	<p>John McGivney Children's Centre School Authority Governance – Procedure</p>	<p>PR 1001</p>
	<p>Trustee Code of Conduct</p>	

Purpose

1. To establish acceptable and respectful norms of behavior for Trustees that recognize the public trust and responsibility the collective body carries.
2. To clarify the rules of civil engagement, promote high standards of practice and provide a framework of professional conduct, responsibilities and enforcement of the Code of Conduct.
3. To ensure support confidence in public education and respect for the integrity of Trustees in the community.
4. To ensure compliance with Ministry expectations.

Definitions


Conflict of Interest: The use or attempted use of ones position to directly or indirectly benefit himself/herself or his/her family or friends.

Self-dealing: The conduct of a Trustee that consists of taking advantage of his/her position in a transaction and acting in his/her own interests rather than for the interests of the School Authority.

Expectations

Integrity and Dignity of Office

- Trustees of the board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the board.
- Trustees of the board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
- Trustees, as leaders of the board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending board events, or while on board property.
- Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to board staff or fellow board members.
- Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

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2. Avoidance of personal advantage and conflict of interest


- 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.
- 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.
- No trustee shall use his or her office to obtain employment with the board for the trustee or a family member.

3. Compliance with Legislation

- 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.
- Every trustee of the board shall uphold the letter and spirit of this Code of Conduct.
- Every trustee shall respect and understand the roles and duties of the individual trustees, board of trustees, the school principal and the chair of the board.

4. Civil Behaviour

- 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.
- 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.
- When expressing individual views, trustees shall respect the differing points of view of other trustees of the board, staff, students and the public.
- Trustees shall at all times act with decorum and shall be respectful of other trustees of the board, staff, students and the public.

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- All trustees of the board shall endeavour to work with other trustees of the board and staff of the board in a spirit of respect, openness, courtesy, and co-operation.

5. Respect for Confidentiality

- Every trustee shall keep confidential any information disclosed or discussed at a meeting of the board or committee of the board, or part of a meeting of the board or committee of the board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the board to do so.
- No trustee shall use confidential information for either personal gain or to the detriment of the board.
- Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a trustee becomes aware of because of his or her position, except when required by law or authorized by the board to do so.

6. Upholding decisions

- All trustees of the board shall accept that authority rests with the board, and that a trustee has no individual authority other than that delegated by the board.
- Each trustee shall uphold the implementation of any board resolution after it is passed by the board (s. 218.1(e) of the *Education Act*). A proper motion for reconsideration or rescission, if permitted by the board's Rules of Order, can be brought by a trustee.
- A trustee should be able to explain the rationale for a resolution passed by the board. A trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- Each trustee shall comply with board policies, procedures, By-Laws, and Rules of Order.
- 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 of the board or 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.

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Enforcement of the Code of Conduct

The enforcement provisions relating to a trustee Code of Conduct are set out in the *Education Act* [s.218.3]. A trustee who has reasonable grounds to believe that another trustee, who is a member of his or her board, has breached the board's Code of Conduct may bring the alleged breach to the attention of the board of trustees.

If the board of trustees determines that a trustee has breached the board's Code of Conduct, the board of trustees may impose one or more of the following sanctions:

- Censure
- Bar the trustee from attending all or part of a meeting of the board, or a meeting of a committee of the board, or
- Bar the trustee from sitting on one or more committees of the board, for the period of time specified by the board.

The *Education Act* requires that if an alleged breach of the Code of Conduct is brought to the attention of the board, then the board shall make inquiries into the matter and determine whether a member has breached the board's Code of Conduct. The inquiry must be conducted in a manner that ensures procedural fairness.


The following steps shall be considered:

Identifying a Breach of the Code

An allegation of a breach of the Code of Conduct must be brought forward to the chair of the board no later than six weeks after it becomes known to the trustee reporting the breach. (If the chair is the subject of the allegation, it would be reported to the vice-chair.) It shall be investigated following the Informal or Formal Complaint Procedure. Whenever possible, the Informal Complaint Procedure should be used.

Informal Complaint Procedure

The chair may meet informally with the trustee who is alleged to have breached the Code to bring the allegation to the trustee's attention and to discuss measures to correct the offending behaviour, e.g., an apology or a commitment to successfully complete professional development. The Informal Complaint

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Procedure is conducted in private. If it cannot be resolved informally, a formal complaint can then be brought against the trustee.

Formal Complaint Procedure


The allegation of a breach of the Code of Conduct must be a written signed complaint brought to the attention of the board. It must include the name of the trustee alleged to have breached the Code, information on when the breach became known, grounds for believing a breach to have occurred, contact information for any witnesses or people who have relevant information about the alleged breach. Once a written complaint is received, it must be investigated unless the complainant withdraws it. The chair shall provide all trustees with a confidential copy of the complaint within ten days of receiving it. Information related to the complaint remains confidential until it comes before the board for a decision as to whether a trustee has breached the Code. There are restrictions on bringing forward a complaint in the period leading up to an election.

