workplaces. The Board, in dealing with misconduct or breaches of the Code of Conduct, will work to resolve issues early and with measures that are commensurate with the underlying factual context. The Board may decide it is appropriate to use an informal resolution process, such as mediation, prior to a formal process, such as an investigation.
- 3.4.2 If the severity of the circumstances warrant, or informal measures do not result in changed behaviour, the Board may determine that a formal investigation is warranted. Any investigation and/or hearing will follow the principles of natural justice.
- 3.4.3 If proactive measures do not result in changed behaviour, corrective measures may be imposed and may include, but are not limited to:
- Writing a letter of apology;
 - Participating in a restorative process;
 - Participating in specific professional development, training or coaching as directed by the Board;
 - Being subject to a motion of censure passed by a majority of the voting trustees at a closed (i.e. in-camera) board meeting; or
 - Being removed from one, some, or all board committees or other appointments by a majority of voting trustees at an in-camera board meeting.
- 3.4.4 Where the Board decides to censure or alter the assignments of a trustee, the Board will consider what information about the decision will be reported to the public. Report details will be limited as necessary to protect the identity of individuals making a complaint or providing information, and to protect confidential information not already in the public domain.
- 3.4.5 It is important to note that, except as expressly permitted by the School Act, a board's authority does not extend so far as to effectively remove a trustee from their elected office. The imposition of a disciplinary measure barring a trustee from attending all, or part of, a board meeting shall be deemed to be authorization for the trustee to be absent from the meeting, and therefore not in violation of the School Act regarding absences from meetings.

4.0 RESPONSIBILITIES

- 4.1 **The Board of Education** is responsible to ensure compliance with the *School Act* and abide by the policies and bylaws of the Board, all applicable legislation and regulations, in particular the *School Act*, and the Oath of Office.
- 4.2 **The Board of Education** is responsible to ensure compliance with the *Freedom of Information and Protection of Privacy Act*.
- 4.3 **The Board of Education** is responsible to ensure compliance with the *BC Human Rights Code*.
- 4.4 **The Board of Education** is responsible to ensure compliance with the *Workers Compensation Act*.

5.0 REFERENCES

Nil