

TRUSTEE CODE OF CONDUCT

POLICY

THIS POLICY IS DESIGNED TO CLARIFY THE ROLE, RESPONSIBILITY, AND CONDUCT OF MEMBERS OF THE BOARD OF EDUCATION OF THE BURNABY SCHOOL DISTRICT. AS A MEMBER OF THE BOARD OF EDUCATION, TRUSTEES ARE EXPECTED TO GOVERN IN A FAIR AND ETHICAL MANNER AND TO BE ROLE MODELS IN THE COMMUNITY. TRUSTEES MUST COMPLY WITH THE BYLAWS AND POLICIES OF THE BOARD, THE PROVISIONS OF THE SCHOOL ACT AND ANY OTHER RELEVANT LEGISLATION. TRUSTEES MUST ACT IN A MANNER CONSISTENT WITH THE OATH OF OFFICE.

TRUSTEES FULLY ACKNOWLEDGE THE CRITICAL TRUST INVESTED IN THE BOARD OF EDUCATION BY THE ELECTORATE AND ARE DEDICATED TO GOVERNING THE AFFAIRS AND BUSINESS OF BURNABY SCHOOL DISTRICT IN A PROFESSIONAL MANNER. TRUSTEES REPRESENT THE BROAD NEEDS OF THE ENTIRE SCHOOL DISTRICT AND THE COMMUNITY, ALLOCATING RESOURCES EFFICIENTLY AND RESPONSIBLY IN THE BEST INTEREST OF ALL STUDENTS.

TRUSTEES ADVOCATE FOR PUBLIC EDUCATION AND PROMOTE THE MISSION, VISION, AND VALUES OF THE DISTRICT TO OTHER LEVELS OF GOVERNMENT AND RELEVANT BODIES. THE BOARD OF EDUCATION IS COMMITTED TO PROVIDING HIGH QUALITY EDUCATION FOR ALL STUDENTS WITHIN A SUPPORTIVE, ACCESSIBLE, EQUITABLE AND ENRICHED LEARNING ENVIRONMENT. TRUSTEES WILL UPHOLD THE COMMITMENTS ARTICULATED IN THE TRUSTEE CODE OF CONDUCT AND ADDRESS ANY VIOLATION AT A CLOSED MEETING OF THE BOARD OF EDUCATION.

CODE OF CONDUCT**Confidentiality**

Trustees must observe confidentiality with respect to discussions that take place during private Board and Committee meetings and special private meetings of the Board and with respect to any personal, privileged, or confidential information obtained in their capacity as a Trustee and any legal advice given to the Board.

Trustees shall not release privileged information in any format to the public until the Board has done so in an official capacity.

Should a Trustee fail to comply with the confidentiality requirement of this Policy, the Board may, in addition to imposing consequences for a breach of this Code of Conduct, pursue available legal avenues. The Board will not indemnify or compensate a Trustee for legal costs incurred in response to any action related to a Trustee's breach of their duty of confidentiality where that breach is intentional or amounts to willful negligence.

Conflict of Interest

In compliance with sections 55 to 64 of the *School Act*, Trustees must avoid any conflict of interest. A conflict of interest includes a direct or indirect pecuniary interest. Pecuniary interest is defined in the *School Act* as an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 56 of the *School Act*.

1. If a Trustee has any pecuniary interest in any matter, the Trustee must disclose the nature of that interest before any Board consideration of the matter.
2. A Trustee who has any pecuniary interest in any matter must not take part in the discussion of or vote on any question in respect of the matter.
3. A Trustee who has any pecuniary interest must leave a meeting that is not open to the public during the time the matter is under discussion. "Meeting" includes any regular, special, committee or other meeting of the Board.
4. If a Trustee who has any pecuniary interest does not attend a meeting where the matter was discussed, the Trustee must disclose their interest at the first meeting after the meeting where the matter was discussed.
5. Any declaration of pecuniary interest including the nature of that interest must be recorded in the minutes of meetings open to the public. Any declaration of interest made in meetings not open to the public, but not the nature of that interest, must be recorded in the minutes of the next open meeting.
6. A Trustee who has any conflict of interest with respect to bargaining must disclose the nature of that interest to the Secretary Treasurer of the Board.
7. A Trustee who has any pecuniary interest in any matter must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
8. A Trustee may request guidance from other Trustees, the Superintendent, and the Secretary Treasurer regarding conflict of interest matters (direct, indirect or deemed).

Decision Making

Trustees must keep an open mind when considering matters before the Board and must not prejudge an issue.

Trustees shall base decisions upon all available facts in each situation and vote their honest and unbiased conviction in every case, recognizing that their primary duty is to represent the District in the best interest of all learners and the Burnaby community.

Each Trustee will devote time, thought and study of the issues to provide effective decision-making.