Refusal to Conduct Formal Inquiry

If the chair and vice-chair consider the complaint out of time, trivial, frivolous, vexatious or not in good faith, or that there are insufficient grounds for a formal inquiry, an informal inquiry will not take place and the trustees of the board will receive a confidential report on the reasons for not pursuing an inquiry. However, if the chair and vice-chair cannot agree, a formal inquiry will take place. If the alleged breach deals with non-compliance with a board policy which has its own complaint procedure, it will be dealt with under that specific procedure.

Steps of a Formal Inquiry

The formal inquiry is undertaken by the chair and vice-chair (or committee or outside consultant or other body determined by the board). The *Statutory Powers Procedure Act* does not apply. The inquiry is governed by procedural fairness and is conducted in private. It may involve both written and oral statements. The trustee alleged to have breached the Code of Conduct has an opportunity to respond to the allegations verbally in a private inquiry meeting and in writing. This written response must be provided within ten days of receiving written allegations. This deadline may be extended by the investigators. If the trustee refuses to participate in the formal inquiry, it will continue in his/her absence. The final investigation report is provided to the whole board of trustees who then determine whether or not the Code has been breached as alleged. If the chair and vice-chair conduct the formal inquiry and cannot agree on the final finding of facts, it shall be completed by an outside investigator.

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Suspension of Formal Inquiry

A formal inquiry will be suspended if it is found that the subject matter is being investigated by the police, a charge has been laid, or the matter is being dealt with under another Act. The suspension continues until the separate process has been disposed of. The suspension shall be reported to the board of trustees.

Decision


The final report shall be delivered to the board of trustees to make a decision on whether or not the Code has been breached and any sanction to be imposed. This will take place as soon as practical. In voting on a decision, trustees will only consider the findings in the final report. If the board of trustees determines there was no breach, or that a contravention was trivial or made through inadvertence, or an error was made in good faith, no sanction will be imposed.

The decision of a breach of Code of Conduct and the imposition of a sanction must be done by resolution of the board at a meeting of the board. Both resolutions shall be decided by a vote of at least 2/3 of the trustees of the board present and voting. The vote on the resolution shall be open to the public and resolutions and reasons for the decision shall be recorded in the minutes. The part of the meeting where an alleged breach is considered can, however, be closed to the public if it involves matters covered in s. 207(2) (a) to (e) of the *Education Act* (i.e., security of property, personal or financial information of an individual, acquisition/disposal of school sites, decisions on employee negotiations, litigation.) The trustee who brought the allegations may vote. The trustee who is alleged to have breached the Code may be present during deliberations but shall not participate in those deliberations and shall not vote on the resolutions. The trustee shall not influence the vote on the decision regarding the breach or sanction after the final report is completed, except as permitted under provisions for *Reconsideration* (see below).

Sanctions

Permissible sanctions include one or more of:

- (a) censure of the trustee;
- (b) barring the trustee from attending all or part of a meeting of the board or of a committee of the board;
- (c) barring the trustee from sitting on one or more committees of the board for a specified period of time.

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More onerous sanctions cannot be imposed but a less onerous sanction such as a warning or a requirement to engage in professional development may be imposed. The board cannot declare the trustee's seat vacant. A trustee who is barred from a meeting is not entitled to receive any materials related to the meeting that are not available to the public. Barring a trustee from a meeting is deemed to be authorization for the trustee to be absent and not a violation of the provision regarding absences in the *Education Act*.


Reconsideration

The board, after it has determined that a trustee has breached the Code of Conduct, will notify the trustee, within 14 days, of the determination, reasons for the decision, any sanction imposed, and inform the trustee of the right to make a written submission in respect of this. The board shall consider any submissions and confirm or revoke its decision(s) within another fourteen days after receiving the submissions.

If the determination is revoked, the sanction is revoked. If the determination is confirmed, the sanction may be confirmed, varied or revoked. If a sanction is varied or revoked, that decision will be deemed to be effective as of the date of the original determination. The decision must be made as a resolution of the board and the vote will be open to the public. The minutes will record the resolutions and reasons for the decision. The trustee alleged to have breached the Code cannot participate in the deliberations or vote on the decision. The trustee who brought the complaint may vote. The original sanction may be stayed pending the reconsideration process.

Annual Review and Acknowledgement

Trustees will review and individually sign off on this document acknowledging that they have read, understood and agree to abide by the Trustee Code of Conduct and the Enforcement Procedures.

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Applicable Documents

Document/ Form Nbr.	Title
1001 Trustee Code of Conduct Policy	Trustee Code of Conduct Policy
Mission & Vision	JMCCSA Mission and Vision Statement
Education Act	Ministry of Education, Education Act Part VI, 207.2, 218.1, 218.2, 218.3
PPM No.128	Ministry of Education PPM No. 128, The Provincial Code of Conduct and School Board Codes of Conduct (Oct. 17, 2018)
Bill 177, (2009)	Bill 177, The Student Achievement and School Board Governance Act, 2009
Good Governance	Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities, p.28 and p.39
Appendix A	Trustee Code of Conduct Procedure Sign-Off

PROCEDURE: GOVERNANCE: PR1001

EFFECTIVE: November 22, 2018

AMENDED:

REPEALED:

REVIEW DATE: 2023-2024

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