

POLICY 1.3 CODE OF CONDUCT

This policy establishes standards of conduct for Trustees of the Board of Education of School District No.50 (Haida Gwaii) (the “Board”). As a member of the Board, democratically elected Trustees are expected serve the Board with integrity and, operate in an ethical, respectful and professional manner. Trustees shall not take any action that would compromise the Board or its decisions.

Trustees shall exercise their powers and responsibilities as a matter of public trust, and only when the Board is officially in session. Trustees shall conduct themselves respectfully in group and individual settings, including on social media.

Trustees will annually indicate their commitment to this Code of Conduct.

Trustees will:

- Help create school settings that meet the individual social, emotional and learning needs of all children.
- Advocate for high quality, free, public education for all students residing within the district.
- Treat others with dignity and comply with the letter and spirit of the British Columbia Human Rights Code and the Canadian Charter of Rights and Freedoms.
- Devote necessary time, thought and effort to their duties.
- Work with fellow Trustees in the spirit of harmony and co-operation.
- Maintain civility and respect, and refrain from criticizing the Board, trustees, or Board employees.
- Recognize that authority over the organization is vested in the Board as a whole and individual Trustees have no legal authority outside the meetings of the Board, unless the Board has so delegated.
- Base decisions upon all available facts in each situation.
- Vote with integrity in every case and not be swayed by partisan bias of any kind; and thereafter, abide by and respect the decision of the Board.



- Recognize their fiduciary responsibility so that Board funds are expended in the best interest of students.
- Recognize that the primary function of the Board is governance and the establishment of policy.
- Preserve the confidentiality of the Board and School District's business, including individual statements and opinions expressed during closed sessions.
- Promptly declare a conflict of interest in accordance with Board policy and the provisions of the *School Act*.

Addressing Breaches of the Trustee Code and Conduct

Trustees shall conduct themselves in an ethical and prudent manner, and in compliance with this Code of Conduct (the “Code”). Failure to comply with the Code may result in the Board instituting sanctions against the Trustee.

The Trustee discipline processes must not be used for frivolous, vexatious, or bad faith reasons, or as a response to legitimate disagreements that have been expressed in a manner consistent with this Code.

When possible, Trustees are encouraged to resolve an alleged breach of the Code through the Informal Complaint Process, prior to commencing a formal complaint under the Code.

1. Conduct constituting breach of the Code of Conduct

- 1.1. It is not possible to exhaustively specify conduct that constitutes a breach of this Code. The following are provided as examples of a breach of this Code:
 - 1.1.1. Where a Trustee violates the law, or advocates for the violation of a law;
 - 1.1.2. Where a Trustee's conduct is a violation of expected standards of parliamentary decorum, is uncivil, or is otherwise disruptive of the meetings of the Board;
 - 1.1.3. Where a Trustee breaches the confidence of the Board;
 - 1.1.4. Where a Trustee's breaches the Human Rights Code;
 - 1.1.5. Where a Trustee's conduct is a breach of a Board policy;



- 1.1.6. Where a Trustee fails to disclose a conflict of interest or acts while in conflict;
- 1.1.7. Where a Trustee harasses or otherwise engages in misconduct with school district staff, students or parents;
- 1.1.8. Where a Trustee uses social media contrary to the standards set out in this Code of Conduct;
- 1.1.9. Where a Trustee makes a personal attack on the integrity or conduct of other Trustees' or staff members'; or otherwise defames other Trustees or staff members. It is recognized that submitting a good faith complaint under this Complaints process which is not a breach of this Code;
- 1.1.10. Where the Trustee's conduct exposes the Board to liability or potential liability;
- 1.1.11. Where the Trustee's conduct is otherwise a breach of this Code.

