



SECTION 5000: GOVERNANCE

REVISED POLICY 5010: TRUSTEE CODE OF ETHICS

- *Date Adopted: June 12, 2013*
 - *Date Reviewed: December 1, 2021*
 - *Date Revised: September 12, 2023*
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RATIONALE

The *School Act* states that the rights, powers, duties, and liabilities of the Board rest only with the legally constituted Board as a whole, and not with individual Trustees or its committees. As members of the Board, Trustees exercise their powers and responsibilities as a matter of public trust, and only when the Board is officially in session.

In order for the Board to operate successfully as an effective corporate entity, and be viewed as such in the eyes of the community members they serve, Trustees must demonstrate the highest standards of conduct, acting honestly, ethically, and with the best interests of the District in mind at all times. Quite simply, the conduct of Trustees must instill confidence and trust among the public, and not bring the District into disrepute. The Trustee Code of Ethics represents the commitment of the Board to meet this obligation, and is designed to provide Trustees with principles and standards for expected behaviour in accordance with the mission, vision, values and priorities outlined in its multi-year strategic plan.

Because of the value placed on the conduct of Trustees, the Trustee Code of Ethics shall be reviewed annually by all members of the Board in the month of September, with Trustees affirming their commitment to adhere to the stated expectations.

If an occasion arises where the behaviour of a Trustee is called into question, the Board has established procedures to receive information, investigate any allegation, and respond accordingly to the findings. Where a breach of the Code of Ethics is identified, the Board will apply sanctions that align with the severity of the violation.



TRUSTEE CODE OF ETHICS

To create the conditions necessary for effective Board operations, Trustees will:

1. Accept the legal authority of the Board is derived from the Province and will conduct themselves in accordance with the powers and duties outlined in the *School Act*, including the Regulations and Orders in Council, the Trustee Oath of Office, Ministerial Orders and Coast Mountains School District (CMSD) Governance By-laws, Policies and Regulations.
2. Regard the achievement and well-being of every learner as their primary obligation.
3. Maintain a district culture where all learners feel they belong and can reach their full potential. This includes a climate that embraces Indigenous culture and ways of knowing, is anti-racist, promotes equity and inclusion, and where diversity is celebrated.
4. Work with fellow Trustees in a spirit of harmony and cooperation, respecting differences of opinion, refraining from making discrediting comments about others, and recognizing their responsibility to do everything possible to maintain the integrity, confidence and dignity of the office of School Trustee.
5. Understand their responsibility as a member of the Board to anticipate, identify and address emerging educational needs and issues and advocate on behalf of all citizens of all communities served by the District for the benefit of all learners.
6. Be accountable to the Indigenous Nations on whose territories our schools operate through their personal commitment to Reconciliation and efforts to prioritize outcomes for their learners.
7. Be mindful of legislation, regulations and policies on conflict of interest, declaring any apparent conflicts of interest to the Board and refraining from discussion and voting on any matter in which they are in conflict. Reference CMSD82 Policy 5035: Trustee Conflict of Interest.
8. Recognize the authority of the Board as a corporate board, responsible for establishing policies by which public education is governed, and supporting all motions that have been passed the Board.
9. Respect the responsibilities of both the Board and the Office of the Superintendent as defined through legislation, directives and policies.
10. Maintain the confidentiality of information discussed at closed Board or Committee meetings and refrain from releasing privileged information in any format to the public until the Board has done so in an official capacity.



TRUSTEE CODE OF ETHICS (cont'd)

11. Demonstrate dedication to the preparation for and attendance as expected in all scheduled meetings and commitments of the Board, including training and on-boarding.
12. Maintain the integrity of the Board by following District communication and consultation processes, refraining from acting on behalf of the Board except as explicitly set forth in policy.
13. Commit to responsible digital citizenship, including the appropriate use of social media, and to minimizing the risks associated with the use of electronic communications systems.
14. Acknowledge the expenditure of funds is a public trust and endeavor them to be expended in the best interest of learners in a fiscally responsible manner.
15. Adhere to the British Columbia Human Rights Code, the Canadian Charter of Rights and Freedoms, and the *Canadian Human Rights Act* in refraining from discriminatory conduct on the basis of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age.

