

Trustee Code of Conduct

The Pembina Trails School Division Board has established a Trustee Code of Conduct as per Section 35 of *The Public Schools Act (PSA)*.

This code of conduct is an agreement between the Board and individual Trustees that identifies the standards of behavior and accountability expected from Trustees.

Trustee Responsibilities

The Board expects individual Trustees to adhere to the highest ethical standards in their dealings with the collective Board, divisional staff, school communities and the public.

Trustees are responsible to familiarize themselves with provisions for a *Trustee Code of Conduct* found in Section 35 of the PSA, associated regulations and any guidelines approved by the Board and are responsible to fulfill any requirements therein.

It is the responsibility of each Trustee to:

Act with Integrity and Dignity of Office

- Remember always that a Trustee's first responsibility is to the students, parents and guardians in our school system, our employees and the communities served by the Division.
- Perform their duties loyally, faithfully, impartially and in a manner that inspires public confidence in the abilities and integrity of the Board.
- Commit themselves to dignified, ethical, professional and lawful conduct.
- Recognize that the expenditure of school board funds is a public trust and endeavor to see that the funds are expended effectively and efficiently, in the best interests of the students.

Comply with Regulatory and Division Requirements

- Abide by the provisions of all federal, provincial and local legislation, including but not limited to the PSA and human rights statutes.
- Comply with all board by-laws, policies and operating procedures, as well as administrative procedures.

Authority

- Recognize that Board authority rests with the corporate body, not with individual Trustees.
- Accept the Chair as the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board.
- Accept that no Trustee speaks on behalf of the Board unless expressly authorized to do so by Board resolution.

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Uphold Decisions

- Uphold the implementation of any Board resolution after it is passed by the Board.
- Be prepared to explain the rationale for a resolution passed by the Board.
- Recognize that a proper motion for reversal of a resolution may be initiated by a Trustee as stated in Sections 33(2) and 33(3) of the Public Schools Act.

Respect Confidentiality

- Understand that Trustees may be privy to confidential information about individuals including students or staff, or financial or other sensitive matters, and will keep any such information confidential and not use it to the detriment of the Board, unless authorized by law or the Board.

Actively Participate and Make Informed Decisions

- Prioritize and accept responsibility to attend all regular and special meetings of the Board and those committees on which they serve, and if unable to do so, advise the Secretary-Treasurer by email or phone of their pending absence at least two hours before the start of the meeting.
 - Unexcused absences from regular and special meetings may result in removal from office, as stipulated in the PSA Section 39.8, or in the loss of a portion of the Trustee's annual indemnity, as stipulated by Board by-law.
- Review meeting agendas and other relevant information prior to board and committee meetings and arrive at such meetings informed and prepared to contribute to the open and honest discussion about matters before the Board or committee. Listen respectfully and with an open mind to the full range of opinions on each matter before them, and make their decisions based on the merits of these varying opinions.
- Make decisions based on the available facts and independent judgment, refusing to surrender that judgment to individuals or special interest groups.
- Inform themselves about current educational issues by individual study and through participation in continuing education programs.
- Adhere to expectations for conduct, attire and engagement during in-person meetings and when attending virtually.
- If attending virtually, utilize participation strategies including, keeping the camera on throughout the meeting (if bandwidth permits), active discussion and ensuring the environment they are joining from and their action are suitable for confidentiality and upholds the decorum of the board.

Behave Respectfully

- Engage in conduct during meetings of the Board or Committees of the Board, and at all other times in a manner that demonstrates the integrity of the Board.
- Treat Board colleagues, divisional and school staff, students and community members in a respectful and courteous manner, and refrain from using abusive or denigrating language in any dealings with them.
- Refrain from expressing opinions or sharing information through social media that would discredit, undermine or compromise the integrity of the Board.
- Trustees using social media accounts that identify them as a School Trustee of Pembina Trails School Division, are required to add the following statement, "The views or comments expressed on this site are my personal views and do not reflect those of the Pembina Trails School Board and Division."
- Refrain from initiating or participating in discussions of board business with other Trustees (whether in person or via electronic means) when such discussions should rightly take place at an official board meeting.
 - In some cases, the Board may engage in confidential discussions in camera as outlined in the PSA 30(4) and *By-Law No. 1 – Section XIII*.

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Relationship Bias

It is recognized that Trustees are often involved in community projects and activities as citizens of the community and may have family, relations, and friends working for the Division. It is also recognized that Trustees may have working situations that are interconnected with those of the Division. Regardless, Trustees are always expected to place the public interest first in carrying out their duties.

A relationship bias exists when personal or work interests of an individual Trustee or those of family members, business partners, or close personal associates, interfere with or compromise the Trustee's ability to act in the best interests of the Division and the constituents whom they serve. Such relationship bias may be real, potential or perceived.