2. Informal Complaint Process

- 2.1. The Informal Complaint Process may only be utilized to deal with allegations of relatively minor breaches of the Code; or breaches committed inadvertently or, due to an error of judgment made in good faith.
- 2.2. Serious and/or reoccurring breaches of the Code shall be investigated through the Formal Complaint Procedure.
- 2.3. A Trustee, Superintendent, or Secretary Treasurer may utilize the informal complaint process when they have reasonable grounds to believe that a Trustee has breached the Code.
 - 2.3.1. The Trustee, Superintendent or Secretary Treasurer, may engage in a private conversation with the Trustee in breach and remind them of their obligations under the Code.
- 2.4. Failing resolution through private conversation, the matter may be escalated to the Board Chair, Vice Chair or designate in order to resolve the concern. If the concern is with the Board Chair, it may be raised with the Vice Chair.
- 2.5. The Chair, and at the Chair's option the Chair and a Trustee, may attempt to resolve the matter to the satisfaction of all persons involved.
- 2.6. Depending on the nature of the concern and the manner in which it has come to light, informal measures may not be appropriate.
- 2.7. If resolution through the Informal Complaint Process is not possible or unsuccessful, the Formal Complaint Process, outlined below, will be followed.



3. Formal Complaint Process

- 3.1. A Trustee, Superintendent, or Secretary Treasurer may bring an alleged breach of the Code (“Complaint”) to the attention of the Chair or designate when they have reasonable grounds to believe that a Trustee has breached the Code. The person bringing the Complaint shall be referred to as the Complainant and the Trustee(s) against whom a Complaint is made shall be referred to as the Respondent(s).
- 3.2. Where an allegation is made against the Chair, all other references to the Chair in this Policy shall be deemed to read as “Vice Chair”. Where allegations are made against the Chair and Vice Chair, the Board will determine the appropriate individual to perform the role of the Chair under this Code.
- 3.3. Absent exceptional circumstances, an allegation of a breach of the Code must be brought to the attention of the Chair within 30 days after the alleged breach comes to the knowledge of the Complainant reporting the breach.
- 3.4. The Complaint shall be in writing, signed by the Complainant advancing it, and shall contain:
 - 3.4.1. the name of the Respondent Trustee;
 - 3.4.2. the alleged breach or breaches of the Code;
 - 3.4.3. information as to when the alleged breach came to the Complainant's attention;
 - 3.4.4. the details of the alleged breach of the Code, including readily available documents or records supporting the alleged breach; and
 - 3.4.5. the names and contact information of any witnesses or any other persons who may have relevant information regarding the alleged breach.
- 3.5. A Complainant may withdraw the Complaint, but if, in the opinion of the Chair, the interest of the Board so requires, the Chair may proceed with the consideration of the Complaint in accordance with this Policy, notwithstanding the withdrawal.

4. Notification of Trustees

- 4.1. A copy of the Complaint will be forwarded to all Trustees, including the Respondent Trustee, within seven (7) days of the Chair receiving it.
- 4.2. The Chair will seek legal guidance regarding the matter.
- 4.3. 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.



5. Decision not to proceed on Complaint

- 5.1. If the Chair is of the opinion that the Complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds to proceed, the Chair shall prepare a confidential report to all Trustees stating their opinion and its rationale. The Trustees, excluding the Respondent Trustee, shall determine by resolution whether, or not, to continue proceedings with respect to the Complaint.

6. Investigation

- 6.1. The Chair will consider legal guidance regarding the appointment of an external investigator to investigate the circumstances of the alleged breach and report to the Board.
- 6.2. It is recognized that not all allegations of breach require the appointment of an external investigator, If an external investigator is appointed, the external investigator shall determine their own procedure.
- 6.3. The Respondent Trustee shall be provided a fair opportunity to respond to the Complaint by the external investigator.
- 6.4. The investigation report shall be provided to the Board including the Respondent Trustee with third party information redacted in accordance with the *Freedom of Information and Protection of Privacy Act*.

7. Procedural Fairness

- 7.1. The Chair, or Presiding Officer as the case may be, shall exercise their powers in a fair and impartial manner during a meeting regarding a Complaint.
- 7.2. The Respondent Trustee shall be provided with all materials to be considered at the meeting in advance of the meeting and shall be provided an opportunity to respond to the Complaint and to the range of sanctions that may be considered by the Board.

8. Rules of Order

- 8.1. Except as otherwise provided in this Code, the Chair or Presiding Officer shall follow the rules of order adopted by the Board regarding Trustee discipline meetings; or any special rules adopted for the conduct of Trustee discipline meetings.



