

## TRUSTEE CODE OF CONDUCT

### Background

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 (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 members of the Board of Trustees, including the Board Chair. This Code of Conduct is one aspect of accountability and transparency both internally, as among trustees and as between the Board and administration, as well as externally, with Division students and parents, the public at large, other orders of government and the media.

It is expected that all interactions related to the operations of the Board, and relationships will be characterized by mutual respect, which acknowledges the dignity and affirms the worth of each person.

Consequences for the failure of individual trustees to adhere to this Code of Conduct are specified below under the section Trustee Code of Conduct Sanctions.

### Guidelines

#### 1. Framework and Interpretation

- 1.1. 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.
- 1.2. This Code of Conduct is intended to supplement other legal duties and obligations imposed on trustees by Board bylaw and policy and legislation, including the:
  - 1.2.1. *Alberta Human Rights Act*;
  - 1.2.2. *Education Act*;
  - 1.2.3. *Board Procedures Regulation*;
  - 1.2.4. *Freedom of Information and Protection of Privacy Act*;
  - 1.2.5. *Local Authorities Election Act*; and
  - 1.2.6. *Occupational Health and Safety Act*.
- 1.3. 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, trustees are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code. The Board commits itself and its trustees to conduct which meets the highest ethical standards.

## **2. Principles and Values**

- 2.1. Trustees are expected to perform their duties and functions of office with integrity, accountability and transparency.
- 2.2. Trustees have a duty to act honestly, in good faith, and in the best interests of the Division.
- 2.3. Trustees must:
  - 2.3.1. uphold the law established by the Federal Parliament and the Alberta Legislature and the bylaws and policies adopted by the Board;
  - 2.3.2. carry out their duties in accordance with all applicable legislation, Board bylaws and policies, pertaining to their position as a trustee;
  - 2.3.3. 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
  - 2.3.4. serve and have been seen to serve the interests of the Division and their constituents in a conscientious and diligent manner and shall approach decision-making with an open mind.

## **3. Confidential Information**

- 3.1. The Board as a whole must be able to access information in order to fulfill its decision-making duties and oversight responsibilities; however, individual trustees 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. Trustees must keep in confidence matters discussed in private at a Board meeting or Board committee meeting.
- 3.2. In the course of their duties, trustees may also become privy to confidential information received outside of a private meeting. Trustees must not:
  - 3.2.1. 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;
  - 3.2.2. access or attempt to gain access to confidential information in the custody or control of the Division unless it is necessary for the performance of the trustee'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; and
  - 3.2.3. use confidential information for personal benefit or for the benefit of any other individual or organization.

## **4. Conflicts of Interest**

- 4.1. Trustees are directly responsible to the electorate of the Division and to the Board. Upon election to office trustees must accept a position of public trust and are

expected to conduct themselves in a manner which will enhance the trust accorded them, and through them, the trust accorded to the Board.

- 4.2. The Board expects that every trustee will:
- 4.2.1. be knowledgeable of Sections 85 – 96 of the *Education Act*;
  - 4.2.2. file a disclosure of information as required by Section 86 of the *Education Act*;
  - 4.2.3. accept sole responsibility for declaring a pecuniary interest or other conflict of interest and abstain and absent themselves from discussion or voting on the matter in question;
  - 4.2.4. 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;
  - 4.2.5. where a trustee has a loyalty to more than one board and when the actions of one board affect the operation of the other board, abstain from involvement in discussion and voting on the matter in question;
  - 4.2.6. refrain from, in the exercise of an official power, duty or function, giving preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest; and
  - 4.2.7. refrain from initiating, endorsing, supporting or otherwise participating in any proceeding being brought against the Board or the Division.

## 5. Improper Use of Influence

- 5.1. A trustee must not use the influence of their office for any purpose other than for the exercise of the trustee's official duties.
- 5.2. A trustee must not act as an agent to advocate on behalf of any individual, organization, or corporate entity before the Board, a committee of the Board or any other body established by the Board.