I acknowledge having read and understood the Trustee Code of Ethics.

Signed _____ Dated _____

APPENDIX A: VIOLATIONS TO THE TRUSTEE CODE OF ETHICS

The Trustee Code of Ethics requires each Trustee to commit to the highest ethical standards in their dealings with fellow Trustees, members of the school communities, and citizens of Coast Mountains School District. The Board expects each member to adhere to the Code of Ethics in carrying out their role as Trustee. The Board recognizes that violations of the Code of Ethics can vary in severity and therefore, informal or formal procedures may be utilized to address alleged breaches, as appropriate.

Only serious and/or recurring breaches of the code(s) will be handled by the following official complaint procedure. A breach or violation is defined as something spoken, written or actioned that violates CMSD documented Code of Ethics, Codes of Conduct, CMSD mission, vision, values, policies and legal requirements.



APPENDIX A: VIOLATIONS TO THE TRUSTEE CODE OF ETHICS *(cont'd)*

The informal procedure may be used for non-serious breaches or an offence(s). A non-serious breach is defined as relatively minor, or committed inadvertently or due to an error in judgement made in good faith.

Informal resolve will be done through a conciliation process between Trustee to Trustee and/or Administration leadership to Trustee. If resolution fails, the Board Chairperson or Vice Chairperson is consulted and it is determined if the Board Chairperson attempts to gain resolution or if the formal process is to be taken.

1.0 Procedures to Receive Alleged Code of Ethics Breaches

It is imperative to establish and maintain clear, consistent, and effective procedures in order to receive any allegation of breach of the Trustee Code of Ethics from complainants. Those procedures include:

- 1.1 Any alleged breach must be brought forward in writing to the Board Chairperson, designate or the Secretary Treasurer within 30 days of the alleged breach occurring. There may be exceptional circumstances which could allow an extension of this timeline. If an allegation is made against the Board Chairperson, the alleged breach shall be managed by the Secretary Treasurer. The written complaint must include:
 - the name of the Trustee who is alleged to have committed the breach;
 - the specific allegation(s);
 - information regarding when the breach came to the complainant's attention;
 - the complainant's grounds that a breach of the Code of Ethics has occurred;
 - the name and contact information of the complainant, as well as any witnesses to the matter, or any other persons who have relevant information regarding the alleged breach.
- 1.2 Once received, all Trustees, including the subject of the alleged complaint, must be provided with a copy of the complaint within seven (7) days of receiving it.

2.0 Complaint Resolution Options

It is imperative to establish and maintain clear, consistent, and effective procedures in order to respond to any allegation of breach of the Trustee Code of Ethics. Options to complaint resolution include:



2.0 Complaint Resolution Options *(cont'd)*

- 2.1 A recommendation by the Board Chairperson, or the Secretary Treasurer if the alleged breach is by the Chairperson, not to proceed with the complaint.
- 2.2 An agreement that an informal resolution is appropriate.
- 2.3 Undertaking an investigation process, conducted with procedural fairness, concluding with the preparation and presentation of a report of the investigation's findings in a timely manner in a closed (in camera) meeting for the board's consideration.
 - 2.3.1 Based on the results of the investigation, the Board (excluding the alleged offending Trustee) shall by motion decide whether the Trustee has breached the Code of Ethics and impose sanctions appropriate to the severity of the breach.
- 2.4 Undertake a Board Hearing process in a closed (in camera) meeting to determine by motion (excluding the allegedly offending Trustee) whether the Trustee has breached the Code of Ethics and impose sanctions appropriate to the severity of the breach. The hearing must provide a fair opportunity for all parties to be heard, but parties are not obligated to make submissions or respond to questions. The procedures of a Board Hearing are as follows:
 - 2.4.1 A quorum must be established for this meeting of the Board including Superintendent and Secretary Treasurer, and any Trustee conflicts must be declared. Minutes are to be taken by the Board's confidential Secretary, and legal counsel may be present at the discretion of the Trustee or the Board.
 - 2.4.2 If present, the complainant may provide a presentation which may be written, oral or both. Alternatively, the submitted written complaint is shared.
 - 2.4.3 The allegedly offending Trustee responds with a presentation to the Board which may be written, oral or both.
 - 2.4.4 The complainant, if present, and the Board Chairperson may reply to the respondent Trustee's presentation.
 - 2.4.5 The respondent Trustee may reply to the complainant's presentation and subsequent remarks.