9. Processes may be amended

- 9.1. If, in the opinion of the Board, the circumstances of a particular Complaint so require, the Board may amend these processes, but in no case shall the Respondent Trustee be denied procedural fairness.

10. Meeting Procedures

- 10.1. All meetings in respect of Trustee discipline will be conducted in-camera.
- 10.2. The Secretary Treasurer is responsible to facilitate the Board's process and make any administrative arrangements for the Board's consideration of a Complaint against the Respondent Trustee.
- 10.3. The Complainant and the Respondent Trustee may make representations to the Board in respect of the Complaint.
- 10.4. A Complaint may be considered on the basis of written representations, oral representations or a combination of both, as determined by the Board.
- 10.5. Where an external investigation has occurred, the investigator's report shall be placed before the Board. The Secretary Treasurer will make arrangements to provide relevant documents to the Board and the Respondent Trustee.
- 10.6. The Respondent Trustee may be represented by counsel or another representative, at their own expense, unless the Board determines otherwise, provided that counsel or representative agrees to maintain the confidentiality of the proceedings. The Board may have counsel to assist the Board with matters of procedure, law, and in respect of its deliberations.
- 10.7. Witnesses will not be called and cross examination will not be permitted at any meeting concerning a Complaint. The Complainant and Respondent Trustee may be asked questions of clarification by the other Trustees in respect of their written and oral representations.
- 10.8. The Board will endeavor to address a Complaint within 90 days of its receipt by the Chair. Consideration of a Complaint may, be deferred by the Board if the matter is subject to investigation by the police or to proceedings under any applicable legislation.

11. Board Deliberations and Decision

- 11.1. The Board shall deliberate upon the Complaint once it has received submissions by the Complainant, Respondent Trustee, and other information in accordance with this Code.
- 11.2. The deliberations of the Board shall be held in-camera.



- 11.3. The Respondent Trustee and the Complainant, where the Complainant is a Trustee, shall not participate in the deliberations or voting with respect to the Complaint.
- 11.4. The Board shall reach a decision regarding whether a breach of the Code occurred, what that breach was, and what, if any, sanction should be imposed on the Respondent Trustee.

12. Sanctions

- 12.1. No sanction shall be imposed, if the Board determines that:
 - 12.1.1. there has been no breach of the Code; or
 - 12.1.2. the Trustee took all reasonable measures to prevent a breach of the Code; or
 - 12.1.3. the breach was trivial; or
 - 12.1.4. the breach was committed through inadvertence or an error of judgment made in good faith.
- 12.2. Where a sanction is to be imposed, the Board will determine, by resolution, the appropriate level of sanctions after the Respondent is provided with an opportunity to make submissions concerning the appropriateness of proposed sanctions.
- 12.3. Sanctions for a violation of the Code should be imposed in a remedial and restorative manner and should reflect the seriousness of the breach.
- 12.4. Sanctions against the Trustee in breach may include:
 - 12.4.1. writing a letter of apology;
 - 12.4.2. participating in a restorative justice process;
 - 12.4.3. participating in specific training, coaching or counselling as directed by the Board;
 - 12.4.4. receiving a letter of censure from the Board Chair marked "personal and confidential";
 - 12.4.5. removal from some or all Board committees, or other appointments of the Board, for a period of time as determined by the Board;
 - 12.4.6. other sanctions that the Board considers appropriate in the circumstances.
- 12.5. A Trustee who is barred from attending all or part of a meeting or meetings of the Board, or a meeting or meetings of a committee of the Board, is not entitled to receive any materials which relate to that meeting or that part of the meeting which is not available to members of the public.
- 12.6. A Trustee may not be permanently removed from office, whether directly or indirectly, as part of the sanctions imposed.



- 12.7. The Board may, in its discretion, make public the Complaint and any outcomes(s) of the Complaint.
- 12.8. Personal privacy of any affected third party will be protected in accordance with the Freedom of Information and Protection of Privacy Act.

13. Powers of Presiding Officer Preserved

- 13.1. Nothing in this Policy prevents the Board from exercising its power pursuant to section 70 of the *School Act* to expel or exclude from a meeting any Trustee who engages in improper conduct.

14. Appeal of Decision

- 14.1. Trustees who have been sanctioned by the Board under this Code can appeal those decisions through the legal system, at their own expense.