## 6. Conduct at Meetings

- 6.1. Trustees must 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.
- 6.2. Trustees must 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.
- 6.3. Trustees must 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.
- 6.4. Trustees must conduct and convey the Board's business and all their duties in an open and transparent manner other than for those matters which are authorized by the Board in accordance with section 64 of the *Education Act* to be dealt with in a confidential manner in a private meeting, 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.

- 6.5. No trustee shall record any audio or video proceedings of the Board or any committee of the Board without the express prior permission of the Board or the committee, as applicable.

## **7. External Communications**

- 7.1. The Board believes open, honest and consistent communication with stakeholders is important to accurately inform and increase awareness of public education.
- 7.2. A trustee 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 or acting Chair.
- 7.3. A trustee 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 trustee disagrees with the Board's position.
- 7.4. No trustee shall make a statement when they know that statement is false.
- 7.5. No trustee shall make a statement with the intent to mislead the Board or members of the public.

## **8. Use of Social Media**

- 8.1. As with any other activity, trustees must ensure that their use of social media complies with the law, the requirements of this Code of Conduct and any related Board bylaws or policies. This Code of Conduct applies to all communications a trustee makes, regardless of the social media account or device from which the communication is made.
- 8.2. For the purposes of section 31 of this Code of Conduct, "communications" means any information or data submitted by a trustee to a social media network or platform that is capable of being displayed using software or approved hardware such as text, images, videos, or links to other content and includes a trustee "liking", "retweeting", commenting on or sharing content created by other users of the social network or platform.

## **9. Discrimination and Harassment, as per Policy 19: Welcoming, Caring, Respectful and Safe Learning and Working Environments**

- 9.1. Trustees 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.
- 9.2. Trustees must refrain from using indecent, abusive, or insulting words or expressions toward any other trustee, any staff member or any member of the public.
- 9.3. Trustees must refrain from any conduct 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.

## 10. Conduct Respecting Administration

- 10.1. 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 Board Chair, Board committees and to the Superintendent. Under the direction of the Superintendent, staff in administration serves the Board as a whole. No individual trustee has executive authority over the Superintendent or staff in Administration.
- 10.2. Trustees must respect the fact that staff work for the Division as a corporate body 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 trustee or group of trustees.
- 10.3. Trustees must not:
  - 10.3.1. involve themselves in matters of administration, which fall within the jurisdiction of the Superintendent;
  - 10.3.2. 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
  - 10.3.3. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff members.
- 10.4. Trustees must obtain information about the operation or administration of the Division from the Superintendent or a person designated by the Superintendent. Trustees are to only contact staff according to the procedures authorized by the Superintendent regarding the interaction of trustees and staff.

## 11. Use of Division Property and Resources

- 11.1. Trustees may use Division property, equipment, services, supplies and staff time only for the performance of their duties as a trustee, subject to the following limited exceptions:
  - 11.1.1. board property, equipment, service, supplies and staff time that is available to the general public may be used by a trustee 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; and
  - 11.1.2. electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the Division to a trustee, may be used by the trustee for personal use, subject to the terms and conditions described below.
- 11.2. Electronic communication devices provided by the Division are the property of the Division, and must, at all times, be treated as the Division's property. Trustees are on notice that they are to have no expectation of privacy in the use of these devices and further that:
  - 11.2.1. all emails or messages sent or received on Division devices are subject to the *Freedom of Information and Protection of Privacy Act*;

- 11.2.2. all files stored on Division devices, all use of internal email and all use of the Internet through the Division's firewall may be inspected, traced or logged by the Division; and
- 11.2.3. 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 Division to trustees 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.
- 11.3. Trustees must refrain from using any Division property, equipment, services or supplies, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
- 11.4. Upon ceasing to hold office, a trustee must immediately return to the Division any property of the Division that is in the trustee's possession or under the trustee's control including, without restriction, any record created or obtained by virtue of the trustee'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*. Trustees may have the option to buy out equipment at the end of their term.

## **12. Gifts, Benefits and Hospitality**

- 12.1. Trustees are expected to represent the public and the interests of the Division and to do so with both impartiality and objectivity. The acceptance of a gift or benefit can imply favouritism, bias or influence on the part of the trustee. 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 trustee 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 Division be such that no trustee is perceived as showing favouritism or bias toward the giver.
- 12.2. Trustees must not accept gifts or benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a gift or benefit provided with the trustee's knowledge to a trustee's spouse, child, or parent that is connected directly or indirectly to the performance of the trustee's duties is deemed to be a gift to that trustee.
- 12.3. For further clarity, the following are recognized as acceptable gifts or benefits:
  - 12.3.1. 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 \$200;
  - 12.3.2. a political contribution otherwise reported by law;
  - 12.3.3. a suitable memento of a function honouring the trustee;
  - 12.3.4. food, lodging, transportation, event tickets or entertainment provided 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 trustee is either speaking or attending in an official capacity on behalf of the Board;

12.3.5. Food and beverages consumed at banquets, receptions, or similar events, if:

12.3.5.1. attendance serves a legitimate purpose;

12.3.5.2. the person extending the invitation or a representative of the organization is in attendance; and

12.3.5.3. the value is reasonable and the invitations infrequent.

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

12.5. An invitation to attend a function where the invitation is directly or indirectly connected with the trustee'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 trustee 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.

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

### **13. Election-Related Activity**

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

13.2. Trustees must 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 trustee electronic newsletters, and trustee social media accounts used for ward communication must not be used for any election campaign or campaign-related activities. A trustee must not use the Division logo for campaign purposes.

13.3. For greater clarity, a trustee shall not accept the services of Division staff who may choose to volunteer with the trustee's election campaign during non-work hours.

### **14. Compliance with this Code of Conduct**

14.1. Trustees are ultimately accountable to the public through the four-year election process. Between elections, trustees may become disqualified and required to

resign if the trustee commits a disqualifying action pursuant to section 87 of the *Education Act*.

- 14.2. 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.
- 14.3. Trustees are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.
- 14.4. A trustee must not:
  - 14.4.1. 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
  - 14.4.2. obstruct the Board, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

## **15. Remedial Action**

- 15.1. 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 breach as well as whether the trustee has previously breached this Code of Conduct.
- 15.2. If the Board determines it appropriate to do so, the Board may impose sanctions on a trustee who contravenes this Code of Conduct. Sanctions that may be imposed on a trustee by the Board include:
  - 15.2.1. issuing a letter of reprimand addressed to the trustee;
  - 15.2.2. requesting the trustee to issue a letter of apology;
  - 15.2.3. publicly reprimanding the trustee by motion of censure with or without conditions on how to purge the censure;
  - 15.2.4. publishing a letter of reprimand or request for apology and the trustee's response;
  - 15.2.5. requiring the trustee to attend training;
  - 15.2.6. suspending or removing the trustee from membership on a committee;
  - 15.2.7. suspending or removing the trustee from chairing a committee;
  - 15.2.8. requiring the trustee to reimburse monies received;
  - 15.2.9. reducing or suspending remuneration paid to the trustee in respect of the trustee's services;
  - 15.2.10. requiring the trustee to return Division property or reimburse its value;
  - 15.2.11. restricting the trustee's access to Division facilities, property, equipment, services and supplies;
  - 15.2.12. restricting the trustee's contact with Division staff;
  - 15.2.13. restricting the trustee's travel and representation on behalf of the Board;
  - 15.2.14. restricting how documents are provided to the trustee (e.g. no electronic copies, but only watermarked paper copies for tracking purposes); or
  - 15.2.15. disqualifying the trustee from the Board,



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

## **16. Informal Complaint Process**

- 16.1. Any person who identifies or witnesses behaviour or activity by a trustee that they reasonably believe, in good faith, is in contravention of this Code of Conduct is encouraged to attempt to address the prohibited behaviour or activity informally, where appropriate, by:
  - 16.1.1. advising the trustee that the behaviour or activity appears to contravene this Code of Conduct;
  - 16.1.2. encouraging the trustee to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity; and
  - 16.1.3. if addressing the trustee privately does not resolve the matter, requesting the Chair to assist in informal discussion of the alleged complaint with the trustee 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 or acting Chair.
- 16.2. People are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour 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.

