

Policy 4 TRUSTEE CODE OF CONDUCT

Purpose of Application

Section 33 of the *Education Act* requires every Board of Trustees in Alberta to adopt a code of conduct that applies to trustees of the board. The purpose of this Code of Conduct is to provide standards for the conduct of members of The Board of Trustees of East Central Alberta Catholic Separate School Division (the Board) relating to their roles and obligations and a procedure for the investigation and enforcement of those standards. This Code of Conduct applies to all Trustees of the Board, including the Chair (Members). This Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between the Board and Administration, as well as externally, with The East Central Alberta Catholic Separate School Division (the School Division) students and parents, the public at large, other orders of government and the media.

Framework and Interpretation

This Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the Board and the high standards of professional conduct the public expects of its elected representatives. This Code of Conduct is intended to supplement other legal duties imposed on Members by Board bylaw and policy and legislation, including:

- a) the *Alberta Human Rights Act*;
- b) the *Education Act*;
- c) the *Freedom of Information and Protection of Privacy Act*;
- d) the *Local Authorities Election Act*; and
- e) the *Occupational Health and Safety Act*.

This Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code.

Principles and Values

1. Members shall honour the high responsibility which this membership demands by thinking in terms of the presence of Christ in all matters;
2. The member should be responsible to the community by ensuring that Catholic values and principles are reflected at all times in the Board's policies and practices.
3. Members are expected to perform their duties and functions of office with integrity, accountability and transparency.
4. Members have a duty to act honestly, in good faith, and in best interests of the School Division.
5. Members shall:
 - a. uphold the law established by the Federal Parliament and the Alberta Legislature and the bylaws and policies adopted by the Board;
 - b. carry out their duties in accordance with all applicable legislation, bylaws and policies

pertaining to their position as a trustee;

- c. observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- d. serve and been seen to serve the interests of the School Division and their constituents in a conscientious and diligent manner and shall approach decision-making with an open mind.

Confidential Information

- 6. The Board as a whole must be able to access information in order to fulfill its decision-making duties and oversight responsibilities; however, individual Members must also recognize that certain information they receive in their capacity as trustees is subject to confidentiality and disclosure rules contained in legislation and the Board's bylaws and policies. Members must keep in confidence matters discussed in private at a Board or Board committee meeting.
- 7. In the course of their duties, Members may become privy to confidential information received outside of an "in-camera" meeting. Members must not:
 - a. disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by the Board;
 - b. access or attempt to gain access to confidential information in the custody or control of the School Division unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by the Board, and only then if the information is acquired through appropriate channels in accordance with applicable Board bylaws and policies;
 - c. use confidential information for personal benefit or for the benefit of any other individual or organization.

Conflicts of Interest

- 8. Members are expected to make decisions in the best interest of the School Division. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise. Members have a statutory duty to comply with pecuniary interest provisions set out in Part 4, Division 5 of the *Education Act*.
- 9. No Member shall, in the exercise of an official power, duty or function, give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
- 10. No Member shall initiate, endorse, support or otherwise participate in any proceeding being brought against the Board or the School Division.

Improper Use of Influence

- 11. No Member shall use the influence of their office for any purpose other than for the exercise of the Member's official duties.
- 12. No Member shall act as an agent before the Board or a committee of the Board or any other body established by the Board.

Conduct at Meetings

13. Members shall conduct themselves with decorum and make every effort to participate diligently in the meetings of the Board, committees of the Board and other bodies to which they are appointed by the Board.
14. Members shall comply with Board policies and procedures governing the conduct of meetings of the Board, and any other rules of meeting procedure applicable to the body to which they have been appointed by the Board.
15. Members shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.
16. Members shall conduct and convey the Board's business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in a closed session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
17. No Member shall record any proceedings of the Board without the express prior permission of the Board.

Respect for Decision Making Process

18. Decision-making authority lies with the Board, and not with any individual Member. The Board acts by bylaw or resolution passed at a Board meeting held in public at which there is a quorum present, pursuant to section 64 of the *Education Act*.
19. A Member must not purport to bind the Board, either by publicly expressing their personal views on behalf of the Board when not authorized to do so or by giving direction to staff, agents, contractors, consultants or other service providers of the School Division or prospective vendors.
20. Members shall accurately communicate the decisions of the Board, even if they disagree with the Board's decision, such that respect for the decision-making processes of the Board is fostered.