Relationships

Trustees will maintain the highest standards of civility and respect accorded to public office and refrain from unwarranted criticism of the Board, fellow trustees, or District employees. Trustees will work cooperatively with their fellow board members, including when differences of opinion arise.

Trustees will recognize the Superintendent, the Secretary-Treasurer, and the senior leadership team as executive officers of the Board of Education and ensure that they and their staff can provide objective reports and guidance to the Board without undue pressure or influence.

Trustees shall represent the Board in all Board related matters with decorum and refrain from making discrediting comments about others, engaging in unwarranted criticism, or taking private action that could compromise the integrity or authority of the Board.

Trustees shall make themselves aware of their obligations outlined in the *BC Human Rights Code*.

Integrity

Trustees will maintain the integrity, confidence and dignity of the office of School Trustee.

Trustees must not use their position for personal advantage or for the advantage of friends, associates or family and must avoid conflicts of interest not specifically addressed in the *School Act*. A Trustee must declare when such a conflict of interest arises and must not take part in a discussion of or vote on the matter or attempt to influence the Board's decision on the matter.

Trustees should not accept gifts from anyone who receives services from, does business with or wants to do business with the District. Trustees may be able to accept gifts of nominal values that are given as an expression of courtesy or hospitality.

Inclusivity

Trustees will welcome and encourage active participation by community residents, organizations, learners, parents and staff in the District to develop and support high quality programs, which meet the educational needs of all learners.

Trustees will recognize their duty to represent and advocate for the best interests of all learners in the community, including Indigenous communities and First Nations.

Trustees will strive to foster a culture that embraces diversity and is inclusive and respectful.

Responsibility

Trustees will not attempt to exercise individual authority with respect to Board matters, except as explicitly permitted by policies of the Board.

Trustees may interact with the Superintendent and staff; however, individual Trustees must recognize that the authority of the Board to delegate specific and general administrative and management duties to one or more of its employees derives from the Board's corporate status and must comply with applicable Bylaws or Board policy.

Trustees will not express opinions on individual staff performance unless explicitly authorized by Bylaw, Board policy or an official Board process.

Trustees recognize that only the Board and not individual Trustees, may assess the Superintendent's performance.

Trustees will carefully review all information packages in preparation for discussion at all scheduled meetings of the Board of Education and its committees.

Trustees will abide by majority decisions of the Board of Education and adhere to all Board Policies.

Trustees will endeavour to participate in educational conferences, workshops, and training sessions made available by local or provincial affiliations to become acquainted with current educational topics and trends.

APPENDIX

Trustee Code of Conduct Sanctions

Trustees are required to conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct (the "Code"). Failure by trustees to conduct themselves in compliance with the Code will represent a violation of the Code. A violation of the Code may result in the Board of Education instituting sanctions, should other processes to resolve the violation of the Code be exhausted without resolution.

To assist the Board of Education in self-governance, Trustees who wish to report an infraction under the Trustee Code of Conduct are guided by the processes below.

A Trustee who believes that a fellow Trustee has violated the Code is encouraged to seek resolution of the matter through the Informal Complaint Process, when possible, prior to commencing an official complaint under the Code.

It is recognized that for reasons which may include the nature of the issue of concern or the way it has come to a Trustee's attention, informal measures may not be appropriate.

All serious and/or reoccurring breaches of the Code by a Trustee will be investigated following the Official Complaint Process.

Informal Complaint Process

It is recognized that a violation of the Code may occur that is relatively minor or committed inadvertently or due to an error of judgment made in good faith. In such instances the priority shall be to alert the offending Trustee to the violation and their obligations under the Code.

Under the informal complaint process, both the complainant and the subject of the complaint shall seek resolution in an informal, cooperative fashion marked by mutual respect, seeking to understand with an openness to growth and improvement, following these steps:

1. The Trustee who believes a violation has occurred will engage in an individual private conversation with the Trustee affected.
2. Failing resolution through the private conversation the parties will engage the Board Chair, Vice-Chair or designate to gain resolution. If the concern is with the Board Chair, the concern should be raised with the Vice-Chair.
3. The Chair and at the Chair's discretion the Vice-Chair will attempt to resolve the matter to the satisfaction of the Trustees involved.

Every attempt should be made for the informal complaint process to be completed within 30 days of the alleged violation of the Code.

If resolution through the informal complaint process is not possible, the Official Complaint Process will be followed.

