



Policy 9 – Board Statement of Integrity / Code of Conduct

Date Adopted: September 2006

Date Amended: February 2008; January 2009; September 2012; September 2015; September 2016; January 2018; September 2019; December 2019

Date Reviewed:

The Board members of Evergreen School Division (ESD or the Division) occupy positions of public trust and confidence and hold fiduciary obligations with respect to the Division. They are expected to maintain the integrity of the Board and their position as a Board member/Trustee. Board members will discharge their duties and responsibilities in a professional and impartial manner. It is imperative that trustees be and be seen to be acting in the best interests of the Division, on behalf of the people they serve.

Trustee Code of Conduct

9.1 Integrity and Dignity of Office

- i. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
- ii. Trustees will commit themselves to dignified, ethical, professional and lawful conduct.
- iii. Trustees' responsibility is to the Division, which includes our students, the parents and guardians in our school system, our employees and the communities we serve.
- iv. Trustees shall recognize that the expenditure of Division funds is a public trust and endeavor to ensure see that the funds are expended efficiently, and in the best interests of its students.
- v. Trustees will participate in continuous learning and self-evaluation.
- vi. Trustees will attend all regular and special meetings of the Board and those meetings of the committees on which they serve and if unable to do so, will advise the appropriate individuals.
- vii. Trustees will review meeting agendas and other relevant information prior to Board and committee meetings and arrive at such meetings informed and prepared to contribute to open discussion about matters before the Board or committee.
- viii. Trustees will 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, keeping in mind the best interests of the Division.
- ix. Trustees shall treat other Board members, divisional and school staff, students and community members in a respectful and courteous manner and comply with the Division's Respectful Workplace Policies.

9.2 Avoidance of Personal Advantage and Conflict of Interest

- No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might perceive that the gift could influence, or be intended to influence, the Trustee when performing his or her duties to the Board.
- A Trustee shall not use his or her office to advance the Trustee's personal interests or the interests of any family member or person or organization with whom or with which the Trustee is related and/or associated.
- A Trustee shall not use his or her office to obtain employment with the Division for the Trustee or a family member.
- Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.
- Trustees with family members who work for the school division will not be appointed to the 'Liaison and Negotiations Committee' (More specifically, trustees will not participate in dialogue regarding a bargaining unit in which they are related to a member.)

Trustees shall avoid circumstances, or the appearance of circumstances, where impartiality may be compromised. To this end, **the Board believes the following;**

- Trustees should not serve in an official capacity on an external organization with which the Division has an indirect or direct interest.
- A Trustee may attend a community / external agency meeting as a Board representative when the Trustee has been directed by the Board to share a message that has been prepared by the Board in advance.
- Trustees should avoid discussing any Board or division business with family members who work for the school division.
- A Trustee is always perceived as a Trustee; it is not possible to "put on a different hat."

In the event that a Trustee self identifies a potential personal and/or pecuniary conflict of interest beyond that of an ordinary rate payer /Trustee, the following shall apply;

- The Trustee shall have an obligation to declare the potential conflict
- The Trustee will not take part in the discussion of any questions in which he or she has a personal and/or pecuniary interest beyond his or her interest as an ordinary rate payer/Trustee
- When the Board is to decide on an issue about which a Trustee has a potential personal and/or pecuniary conflict of interest, that Trustee shall absent themselves without comment, from not only the vote, but also from the deliberation. The Trustee shall not attempt to influence the vote.

In the event that a potential personal and/or pecuniary conflict of interest is raised by a member of the public or by a fellow Trustee regarding a Trustee, the following shall apply;

- The Trustee in question shall be given the opportunity to describe the circumstances of the potential personal and/or pecuniary conflict of interest
- In the absence of the Trustee, the Board will make a determination on whether the Trustee in question will be required to recuse themselves from future discussions, deliberations, and decisions regarding the raised potential personal and/or pecuniary conflict of interest.
- The determination of the Board shall be final and binding on the Trustee.

9.3 Civil Behaviour

- i. No Trustee shall engage in conduct that would discredit or compromise the integrity of the Board, at any time, including during Board or committee meetings.
- ii. A Trustee shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee.
- iii. When expressing individual views, Trustees shall respect the differing points of view of other Trustees, staff, students and the public.
- iv. Trustees shall at all times act with decorum and shall be respectful of other Trustees, staff, students and the public.
- v. No Trustee shall discredit, undermine or compromise the integrity of the Board by expressing opinions and/or sharing information through social media or otherwise. When using social media, Trustees shall do so responsibly, including an acknowledgement that opinions expressed are those of the individual, not of the Board.