Trustees are also considered to have a relationship bias in these circumstances:

- When they are involved in staffing and student issues involving dependents, business associates or personal friends, including but not limited to school programming, transportation, contracting for services, hiring, promotions, evaluations, or disciplinary actions.
- When they, their dependents, business partners or close personal associates may benefit professionally, either directly or indirectly, from the Trustee's position on the Board;
- When circumstances arise that compromise, or appear to compromise, independence and impartiality to make fair and unbiased decisions (i.e. employment or professional status, political affiliations, community affiliation that may conflict with Trustee responsibilities);
- When they appropriate divisional financial or other resources for personal use. (i.e. information, equipment, supplies); and

In this case, the following definition of a dependent found in Section 36(1) of the PSA applies:

- spouse or common-law partner of a Trustee, and
- any child, natural or adopted, of the Trustee who resides with the Trustee.

Relationship bias is distinct from conflict of interest created by pecuniary interests, as addressed in Sections 36 - 39 of the PSA. See *Policy BCB Conflict of Interest*.

Disclosure

A Trustee must openly disclose a real or perceived relationship bias as soon as the issue arises and before the Board or its committees deal with the matter. If uncertain whether the issue constitutes a relationship bias, the Trustee may consult with the Board Chair or the Secretary-Treasurer for advice and guidance.

Where any Trustee is aware of a real or perceived relationship bias not declared by any other Trustee, they have a responsibility to raise the issue of clarification with the individual, and if unresolved, then with the Board.

Whereas there is a dispute around bias, the board, by resolution shall make the determination.

The existence of relationship bias is not a breach of the Code if disclosed in accordance with this policy.

Gifts

- Trustees refrain from accepting a gift from any person or entity that has dealings with the Board if it could be perceived that the gift could influence the Trustee when performing their duties to the Board.
- Exchanges of gifts and tokens are permitted in association with cultural ceremonies and customary traditions.

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Use of Division Property

- Division property, including vehicles, equipment and material, are used primarily for carrying out division business.
- The Superintendent & CEO or Secretary-Treasurer may authorize the use of supplies or equipment if such use will assist a Trustee in their assigned work for the Division. If needed, a Trustee may regularly retain division-owned supplies or equipment in their possession.
- A written record of the authorization of the use of supplies or equipment is maintained indicating the time of release, the signature of the user, and the date on which the item is returned.
- Trustees are responsible for exercising all reasonable care to prevent abuse to, excessive wear of, or loss of division-owned equipment or material entrusted to their care.

Campaigning for Election

While actively campaigning for election, the following activities are prohibited:

- Use of division owned resources other than to carry out Board and/or Division sanctioned activities;
- Use of division trademarks and logos in campaign material; and
- Use of division email accounts in campaign correspondence or advertising.

Involvement with External Organizations

Trustees must be cognizant of potential or perceived conflict that exists when serving as members of any organization (whether school or community based) that may from time to time make a request of the Board. This includes but is not limited to Parent Advisory Councils (PACs), Recreation Commissions, Manitoba Rural Learning Consortium, sports leagues / clubs or other organizations with potential connections and like interests with the Division.

If a Trustee is a member, officiant or otherwise of any such organizations or any other organization that may have like interests to those of the Division:

- When an organization which includes among its membership a Trustee, official or otherwise, the Trustee may not appear as part of the organization's delegation or when making a formal presentation;
- When an organization which includes among its membership a Trustee, makes a request of the Board, the Trustee who is a member shall recuse themselves from any discussions or vote on the matter involving that organization; and
- The Trustee may remain in the meeting as an observer.

Review and Acknowledgement of the Code

Trustees review the Code annually at the inaugural meeting and immediately thereafter, each Trustee acknowledges in writing that they:

- Recently read this policy;
- Agree to comply with it; and
- Have complied with it over the past year, if in office.

Breaches of the Code

Chair/Presiding Officer

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 is modified to read the Vice-Chair.

The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board exercises their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

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Complaints

- Any Trustee or the Chair has the prerogative to identify and address a breach directly during a meeting of the Board. Addressing Code of Conduct issues directly between individuals involved is recommended.
- A Trustee, division employee or member of the public who has reasonable grounds to believe a Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board. This is done by providing the Chair with the following information, constituting a complaint:
 - The name of the Trustee who is alleged to have breached the Code;
 - The alleged breach or breaches of the Code;
 - When the alleged breach occurred;
 - Information as to when the alleged breach came to the person's attention; and
 - The names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
- If a complaint is provided in writing, the complainant should be advised that any written details may be subject to requests for information under *The Freedom of Information and Protection of Privacy Act*.
- If provided orally, the Chair documents the information provided and keeps it in their personal notes.
- Any allegation of a breach of the Code must be brought to the attention of the Chair no later than two (2) weeks after the breach comes to the knowledge of the person reporting the breach. In no circumstances will 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.

Reporting the Breach to the Board

- In the interest of transparency, the Chair provides the Board with an oral report of the complaint within fifteen (15) business days of receiving it.
- Complaint reports are given during board-only in camera sessions. All information regarding the complaint is confidential until a motion (if any) is required.
- Aside from the specific responsibilities noted otherwise in this Code, Senior Administration will not be included in any reporting of a breach nor discussion of actions to be taken or decisions made. If a member of Senior Administration is the complainant, they will have no more of a role, rights or privileges than other staff members.

