

<p style="text-align: center;"><i>Policy Manual</i></p> <p>PAGE: 1 of 5</p>	<p>Policy 6 TITLE: Trustee Code of Ethics APPROVED: May 26, 2009 AMENDED/REVIEWED: November 29, 2016 March 14, 2017; January 15, 2019</p>
<p>LEGAL REFERENCE: School Act 2000; Sec. 60, 81, 82, 83; Calgary Roman Catholic Separate School District No. 1 v O'Malley, [2008] 2 W.W.R. 88 (Q.B.); Alberta School Boards' Association</p>	

Policy

Trustees as members of the corporate Board have responsibilities including statutory duties, common law duties and fiduciary duty. Fiduciary duty requires Trustees to act in the best interests of the corporate Board as a whole, as opposed to in one's own personal interest or the interest of another entity. Trustees shall act prudently, ethically and legally, in keeping with the requirements of provincial legislation. This includes proper use of authority and appropriate decorum in terms of group and individual behavior.

Guidelines and Procedures

Trustees shall:

1. Devote time, thought, reflection and study to the duties as a Board member in order to be effective and provide credible service;
2. Observe the established rules of order, the policies of the District, and the laws, rules and regulations governing education in Alberta;
3. Work with fellow Trustees, Superintendent and District as a whole in a spirit of harmony and co-operation in spite of difference of opinion;
4. Have a duty to carry out their responsibilities, work diligently and in good faith. They may debate with vigour in a nonjudgmental atmosphere while being empathetic to others' opinions and ideas;
5. Base their decisions on all available facts, respect the opinions of others, diligently pursue or debate what they believe to be in the best interests of the students of the District and uphold the majority decisions of the Board;
6. Work together with fellow Trustees to communicate to the electorate all the facts about our schools;
7. Provide leadership to the community through setting goals and policies for educational programs and by regularly evaluating to determine if intended results are achieved;
8. Recognize that individual Trustees have no legal authority outside the meeting of the Board but do have some autonomy of opinions, however are expected to move forward unanimously;

<p><i>Policy Manual</i></p> <p>PAGE: 2 of 5</p>	<p>Policy 6 TITLE: Trustee Code of Ethics APPROVED: May 26, 2009 AMENDED/REVIEWED: November 29, 2016 March 14, 2017; January 15, 2019</p>
<p>LEGAL REFERENCE: School Act 2000; Sec. 60, 81, 82, 83; Calgary Roman Catholic Separate School District No. 1 v O'Malley, [2008] 2 W.W.R. 88 (Q.B.); Alberta School Boards' Association</p>	

9. Honour their fiduciary duty and resist every temptation and outside pressure to use the Trustee position to benefit either oneself or any other individual or agency apart from the total interest of the Board and the District as a whole;
10. Recognize that the primary function of the Board is to establish policies by which it is to be governed and that administration of the education program must be left to the Superintendent and District staff;
11. Encourage engagement by stakeholders with respect to establishing policies;
12. Do their utmost to attend regular Board meetings, meetings of the Board committees that they have been appointed to, and meetings for which they have been appointed to serve as Board representatives; and
13. Trustees shall respect all information and issues of a sensitive or confidential nature and not disclose or discuss these issues away from the Board table.

Board Policy 6 – Appendix: Sanctions

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Ethics, Policy 6. The failure by Trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.
2. In particular, the Trustee Code of Ethics requires that Trustees shall respect the confidentiality appropriate to issues of a sensitive nature.

Breach of Trustee Code of Ethics

3. A Trustee who believes that a fellow Trustee has violated the Trustee Code of Ethics for matters other than breach of confidentiality must seek resolution of the matter with said Trustee through open channels of communication to gain further understanding prior to commencing an official complaint.
4. A Trustee who wishes to commence an official complaint shall file a letter of complaint with the Board Chair or where otherwise applicable in what follows, to the Vice-Chair within thirty (30) days of the alleged event occurring and indicate the nature of the complaint and the section of the Code of Ethics that are alleged to have been violated by the Trustee.