Official Complaint Process

1. If a resolution under the informal complaint process has been unsuccessful, the complainant who wishes to commence an official complaint under the Code shall file a letter of complaint with the Board Chair indicating the nature of the complaint and the section or sections of the Code that are alleged to have been violated by the Trustee.
2. The Trustee against whom the Code of Conduct has been made shall receive a confidential copy of the letter of complaint as part of the agenda materials for a closed (in-camera) meeting. All other Trustees will also be provided a copy of the letter. Public disclosure of the filing, notification, content and nature of the complaint by another Trustee shall be deemed to be a violation of the Code and any resulting decision taken by the Board of Education may be disclosed by the Board Chair only at the direction of the Board of Education, following the disposition of the original complaint by the Board of Education at a Code hearing.
3. The Board Chair shall convene, as soon as is reasonable, a closed (in-camera) meeting of the Board of Education to allow for a Code of Conduct Hearing of the alleged violation of the Code.
4. At the closed (in-camera) meeting of the Board of Education, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted and emphasize that procedural fairness and the rules of natural justice shall govern the formal inquiry.
5. Prior to any submissions about the complaint, all preliminary matters including whether the process for the hearing should be amended or whether one (1) or more Trustees may have a conflict of interest in making a decision regarding the complaint, shall be dealt with.
6. If it is determined that a Trustee is in a conflict of interest, the Trustee shall not participate in deliberations or vote in respect of any resolution. However, the Trustee shall be present as required to maintain quorum of the Board of Education. The remaining Trustees who are not in a conflict of interest are the "Voting Trustees".
7. The sequence of the Code of Conduct Hearing shall be in keeping with the following, which is intended to provide a fair opportunity for both parties to be heard and to respond as appropriate. Neither party is obligated to make submissions or to respond to questions.
 - a. The complainant Trustee shall provide a presentation which may be written or oral or both. The complaining Trustee may opt to rely on the written complaint in place of this presentation;
 - b. The respondent Trustee shall provide a presentation which may be written or oral or both;

- c. The complainant shall then be given an opportunity to reply to the respondent Trustee's presentation;
 - d. The respondent Trustee shall then be provided a further opportunity to respond to the complainant's presentation and subsequent remarks;
 - e. The remaining Trustees of the Board of Education shall be given the opportunity to ask questions of both parties;
 - f. The complainant shall be given the opportunity to make final comments; and
 - g. The respondent Trustee shall be given the opportunity to make final comments.
8. Following the presentations by the complainant Trustee and the respondent Trustee, they and all persons other than the Voting Trustees shall be required to leave the room, and the Voting Trustees shall deliberate in private. The Board of Education may, however, in its discretion, call upon legal advisors to assist them on points of law or upon staff in respect of any points of information or to provide administrative direction or for assistance in the drafting of a resolution.
 9. If the Voting Trustees in deliberation require further information or clarification, the complainant and respondent Trustees shall return to the meeting, and the requests made in the presence of both. If the information is not readily available, the Chair may request a recess or, if necessary, an adjournment of the hearing to a later date.
 10. If an investigation by an external party is requested by a majority of the Voting Trustees the hearing will be adjourned and such investigation will be conducted in accordance with the procedures of natural justice and a report of the same will be made to the Board of Education upon the hearing reconvening, with an opportunity for submissions to be made by the complainant and respondent Trustees in respect of the same. The Board of Education may, in its discretion, call upon legal advisors to assist them in the event an investigation is requested.
 11. In the event the hearing is not adjourned for the provision of additional information or the completion of an investigation, the Voting Trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the complaint and either the complainant Trustee or the respondent Trustee.
 12. In the event the hearing is adjourned for the provision of additional information or the completion of an investigation, the Chair shall reconvene the Code of Conduct Hearing and shall call for a resolution(s) to be placed before the Board of Education and a vote will be conducted. Only the Voting Trustees shall be able to vote on any resolution(s).
 13. The Chair shall declare the closed (in-camera) Board of Education meeting adjourned.

Sanctions

Sanctions for a violation of the Code should be imposed in a remedial and restorative manner and reflect the seriousness of the breach.

For example,

1. Having the Trustee against whom the complaint has been made and upheld write a letter of apology;
2. Having said Trustee participate in a restorative justice process;
3. Having said Trustee participate in specific training, coaching or counselling as directed by the Board of Education;
4. Having the Board Chair write a letter of censure marked "personal and confidential" to said Trustee, on the approval of a majority of the Voting Trustees at the closed (in-camera) meeting of the Board of Education;
5. Having a motion of censure passed by a majority of the Voting Trustees at the closed (in-camera) meeting of the Board of Education;
6. Having a motion to remove said Trustee from one (1), some or all Board of Education committees or other appointments of the Board of Education passed by a majority of the Voting Trustees at the closed (in-camera) meeting of the Board of Education.

The Board of Education may, in its discretion and by resolution of the Voting Trustees, make public any outcomes(s) of the Official Complaint Process if it considered reasonable and appropriate to indicate publicly its disposition of the complaint.

Appeals Process

Trustees who have been sanctioned or have had other measures imposed upon them by the Board of Education under this Policy may appeal those decisions through the legal system, at their own expense.

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Date Adopted: 2008-09
Date(s) Revised: 2021-04-27
2024-06-25

Cross References:
Statutory:
Other: