

Section 2- Avoidance of personal advantage and conflict of interest

- 2.1 No Trustee shall 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 when performing his or her duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event.
- 2.2 A Trustee shall not use his or her office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.
- 2.3 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

Section 3 -Compliance with Legislation

- 3.1 A Trustee of the Board shall discharge his or her duties in accordance with the *Education Act* and any regulations, directives or guidelines thereunder and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation.
- 3.2 Every Trustee of the Board shall uphold the letter and spirit of this Code of Conduct.
- 3.2 Every Trustee shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Director of Education and the Chair of the Board.

Section 4 - Civil Behaviour

- 4.1 No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Board.
- 4.2 A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.
- 4.3 When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and the public.
- 4.4 Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.
- 4.5 All Trustees of the Board shall endeavor to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

- a. The Trustee will determine if the proper communication protocol has been followed and shall not offer any evaluative comments or solutions to the matter.
- b. The Trustee shall confirm that the complaint will be referred to the Director of Education or his/her delegate who will look into the matter and shall respond directly.
- c. The Trustee shall inform the Director of Education or designate of the complaint, and request that it be handled.

ACKNOWLEDGEMENT AND UNDERTAKING

I confirm that I have read, understand and agree to abide by the Board's Code of Conduct.

DATE:

SIGNATURE:

Please Print Name:

APPENDIX A - ENFORCEMENT OF CODE OF CONDUCT

Section 1 - Identifying a Breach of the Code

- 1.1 A Trustee 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.
- 1.2 Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.
- 1.3 Any allegation of a breach of the Code of Conduct shall be investigated following the *Informal* or *Formal* Complaint Procedures below.
- 1.4 It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the Informal Complaint Procedure. 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. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the *Formal Complaint Procedure*.

Section 2 Application to Chair/Presiding Officer

- 2.1 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 of the Board.
- 2.2 Each year two alternate Trustees shall be chosen by the Board to be used when the circumstance warrants that one or both Trustees are needed in place of the Chair and/or Vice- Chair of the Board to carry out any of the duties required under this Code of Conduct and Enforcement. In no circumstance shall the Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.
- 2.3 Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or committee of the Board from exercising their power pursuant to s. 207(3) of the *Education Act to expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting*. For greater certainty, this may be done at the sole discretion of the Chair or Presiding Officer, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from

- (iv) the grounds for the belief by the Trustee that a breach of the Code has occurred; and
- (v) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

Except as provided below, if a written complaint is filed with the Chair of the Board then a formal inquiry shall be undertaken, unless the complainant Subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.

- 4.2 In an election year for Trustees, a code of conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.
- 4.3 The Chair of the Board shall provide to all Trustees of the Board a confidential copy of the complaint within ten (10) days of receiving it. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code.

Section 5 - Refusal to Conduct Formal Inquiry

- 5.1 If the Chair and Vice-Chair of the are 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 for a formal inquiry, a formal inquiry shall not be conducted and a confidential report stating the reasons for not doing so shall be provided to all Trustees of the Board.
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another Act has been finally disposed of. This shall be reported to the rest of the Board of Trustees.

Section 8 - Decision

- 8.1 The final report shall be delivered to the Board of Trustees, and a decision by the Board of Trustees as to whether or not the Code of Conduct has been breached and the sanction, if any, for the breach shall be made as soon as practical after receipt of the final report by the Board.
- 8.2 Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.
- 8.3 If the Board of Trustees determine that there has been no breach of the Code of Conduct or that a contravention occurred, although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.
- 8.4 The determination of a breach of the Code of Conduct and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting. The reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees of the Board present and voting.
- 8.5 Despite s. 207 (1) of the *Education Act*, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) being:
- (a) the security of the property of the board;
 - (b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
 - (c) the acquisition or disposal of a school site;
 - (d) decisions in respect of negotiations with employees of the board; or
 - (e) litigation affecting the board.
- 8.6g the board.

- (b) the notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least fourteen (14) days after the notice is received by the Trustee; and
- (c) consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.

- 10.2 If the Board revokes a determination, any sanction imposed by the Board is revoked.
- 10.3 If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary or revoke the sanction.
- 10.4 If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.
- 10.5 The Board decisions to confirm or revoke a determination or confirm, vary or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to confirm, vary or revoke a sanction. The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The Trustee who brought the complaint may vote.
- 10.6 The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.
- 10.7 If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.