External Communications

21. A Member must not purport to speak on behalf of the Board unless authorized to do so. Unless the Board directs otherwise, the Chair is the Board's official spokesperson and in the absence of the Chair it is the Vice Chair.
22. A Member who is authorized to act as the Board's official spokesperson must ensure that their comments accurately reflect the official position and will of the Board as a whole, even if the Member disagrees with the Board's position.
23. No Member shall make a statement when they know that the statement is false.
24. No Member shall make a statement with the intent to mislead the Board or members of the public.

Use of Social Media

25. For the purpose of this Code of Conduct, "social media" refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

26. As public figures and representatives of the Board, Members must act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality.
27. No Member shall attempt to disguise or mislead as to their identity or status as a trustee when using social media.
28. No Member shall use social media to publish anything that is dishonest, untrue, offensive, constitutes harassment, or is defamatory or misleading in any way.
29. Member use of social media shall be consistent with record management practices governing Members namely with respect to record retention, destruction, storage and production in response to an access to information request.

Discrimination and Harassment

30. Members have a duty to treat members of the public, one another and staff with dignity and respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
31. No Member shall use indecent, abusive, or insulting works or expressions toward any other Member, any staff member or any member of the public.
32. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Conduct Respecting Administration

33. The Board is the source of all governance authority and will make decisions on whether and to what extent to delegate the Board's authority to others, including the Chair, Board committees and to the Superintendent. Under the direction of the Superintendent, staff in Administration serves the Board as a whole. No individual Member has executive authority over the Superintendent or staff in Administration.
34. Members shall respect the fact that staff work for the School Division as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of the Board and administering the policies and programs of the Board, and that staff are required to do so without undue influence from any Member or group of Members.
35. Members must not:
 - a. involve themselves in matters of Administration, which fall within the jurisdiction of the Superintendent;
 - b. 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 in that staff member's duties; or
 - c. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff members.

36. Members shall obtain information about the operation or administration of the School Division from the Superintendent or a person designated by the Superintendent. Members are to only contact staff according to the procedures authorized by the Superintendent regarding the interaction of Members and staff.

Use of School Division Property and Resources

37. Members shall use School Division property, equipment, services, supplies and staff time only for the performance of their duties as a Member, subject to the following limited exceptions:

- a. board property, equipment, service, supplies and staff time that is available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
- b. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the School Division to a Member, may be used by the Member for personal use, subject to the terms and conditions described below.

38. Electronic communication devices provided by the School Division are the property of the School Division, and shall, at all times, be treated as the School Division's property. Members are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:

- a. all emails or messages sent or received on School Division devices are subject to the *Freedom of Information and Protection of Privacy Act*;
- b. all files stored on School Division devices, all use of internal email and all use of the Internet through the School Division's firewall may be inspected, traced or logged by the School Division;
- c. in the event of a complaint pursuant to this Code of Conduct, the Board may require that any or all of the electronic communication devices provided by the School Division to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or internet connections may be retrieved.

39. No Member shall use any School Division property, equipment, services or supplies, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.

40. Upon ceasing to hold office, a Member shall immediately deliver to the School Division any money, book, paper, thing or other property of the School Division that is in the Member's possession or under the Member's control including, without restriction, any record created or obtained by virtue of the Member's office other than a personal record or constituency record as those terms are used in the *Freedom of Information and Protection of Privacy Act*.

Expenses

41. Members shall comply with the provisions of all Board policies and related procedures and guidelines with respect to claims for remuneration and expenses, including but not limited to, claims for per diems, mileage, travel, meals, lodging, event tickets, hosting and attendance at conferences, conventions, seminars, training courses and workshops.

42. Falsifying of claims, including receipts or signatures, by a Member is a serious breach of this Code of Conduct and the Criminal code of Canada and could lead to prosecution.

Gifts and Benefits

43. Members are expected to represent the public and the interests of the School Division and to do so with both impartiality and objectivity. The acceptance of a gift or benefit can imply favoritism, bias or influence on the part of the Member. At times, the acceptance of a gift or benefit occurs as part of the social protocol or community events linked to the duties of a Member and their role in representing the Board. Personal integrity and sound business practices require that relationships with vendors, contractors or others doing business with the School Division be such that no Member is perceived as showing favoritism or bias toward the giver.