<p><i>Policy Manual</i></p> <p>PAGE: 3 of 5</p>	<p>Policy 6 TITLE: Trustee Code of Ethics APPROVED: May 26, 2009 AMENDED/REVIEWED: November 29, 2016 March 14, 2017; January 15, 2019</p>
<p>LEGAL REFERENCE: School Act 2000; Sec. 60, 81, 82, 83; Calgary Roman Catholic Separate School District No. 1 v O'Malley, [2008] 2 W.W.R. 88 (Q.B.); Alberta School Boards' Association</p>	

5. The Trustee who is alleged to have violated the Code of Ethics and all other Trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where otherwise applicable in what follows, by the Vice-Chair, within five (5) days of receipt by the Board Chair of the letter of complaint.
6. To ensure that the complaint has merit to be considered and reviewed, at least one other Trustee must provide to the Board Chair, within three (3) days of the notice in writing of the complaint being forwarded to all Trustees, a letter indicating support for having the complaint heard at a hearing of the Board.
7. Where no letter supporting a hearing is forthcoming, the complaint shall not be heard. The Board Chair shall notify all other Trustees in writing that no further action of the Board shall occur and the letter shall be destroyed.
8. Where a letter supporting a hearing is forthcoming, the Board Chair shall add the item to an in-camera meeting of the Board as soon as is reasonable.
9. A violation of all sections of the Code of Ethics shall result in:
 - 9.1 The Board Chair writing a letter of censure marked "Personal and Confidential" to the Trustee in question. This occurs only after having such action discussed by all Trustees involved and agreed upon by a majority of Trustees present at an in-camera meeting of the Board. A majority of Trustees at a public meeting of the Board shall immediately approve this decision.
 - 9.2 For subsequent occurrences, a motion of censure against the Trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of Trustees present at such a meeting. In addition, at a public meeting of the Board, a motion to remove the Trustee from one (1) or more Board appointments may be presented.
10. If a Trustee is disqualified under Section 82 or 83 of the School Act from remaining as a Trustee of the Board and does not resign as required under Section 85, the Board may by resolution declare the Trustee to be disqualified from remaining a Trustee as outlined in Section 85 and 86 of the School Act.

<i>Policy Manual</i>	Policy 6 TITLE: Trustee Code of Ethics APPROVED: May 26, 2009 AMENDED/REVIEWED: November 29, 2016 March 14, 2017; January 15, 2019
PAGE: 4 of 5	
LEGAL REFERENCE: School Act 2000; Sec. 60, 81, 82, 83; Calgary Roman Catholic Separate School District No. 1 v O'Malley, [2008] 2 W.W.R. 88 (Q.B.); Alberta School Boards' Association	

11. Depending on the significance of the violation, the Board may omit steps in the process defined above or take legal alternate action if deemed more appropriate.

Breach of Confidentiality

The Alberta School Boards' Association defines the Trustee's duty to maintain confidentiality as follows: "*Information Trustees receive in confidence must be respected and not disclosed to members of the public or taken advantage of for personal gain.... Similarly, a Trustee must not disclose confidential deliberations relating to school board business to anyone including family, friends, constituents and the public.*" (<http://www.asba.ab.ca/being-a-school-trustee/your-legal-responsibilities/>)

Failure to comply with this requirement for confidentiality constitutes a breach of security.

12. An individual Trustee may bring a suspected breach of security by filing a letter of complaint to the attention of the Board Chair, or where otherwise applicable in what follows, to the Vice-Chair and copied to the accused.
13. The Board Chair, or where otherwise applicable in what follows, by the Vice-Chair, shall respond in no less than five (5) days of receipt by the Board Chair of the letter of complaint.
14. The suspected breach of security will go to an in-camera meeting of the Board.
15. Any action from the in-camera meeting shall be brought forward to a public meeting and the following procedure shall be invoked:
 - 15.1 The Board Chair shall appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at an in-camera meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
 - 15.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair.

<p><i>Policy Manual</i></p> <p>PAGE: 5 of 5</p>	<p>Policy 6 TITLE: Trustee Code of Ethics APPROVED: May 26, 2009 AMENDED/REVIEWED: November 29, 2016 March 14, 2017; January 15, 2019</p>
<p>LEGAL REFERENCE: School Act 2000; Sec. 60, 81, 82, 83; Calgary Roman Catholic Separate School District No. 1 v O'Malley, [2008] 2 W.W.R. 88 (Q.B.); Alberta School Boards' Association</p>	

- 15.3 The Board Chair shall present at an in-camera meeting of the Board the report of the independent investigator. At this time, the Trustee in question shall have an opportunity to present any additional, relevant information.
- 15.4 If it is determined by a majority of the Board that a willful violation of security has occurred, for a first occurrence, a motion to write a letter of censure, from the Board, marked "Personal and Confidential" is required to be discussed and agreed upon by a majority of Trustees present at an in-camera meeting of the Board. This decision requires immediate approval by a majority vote of Trustees at a public meeting of the Board.
- 15.5 For subsequent occurrences, a motion of censure against the Trustee in question may be brought directly to a public meeting of the Board. The motion of censure shall be approved by a majority vote of Trustees present at such a meeting. In addition, at a public meeting of the Board, a motion to remove the Trustee from one (1) or more Board appointments may be presented.