## **17. Formal Complaint Process**

- 17.1. Any person who identifies or witnesses behaviour or activity by a trustee 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:
  - 17.1.1. a complaint must be made in writing and include the complainant's name and contact information;
  - 17.1.2. a complaint must be addressed to the Board, attention of the Chair. In the event that the Chair is the subject of, or is implicated in a complaint, the complaint must be addressed to the attention of the Vice Chair or acting Chair;
  - 17.1.3. a complaint must include the name of the trustee(s) alleged to have contravened this Code of Conduct, the specific provision(s) of this Code of Conduct allegedly contravened and the facts surrounding the allegation, including the names of any witnesses.
- 17.2. Upon receipt of a formal complaint, the complaint will be
  - 17.2.1. provided to the trustee(s) whose conduct is in question, and
  - 17.2.2. 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.
- 17.3. Upon receipt of a formal complaint, the Board will meet, in closed session during an in camera session of a Board meeting, excluding the trustee(s) alleged to have

contravened the Code of Conduct and the trustee(s) who filed the complaint, if that is the case, and decide whether to proceed to investigate the complaint or not.

17.4. Complaints that

17.4.1. are not about a current trustee, or

17.4.2. are covered by other applicable legislative appeal, complaint or court processes,

will be immediately dismissed and the complainant will be advised in writing, with reasons, and provided with information regarding other options, if applicable. The trustee(s) alleged to have contravened this Code of Conduct will also be advised in writing, with reasons.

17.5. If the Board is of the opinion that

17.5.1. a complaint is frivolous or vexatious or is not made in good faith, or

17.5.2. there are no grounds or insufficient grounds for conducting an investigation,

the Board may choose not to investigate or may dispose of the complaint in a summary manner. In such event, the complainant and the trustee(s) alleged to have contravened the Code of Conduct will be advised in writing, with reasons.

17.6. 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:

17.6.1. establishing an ad hoc committee of the Board to investigate the complaint and report to the Board;

17.6.2. retaining a third-party investigator to investigate the complaint; or

17.6.3. if the material facts are not in dispute or the alleged misconduct is admitted by the trustee(s) whose conduct is in question, proceeding to make a determination on the validity of the complaint and impose appropriate disciplinary or corrective action without further investigation.

17.7. Investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

17.8. Prior to commencing an investigation, the complainant and the respondent trustee(s) will be advised, in writing, of the investigation process.

17.9. During an investigation, a complainant or witness may be asked to provide additional information. Division 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 Division, and enter any Division facility for the purpose of completing the investigation.

17.10. The trustee(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 will be concluded or any investigation report issued in relation to a complaint, if applicable, unless a trustee 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 to the proposed findings and conclusion.

- 17.11. Upon conclusion of the investigation, the Board will convene at a closed in camera session of a meeting of the Board, excluding the trustee(s) alleged to have contravened the Code of Conduct and any trustee complainant(s), to consider the results of the investigation and dispose of the complaint. The complainant and the trustee(s) alleged to have contravened the Code of Conduct will be advised of the Board's disposition of the complaint, in writing, with reasons.
- 17.12. A trustee who files a formal complaint under this Code of Conduct or against whom a formal complaint is made must not participate in conducting the investigation of the complaint.
- 17.13. All formal 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 formal complaint, including interviews and investigation reports, are and must remain strictly confidential, unless the Board directs otherwise. Any unauthorized public disclosure related to a formal complaint by a trustee is deemed to be a violation of this Code of Conduct.

## References

Sections 33, 34, 51, 52, 53, 64, 67, 85, 86, 87, 88, 89, 90 *Education Act*

Last reviewed:	Last updated:
May 25, 2015	
Dec. 4, 2017	Jan. 25, 2018
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