2.0 Complaint Resolution Options *(cont'd)*

- 2.4.6 The remaining Board of Education Trustees may ask questions.
- 2.4.7 The complainant, if present, may make final comments.
- 2.4.8 The allegedly offending Trustee may make final comments.
- 2.4.9 The full Board, excluding the allegedly offending Trustee, engage in private deliberation. Should clarification or more information be required, this may be obtained from the parties or the hearing may recess or be adjourned until a later date.
- 2.4.10 Following deliberation, the Board Chairperson calls for a resolution to be placed before the Board. The resolution may indicate what action, if any, may be taken. A vote is conducted, requiring a two-thirds vote to pass.

3.0 Sanctions for Breach of Code of Ethics

Where the Board determines that a Trustee has breached the Code of Ethics, the Board may censure the Trustee or enforce specific sanctions.

- 3.1 Upon the Board determining that a Trustee has breached the Code of Ethics, sanctions shall be applied. Possible sanctions include but are not limited to:
 - 3.1.1 Offending Trustee write letter of apology.
 - 3.1.2 Offending Trustee participate in a restorative justice process.
 - 3.1.3 Offending Trustee participate in specific training, coaching or counselling as directed by the Board of Education.
 - 3.1.4 Board Chairperson write a censure letter marked "personal and confidential" to the offending Trustee, on the approval of a majority of the Voting Trustees at the closed meeting of the Board.
 - 3.1.5 Having a motion of censure passed by a majority of the Voting Trustees at the closed (in camera) meeting of the Board.



3.0 Sanctions for Breach of Code of Ethics *(cont'd)*

- 3.1.6 Having a motion to remove the offending Trustee from one, some or all Board committees or other appointments of the Board passed by a majority of the Voting Trustees at the closed meeting of the Board.
 - 3.17 The Board of Education may, in its discretion and by resolution of all voting Trustees, make public any outcome of the Official Complaint Process, if it is considered reasonable and appropriate to indicate publicly its disposition of the complaint.
 - 3.1.8 The Board may bar the Trustee from attending all or part of a meeting of Board or a committee of the Board. With this absence authorized by the Board, the Trustee shall not receive any materials that relate to the meeting that are not available to the public. This sanction is appropriate when the infraction includes the failure to maintain the necessary confidentiality of information.
- 3.2 Sanctions shall be applied as follows:
- 3.2.1 The Board shall give the Trustee written notice of the determination and any possible sanctions in a timely manner;
 - 3.2.2 The Board shall provide the Trustee with 14 days to provide a written response regarding the determination and/or sanctions;
 - 3.2.3 After considering the submission, the Board shall confirm or revoke the determination and/or sanctions within 14 days of receiving the written submission;
 - 3.2.4 If the determination is revoked, the sanctions are revoked; and
 - 3.2.5 If the determination is confirmed, the Board may confirm, vary or revoke the sanctions. Where a breach of the Trustee Code of Ethics has occurred, sanctions of a Trustee shall be undertaken by the Chair by writing a letter of censure to the Trustee in question. This action shall be reported at the next Regular Meeting of the Board.



3.0 Sanctions for Breach of Code of Ethics *(cont'd)*

- 3.3 For a second occurrence of a breach, a motion of censure shall be presented against the Trustee in question, at a Regular Meeting of the Board, unless to do so would require a disclosure of confidential information other than a previous letter of censure.
- 3.4 For a third and subsequent occurrence, a motion to remove the trustee in question from one, or more, or all Board appointments shall be presented at a Regular Meeting of the Board.

4.0 Appeals

Trustees who have been sanctioned or have had other measures imposed upon them by the Board of Education under this policy can appeal those decisions at their own expense through the legal system.