44. Members shall not accept gifts or benefits that would, to a reasonable member of the public, appear to be in gratitude of influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For those purposes, a gift or benefit provided with the Member's knowledge to a Member's spouse, child, or parent that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.

45. For further clarity, the following are recognized as acceptable gifts or benefits:

- a. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$100.00;
- b. a political contribution otherwise reported by law;
- c. a suitable memento of a function honouring the Member;
- d. food, lodging, transportation, event tickets or entertainment provide by provincial, or local governments, by the Federal government or by a foreign government within a foreign county, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity on behalf of the Board;
- e. Food and beverages consumed at banquets, receptions, or similar events, if:
 - i. attendance serves a legitimate purpose;
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitations infrequent;

46. Gifts received by a Member on behalf of the Board as a matter of official protocol which have significance or historical value for the School Division shall be left with the School Division when the Member ceases to hold office.

47. An invitation to attend a function where the invitation is directly or indirectly connected with the Member's duties of office is not considered to be a gift but is the fulfillment of an official function or duty. An invitation to attend a charity golf tournament or fund-raising gala, provided the Member is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting

invitations to professional sports events, concerts or dinners may serve a legitimate business purpose.

48. Any doubts about the property of a gift or benefit should be resolved in favour of not accepting it or not keeping it.

Election-Related Activity

49. Members are required to follow the provisions of the *Local Authorities Election Act* and are accountable under the provisions of that statute. Members should not make inquiries of, or rely on, staff to interpret or provide advice to Members regarding the requirements placed on candidates for the office of trustee. Members shall be respectful of the role of the Secretary in managing the election process and must not interfere with how the Secretary's election duties are carried out.

50. Members shall not use Board resources, including property, equipment, services, supplies and staff time, for any election-related activities, whether local, provincial or federal. Online resources hosted, supplied or funded by the Board, including but not limited to Member electronic newsletters, Member websites linked through the Board's website and Member social media accounts used for ward communication shall not be used for any election campaign or campaign-related activities. No Members shall use the School Division logo for campaign purposes.

51. For greater clarity, a Member may accept the services of staff that may choose to volunteer with the Member's election campaign during non-work hours.

Compliance with this Code of Conduct

52. Members are ultimately accountable to the public through the four-year election process. Between elections, Members may become disqualified and required to resign if the Member commits a disqualifying action pursuant to section 87 of the *Education Act*.

53. Any reported violation of a provision of this Code of Conduct may be subject to investigation by the Board, or a third party investigator appointed by the Board.

54. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.

55. No Member shall:

- a. undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Board or to any other person in accordance with this Code of Conduct; or
- b. obstruct the Board, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

Remedial Action

56. Remedial action is intended to be corrective, serve as a deterrent, and follow the principle of progressive discipline. Prior to imposing any remedial action, the Board will take into consideration the nature and severity of the violation as well as whether the Member has previously violated this Code of Conduct.

57. If the Board determines it appropriate to do so, the Board may impose remedial action on a

Member who contravenes this Code of Conduct. Remedial actions that may be imposed on a Member by the Board include

- a. issuing a letter of reprimand addressed to the Member,
- b. requesting the Member to issue a letter of apology,
- c. publicly reprimanding the Member by motion of censure,
- d. publishing a letter of reprimand or request for apology and the Member's response,
- e. requiring the Member to attend training either at the expense of the Board or the Member,
- f. suspending or removing the Member from membership on a committee,
- g. suspending or removing the Member from chairing a committee,
- h. requiring the Member to reimburse monies received,
- i. reducing or suspending remuneration paid to the Member in respect of the Member's services,
- j. requiring the Member to return School Division property or reimburse its value,
- k. restricting the Member's access to School Division facilities, property, equipment, services and supplies.
- l. restricting the Member's contact with School Division staff,
- m. restricting the Member's travel and representation on behalf of the Board,
- n. restricting how documents are provided to the Member (e.g. no electronic copies, but only watermarked paper copies for tracking purposes),
- o. disqualifying the Member from the Board,

but nothing in this Code of Conduct requires the Board to impose a sanction for any contravention.

