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LEGAL REFERENCE: Section 33, 34, 51, 52, 53, 64, 67, 85, 86, 87, 88, 89, 90 Education Act	

Policy

Each trustee, as a member of The Board of Trustees of the Grande Prairie School Division (the Board), has many interrelated duties and responsibilities including statutory, common law, and fiduciary duties. This Policy establishes a Code of Conduct, based on the duties imposed on trustees by law, that trustees must adhere to while performing their duties as members of the Board.

Guidelines and Procedures

A. Trustee Conduct

1. Trustees shall:

- 1.1 act in the best interests of the Board and consider, account for, and honour their fiduciary duty to the Board in the discharge of all of their functions as trustees;
- 1.2 act prudently, ethically, and legally;
- 1.3 carry out the responsibilities set out in Policy 3 – Role of the Trustee with reasonable diligence;
- 1.4 use appropriate decorum in terms of group and individual behavior;
- 1.5 endeavour to work with fellow Board members in a spirit of respect and cooperation despite differences of opinion that may arise during debate;
- 1.6 commit themselves to dignified, ethical, professional and lawful behavior commensurate with the expectations a reasonable individual would expect from the holder of a public office;
- 1.7 reflect the Board's policies and resolutions when communicating with the public;
- 1.8 keep the content, substance, and all information obtained during in-camera meetings of the Board confidential, only to be disclosed when required by law or authorized by the Board; and
- 1.9 observe the rules of order for the conduct of Board meetings.

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2. Trustees must be aware that:

- 2.1 each trustee is elected to represent the entire electorate, the Board and the Division;
- 2.2 individual trustees cannot speak on behalf of the Board except where the trustee is directed by Board motion to publicly communicate a position adopted by the Board or delegated that function by another Board member with the power to so delegate;
- 2.3 the Board Chair is the spokesperson for the Board and will have the responsibility to communicate the Board's decision and positions, unless the Board directs otherwise;
- 2.4 individual trustees have no ability to:
 - 2.4.1 bind the Board to any obligation;
 - 2.4.2 act on behalf of the Board; or
 - 2.4.3 direct the administration of the School Division.

3. Trustees shall **not**:

- 3.1 permit personal interests or the interests of other entities to affect their performance of their duties as a member of the Board;
- 3.2 use their powers or influence as a trustee for any improper purpose including to advance personal, family or friends' interests or the interests of any organization with which the trustee is associated;
- 3.3 give the appearance of speaking on behalf of the Board regarding matters on which the Board has not taken a position; and
- 3.4 exercise their powers as a trustee in any matter in which the trustee has, or would reasonably be perceived to have, a conflict of interest.

B. Conflicts of Interest

4. Trustees' fiduciary duty to the Board supersedes any conflicting:

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- 4.1 obligation, loyalty, or duty to any entity including:
 - 4.1.1.1. any advocacy or interest groups;
 - 4.1.1.2. other Boards; or
 - 4.1.1.3. any employer of the trustee.

- 4.2 individual interest including:
 - 4.2.1.1. as a parent, guardian, or relative of any student of the Board;
 - 4.2.1.2. as a friend or relative of any employee of the Board;
 - 4.2.1.3. as an owner, partner, or shareholder of a business; or
 - 4.2.1.4. as a relative to any owner, partner, or shareholder of a business.

- 5. Each individual trustee is responsible for adhering to the requirements regarding pecuniary interest pursuant to the *Education Act* and to avoid any other actual, perceived, or potential conflicts of interests in the performance of their duties as a trustee.
- 6. If any matter comes before the Board in which a trustee has a conflict of interest, or where a reasonable person would perceive that the trustee has a conflict of interest, the trustee shall:
 - 6.1 disclose the nature of the conflict of interest to the Board;
 - 6.2 absent themselves from discussion of the matter;
 - 6.3 abstain from voting on the matter in question.

C. Complaints

- 7. A reference to a day or days is a reference to a calendar day or days.
- 8. Any person who believes that a trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
- 9. Anyone who wishes to commence an official complaint under the Code of Conduct shall file a letter of complaint with the Board Chair within thirty (30) days of becoming aware of the alleged contravention of the Code of Conduct occurring. If the complaint is regarding the conduct of the Board Chair, the letter of complaint shall be submitted to the Vice-Chair. The letter of complaint

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must indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the trustee. The Board Chair or Vice-Chair (the presiding Chair), as the case may be, shall forward a copy of the letter of complaint to all trustees within five (5) days of receiving the letter of complaint.