9.4 Respect for Confidentiality

- i. Every Trustee shall keep strictly confidential any information disclosed or discussed at an In Camera meeting of the Board unless required to divulge such information by law or authorized by the Board to do so.
- ii. No Trustee shall use confidential information for either personal gain or to the detriment of the Board.
- iii. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of his or her position, except when required by law or authorized by the Board to do so.
- iv. In any circumstance where the Trustee is required to disclose information by law under (i) or (iii), the Trustee shall notify the Board Chair in advance of the disclosure.

9.5 Upholding Decisions

- i. All Trustees shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board. Therefore, a Trustee will only speak or act on behalf of the Board if authorized to do so.
- ii. A Trustee must be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- iii. Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission may be brought forward by a Trustee.
- iv. Each Trustee shall comply with Board policies, procedures, by-laws, and Rules of Order.
- v. The Board Chair is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Board Chair.

Enforcement of the Code of Conduct

9.6 Identifying a Breach of the Code

- i. A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board.
- ii. 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 Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code be undertaken after the expiration of six (6) months from the date of when the contravention became known.
- iii. Any allegation of a breach of the Code of Conduct shall be investigated following the Informal or Formal Complaint Procedures below, as the case may be.
- iv. It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the informal process. It is recognized that from time to time a contravention of the Code may occur that is trivial (more specifically committed through inadvertence, or an error of judgment made in good faith). Determination on the severity of the breach shall be made by the Board Chair in concert with the Vice-Chair of the Board. 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 his/her obligations under the Code. Only serious and/or recurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure.

9.7 Chair/Presiding Officer

- i. The Code of Conduct applies equally to the Board Chair. In the case of an allegation of a breach by the Board Chair, wherever a process requires action by the Board Chair, it shall be modified to read the Vice-Chair.

- ii. The Board Chair or Presiding Officer of any Board or committee shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

9.8 Informal Complaint Procedure

- i. The Chair of the Board upon receipt of a complaint, or on his/her own initiative, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss any remedial measures that are deemed necessary by the Board Chair. The complaint will be brought to the attention of the Trustee in question within 10 business days. The meeting will be conducted in private and followed by a summary report outlining the issue and resolution. This document will be maintained in a sealed envelope by the Secretary-Treasurer during the term of the Trustee and destroyed when the Trustee ceases to be a Trustee.
- ii. The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Manitoba School Boards Association. If the Board Chair and the Trustee alleged to have breached this Code cannot agree on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.

9.9 Formal Complaint Procedure

- i. A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached the Board's Code of Conduct may bring the breach to the attention of the Board by first providing to the Chair of the Board a written, signed complaint setting out the following:
 - the name of the Trustee who is alleged to have breached the Code;
 - the alleged breach or breaches of the Code;
 - information as to when the alleged breach came to the Trustee's attention;
 - the grounds for the belief of the Trustee that a breach of the Code has occurred;
 - the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
- ii. The Chair of the Board shall provide to all Trustees of the Board a confidential copy of the complaint within fifteen (15) business days of receiving it. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code.
- iii. The Chair shall appoint Committee of three (3) consisting of two (2) Trustees and a neutral third party.

9.10 Refusal to Conduct Inquiry

- i. If the Code of Conduct Committee determines that the alleged breach is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, an inquiry shall not be conducted and a confidential report stating the reasons for not doing so shall be provided to all Trustees of the Board.

9.11 Steps of Inquiry

- i. Procedural fairness and the rules of natural justice shall govern the formal inquiry. The formal inquiry will be conducted in private.
- ii. The formal inquiry may involve both written and/or oral statements by any witnesses, the Complainant Trustee and the Respondent Trustee.
- iii. The Respondent Trustee shall have an opportunity to respond to the allegations both in a private meeting with the inquiry Code of Conduct Committee and in writing.
- iv. Once the formal inquiry is complete, the Code of Conduct Committee shall provide a confidential draft copy of their report containing the findings of fact to the Complainant Trustee and the Respondent for their written comment to the investigator (s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. These two Trustees shall have fifteen (15) business days (or such reasonable period of time as deemed appropriate by the investigator(s)) from the receipt of the draft report to provide one written response, which will be filed with the investigation report.
- v. If the Respondent Trustee refuses to participate in the formal inquiry, the formal inquiry will continue in his/her absence and an adverse inference may be drawn from his or her failure to cooperate.

9.12 Suspension of Inquiry

- i. If the Code of Conduct Committee, when conducting the formal inquiry, discover that the subject matter of the formal inquiry is being investigated by another authority, or is being dealt with in accordance with a procedure established under another Act, the inquiry may be suspended in the discretion of the Code of Conduct Committee. Any suspension of formal inquiry shall be reported to the Board of Trustees.

9.13 Decision

- i. The Code of Conduct Committee shall prepare a report outlining its determination of whether or not the Respondent Trustee breached the Code of Conduct ("Final Report").
- ii. The Final Report shall conclude whether or not there was a breach. The final report shall be delivered to the Board of Trustees, and a decision by the Board as to whether or not to accept the Final Report and/or impose a sanction, if any, for the breach shall be made as soon as practical after receipt of the Final Report.

- iii. Trustees shall consider only the findings in the Final Report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.
- iv. The Respondent shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.
- v. The Respondent Trustee may be present during the deliberations regarding the above but shall not participate in the deliberations and shall be permitted to answer any questions at that meeting.
- vi. The Respondent Trustee shall not in any way, after the Final Report is completed, influence the vote on the decision to accept the Final Report or sanction, except as permitted below.
- vii. The imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolution shall be recorded in the minutes of the meeting. The resolution shall be decided by a majority vote, unless the sanction is a barring or suspension which requires a 2/3 majority in accordance with subsection 35.2(1) and 35.2(2) of the Public Schools Act.
- viii. In accordance with subsection 35.2(2) of the Public Schools Act, the motion may be debated at an In Camera Board meeting but must be voted on in public.
- ix. Whether the complaint is found to be valid or unfounded, a record or the decision, any action taken, and all written documentation of the complaint shall be maintained in confidence by the Secretary Treasurer.

9.14 Sanctions

- i. If the Board determines that the Trustee has breached the Code of Conduct, the Board may impose one or more of the following sanctions as stated in subsection 35.2(1) of the Public Schools Act:
 - a) Censuring the trustee.
 - b) Barring the trustee from attending all or part of a meeting of the school board or a committee of the school board.
 - c) Suspending the trustee from the school board, including suspending all the trustee's rights, duties and privileges as a member of the school board, for up to three months.
- ii. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development at the expense of the Board. The Board has no power to declare the Trustee's seat vacant, as a result of a breach of the Code of Conduct.
- iii. A Trustee who is barred from attending all or part of a Board or committee meeting is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.

- iv. The imposition of a sanction barring a Trustee from attending all or part of a Board or committee meeting shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the Public Schools Act regarding absences from meetings as stated in subsection 35.2(3).
- v. A motion to sanction a Trustee is subject to the following rules:
 - a) The motion may be debated at a Board meeting that is closed to the public, but must be voted on in the public meeting.
 - b) To be approved a motion to impose a sanction requires an affirmative vote of 2/3 of the members of the school board.

9.15 Appeal of Sanction

- i. To appeal a sanction, the Trustee must provide the following to the Minister within 10 days of the sanction being imposed:
 - a. a copy of the school board's motion to sanction the trustee;
 - b. a written statement setting out
 - i. the particular sanction or sanctions the trustee wishes to appeal, and
 - ii. the reasons for the appeal.

Further steps in the appeal process can be found in the PSA Section 35.3.

School Board Member Ethics

As a member of the Evergreen School Division Board of Trustees, I will strive to improve public education, and to that end I will:

1. Attend all regularly scheduled board and respective committee meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
2. Make decisions only after full discussion at committee and board meetings;
3. Render all decisions based on available facts and my independent judgment, and refuse to compromise that judgment to individuals and special interest groups;
4. Encourage the free expression of opinion by all Trustees and use the proper channels of communication for the exchange of information with students, staff and community;
5. Work with other Trustees to establish effective board policies and to delegate authority for the administration of the schools to the senior administrative staff;
6. Communicate to other Trustees and senior administrative staff expressions of public reaction to board policies and school programs;
7. Inform myself about current educational issues by individual study and through participation in programs providing needed information;
8. Support the employment of those people best qualified to serve as school staff, and insist on a regular impartial evaluation of all staff;
9. Avoid being placed in a position of conflict of interest and refrain from using my board position for personal or partisan gain;
10. Take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged;
11. Remember always that my first and greatest concern must be the educational welfare of the students attending the schools of the Evergreen School Division;
12. Recognize that authority rests with the Board in legal session, and not with individual members of the Board;
13. Refrain from making statements to the media that alienate, prejudice, or jeopardize another board;
14. Associate myself with members of other school boards, both personally and in conferences, for the purpose of discussing school problems and co-operating in the solution of them;
15. Encourage my Board to associate itself with other boards through the Manitoba School Boards Association, to utilize the services of the Association, to give proper considerations to its recommendations, and to promote its growth and objectives.

Board Member Conflicts of Interest

Trustees of Evergreen School Division will comply with the disclosure requirements contained in the Public Schools Act sections 36 - 39.8.

Legal Reference: *The Public Schools Act*
Policy 2 – Vision and Mission
Policy 3 – Values and Beliefs
Policy 5 – Board Operations
Policy 7 – Community Engagement