Policy 4 – Schedule A

COMPLAINTS

Informal Complaint Process

1. Any person who identifies or witnesses behavior or activity by a Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct is encouraged to attempt to address the prohibited behavior or activity informally, where appropriate, by:
 - a. advising the Member that the behavior or activity appears to contravene this Code of Conduct;
 - b. encouraging the Member to acknowledge and agree to stop the prohibited behavior or activity and to avoid future occurrences of the prohibited behavior or activity;
 - c. requesting the Chair to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Chair is the subject of, or is implicated in a complaint, request the assistance of the Vice Chair.
2. People are encouraged to pursue this informal complaint procedure as the first means of remedying behavior or activity that they believe violates this Code of Conduct. However, a person is not required to complete this informal complaint process prior to pursuing the formal complaint process outlined below.

Formal Complaint Process

3. Any person who identifies or witnesses behavior or activity by a Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct may file a formal complaint in accordance with the following conditions:
 - a. a complaint must be made in writing and include the complainant's name and contact information;
 - b. a complaint must be addressed to the Board, attention of the Board Chair. In the event that the Chair is the subject of, or is implicated in a complaint, the complaint shall be addressed to the attention of the Vice Chair;
 - c. a complaint must include the name of the Member(s) alleged to have contravened the Code of Conduct, the provision(s) of the Code of Conduct allegedly contravened and the facts surrounding the allegation, including the names of any witnesses.
4. Upon receipt of a formal complaint, the complaint shall be
 - a. served on the Member(s) whose conduct is in question, and
 - b. added as a confidential agenda item to the agenda of the next regular meeting of the Board or a special meeting of the Board called to consider the complaint.
5. Upon receipt of a formal complaint, the Board will meet, in closed session, excluding the Member(s) alleged to have contravened the Code of Conduct, and decide whether to proceed to investigate the complaint or not. If the Board is of the opinion that:

- a. a complaint is frivolous or vexatious or is not made in good faith,
- b. a complaint is outside the jurisdiction of the Board or is more appropriately dealt with by another applicable legislative appeal, complaint or court process, or
- c. there are no grounds or insufficient grounds for conducting an investigation,

The Board may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In such event, the complainant shall be advised of the Board's decision in writing, with reasons, and provided with information regarding other options to pursue the complaint, if applicable. The Member(s) alleged to have contravened the Code of Conduct will also be advised of the Board's decision in writing, with reasons.

6. If the Board decides to investigate the complaint, it shall take such steps as it may consider appropriate in the circumstances having regard for the specific nature of the complaint, which may include:

- a. establishing an ad hoc committee of the Board to investigate the complaint and report to the Board;
- b. retaining a third party investigator to investigate the complaint; or
- c. if the material facts are not in dispute or the alleged misconduct is admitted by the Member(s) whose conduct is in question, proceeding to make a determination on the validity of the complaint without further investigation.
- d. investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.
- e. prior to commencing an investigation, the complainant and the respondent Member(s) will be advised, in writing, of the investigation process.
- f. during an investigation, a complainant or witness may be asked to provide additional information. Staff may also be requested to provide information, and any person conducting an investigation under this Code of Conduct may look at any record or thing belonging to or used by the School Division, and enter any School Division facility for the purpose of completing the investigation.
- g. the Member(s) whose conduct is in question is entitled to disclosure of all relevant information gathered during an investigation and must be given an opportunity to respond to the complaint before the Board deliberates and disposes of the complaint. No investigation report shall be issued in relation to a complaint unless a Member whose conduct is in question has had reasonable notice of the basis for the proposed findings and conclusion as to whether or not a complaint is substantiated and an opportunity to respond on the proposed findings and conclusion.
- h. upon conclusion of the investigation, the Board will convene at a closed session of the Board, excluding the Member(s) alleged to have contravened the Code of Conduct, to consider the results of the investigation and dispose of the complaint.
- i. a Member who files a formal complaint under this Code of Conduct or against whom a

formal complaint is made shall not participate in conducting the investigation of the complaint.

- j. all complaints received under this Code of Conduct and all information and records received, reviewed or generated during the course of an investigation and disposition of a complaint, including interviews and investigation reports, are and shall remain strictly confidential, unless the Board directs otherwise.

Reference:
Policy 4 – The St. Paul School Division

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