10. Within seven (7) days of the letter of complaint being forwarded to all trustees, each trustee shall issue a letter to the presiding Chair, either:
 - 10.1 supporting the referral of the complaint to a Code of Conduct hearing pursuant to section D of this Policy; or
 - 10.2 supporting the dismissal the complaint.
11. If one or more trustees support the referral of the complaint to a Code of Conduct hearing, the complaint will be referred to the Code of Conduct complaint hearing process set out in Section D of this Policy. Where the complainant is a trustee, there must be at least one additional trustee who supports the referral to a Code of Conduct hearing for the matter to proceed to a hearing. Any trustees who issue a letter supporting the referral to a hearing shall not be disqualified from attending at and deliberating upon the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.
12. Where no letter supporting a hearing is received by the presiding Chair within the seven (7) day period referred to in section 10 above, the complaint shall be dismissed. The presiding Chair shall notify all other trustees in writing that the complaint has been dismissed and that the Board shall take no further action regarding the complaint.
13. Where one or more letters supporting the referral of the complaint to a Code of Conduct hearing is received by the presiding Chair in the seven (7) day period referred to in section 10 above, the presiding Chair shall convene a special meeting of the Board to consider the complaint in accordance with the process set out in Section D of this Policy.
14. Trustees shall keep all aspects of complaints strictly confidential including the details of the allegations, the fact that a complaint was made, the substance of any deliberations at a Code of Conduct hearing, the disposition of any Code of Conduct hearing, and any sanction imposed on a trustee because of a complaint.

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- 14.1 The improper disclosure of a complaint or any information related to a complaint shall be deemed to be a violation of the Code of Conduct.
- 14.2 The Board may, by resolution, direct the Board Chair to disclose the details of a complaint and the decision made by the Board with respect to a complaint, following the disposition of the complaint by the Board at a Code of Conduct hearing.

D. Code of Conduct Hearings

- 15. A Code of Conduct complaint shall be considered at an in-camera session, of a special Board meeting convened for that purpose. All preliminary matters, including whether one or more trustees may have a conflict of interest in hearing the presentations regarding the complaint, shall be dealt with prior to the presentation of the complaint by the complainant.
- 16. At the commencement of the special meeting of the Board convened to consider the complaint the presiding Chair shall indicate the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting.
- 17. The presiding Chair shall ensure fairness in dealing with the complaint and may adjust the hearing procedures herein on a case-by-case basis where it is necessary to ensure that the hearing is fair to all parties.
- 18. The sequence in which the complainant and respondent trustee shall submit their respective positions the Board of the Code of Conduct hearing shall be:
 - 18.1 The complainant shall provide the Board with a presentation of the complaint which may be written or oral or both;
 - 18.2 The respondent trustee shall provide a presentation in response to the complaint which may be written or oral or both;
 - 18.3 The complainant shall then be given an opportunity to reply to the respondent trustee’s presentation;
 - 18.4 The respondent trustee shall then be provided a further opportunity to respond to the complainant’s reply;

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- 18.5 The non-party trustees of the Board, who are neither the complainant nor respondent, shall be given the opportunity to ask questions of both parties;
- 18.6 The complainant shall be given the opportunity to make final comments;
- 18.7 The respondent trustee shall be given the opportunity to make final comments.
19. Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining non-party trustees who do not have a conflict of interest shall be required to leave the room, and the remaining non-party trustees shall deliberate in private, without assistance from administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution.
20. If the remaining non-party trustees in deliberation require further information or clarification, the parties shall be reconvened, and the requests for clarification or further information made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.
21. The remaining non-party trustees in deliberation may draft a resolution indicating the Board's disposition regarding the complaint and what action, if any, may be taken against the respondent trustee.
22. The presiding Chair shall reconvene the parties to the Code of Conduct hearing and request a motion to revert to the open meeting in order to vote on the draft resolution.
23. All documentation that is related to the Code of Conduct hearing shall be delivered to the Superintendent or designate immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.

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24. If the Code of Conduct hearing is adjourned at any point prior to completion, no discussion by the trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.
25. The Board may, in its discretion, publicly disclose its disposition of the complaint where the Board deems it reasonable and appropriate to do so.

E. Sanctions for Breach of Code of Conduct

26. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
 - 26.1 issuing a letter of censure marked “personal and confidential” to the offending trustee;
 - 26.2 passing a motion of censure;
 - 26.3 passing a motion to remove the offending trustee from one, some or all Board committees or other appointments of the Board for a time not to exceed the trustee’s term as trustee; and
 - 26.4 any other sanction that the Board determines is reasonable and appropriate.