Addressing the Complaint

- Complaints are dealt with in a manner that is proportional to the seriousness of the breach and minimizes interruption to board work.
- A contravention of the Code may be addressed immediately, particularly if it is trivial, inadvertent, 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 their obligations under the Code.
- The Board Chair on their own initiative, or at the request of a Trustee, division employee or member of the public, may review the complaint and may, along with a designate, meet in private and informally with the Trustee who is alleged to have breached the Code. The Trustee alleged to be in breach may also bring an advocate to the meeting.
 - The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee.
 - Appropriate remedial measures (see below) or corrective action to prevent future breaches may be determined and agreed at this meeting.
 - The Chair keeps notes consisting only of the date of the meeting, names of those present, the section of the Code discussed and reference to agreed actions and dates for completion.

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- If the Chair considers the breach sufficiently serious (including escalation due to repeated behaviour), the Chair may decide to bring the allegation before the full Board, with or without meeting with the Trustee first.
- If the Chair refuses to bring the allegation before the board, the complainant has the right to appeal to the full board in an in camera meeting.
- If an inquiry is required, the Board determines who will collect information and report on findings. The nature of information collected and recorded is determined by the nature of the complaint and those involved.
 - No Trustee may undertake their own inquiry on the matter.
 - If the Board, while in the process of reviewing a breach, discovers the subject matter of the inquiry is being investigated by police, a charge has been laid, or is being dealt with in accordance with a procedure established under another Act, the inquiry investigation is suspended until the police investigation, charge or matter under another Act is completed. This is communicated to the complainant and the Board.
- If warranted the Board may at any time forgo the process described above and impose sanctions (see below).

Debating the Decision

- A decision by the Board as to whether or not the Code was breached and the remedial measure or sanction imposed, if any, is made as soon as practical.
- The determination of a breach of the Code and the imposition of remedial measures or a sanction may be debated in camera.
- The Trustee alleged to have breached the Code may be present and participate in deliberations but cannot attempt to intimidate other Trustees.

Remedial Measures and Sanctions

- If it is determined that a breach has occurred, the Board may impose remedial measures under this policy or sanctions under Section 35.2(1) of the PSA, dependent on the nature of the breach.
 - The measure should be commensurate with the breach.
 - Repeat breaches may substantiate more serious measures or sanctions.
- Remedial measures may include but are not limited to:
 - An apology;
 - Prohibiting the Trustee from holding a position of Chair of the Board or a committee for a specified period;
 - Prohibiting a Trustee from being a member of a specific committee for a specified period;
 - Prohibiting the Trustee from attending community meetings as a representative of the Division (PACs, graduation ceremonies, etc); or
 - Requiring the Trustee successfully complete professional development training such as that offered by the Manitoba School Boards Association.
- If warranted or if the Board and the Trustee cannot agree on remedial measures, or agreed actions are not carried out in the agreed timeframe, the Board will impose sanctions as provided in the PSA.
- The Board cannot impose a sanction more onerous than those in the PSA.
 - If imposing a suspension, the Board has no power to declare the Trustee's seat vacant. The suspension is viewed as a void and attendance at regular meetings recommences at the time of reinstatement.

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- A Trustee barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board or a Trustee that is suspended is not entitled to receive any materials related to that meeting or part of the meeting that are not available to the public. The Trustee is deemed to be authorized to be absent from the meeting and therefore, is not in violation of the PSA regarding absences from meetings as stated in Subsection 35.2(3).
- A suspension will result in loss of the Trustee's indemnity for the period of time of the suspension as stated in PSA Section 35.2(4).

Voting

- In accordance with regular practice, a motion to determine if a breach occurred or to impose remedial measures or sanction by public censure is:
 - Decided by a majority vote;
 - Voted on at a public meeting; and
 - Is recorded in the minutes of the meeting.
- In accordance with Section 35.2 (2), a motion to sanction by barring or suspending a Trustee is decided by an affirmative vote of at least two thirds (2/3), based on the total number of Trustees allotted to the Division.
- The Trustee who is alleged to have breached the Code does not vote on a resolution to determine whether or not there is a breach or the imposition of a remedial measure or sanction.
- The Trustee who is alleged to have breached the Code may participate in debate of the motion at the public meeting.
- If a Trustee brought the complaint forward, that Trustee may vote.
- Trustees consider only the findings presented when voting on the decision and sanction.

Appeal to Adjudicator

- As stated in Subsection 35.3(1) of the PSA, a Trustee who is sanctioned under item 2 or 3 of Subsection 35.2(1) may appeal to a single adjudicator appointed by the minister.
- The Trustee and the Board abide by the procedures for appeal as provided in the PSA Section 35.
- In accordance with the PSA *Trustee Code of Conduct Appeal Regulation*, the final determination of the adjudicator is provided to both parties.

Records

- The Chair keeps records of the following:
 - Information received or notes taken upon receiving the complaint, as described above;
 - Minimal documentation of any investigation; and
 - Notes of any meetings with the Trustee alleged to have breached the code, as described above.
- Records are kept in the Chair's personal files until the Trustee in breach is no longer serving, at which time the records are destroyed.

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