

## Policy 5

### CODE OF CONDUCT AND SANCTIONS

Trustees shall conduct themselves in an ethical and prudent manner. This includes proper use of authority and appropriate decorum in group and individual behaviour. Trustees shall behave in a manner that reflects respect for the dignity and worth of all individuals.

1. Trustees shall be loyal to the interests of the ratepayers in the context of Public education. This loyalty supersedes loyalty to:
  - 1.1 Any advocacy or special interest groups and membership on other boards or staff positions.
  - 1.2 The personal interest of any Trustee whether acting as an individual consumer of the school Division's services or not.
2. Trustees shall not be involved in school organizations and or committees within LRSD .
3. Trustees are accountable to exercise the powers and discharge the duties of their office honestly and in good faith. Trustees shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
4. Trustees must fulfill all the Trustee responsibilities under section 34 of the *Education Act*.
5. There must be no self-dealing or any conduct relating to in-camera business or personal services between any Trustee and the Division, except as permitted under the *Education Act*. Similarly, Trustees shall avoid any conflict of interest with respect to their fiduciary responsibilities by complying with all provisions of the *Education Act*. Without limiting the generality of the foregoing, all of the following apply:
  - 5.1 Each individual Trustee is responsible to determine, within the meaning of the *Education Act*, whether and what pecuniary interest the Trustee, the Trustee's spouse or adult interdependent partner, and the Trustee's children may have in any entity or matter from time to time.
  - 5.2 Within 30 days of being sworn in, and forthwith after each change to the information, each Trustee must disclose a statement to the Chair and the Board Corporate Secretary that includes all of the following information:
    - 5.2.1. everything required to be disclosed under section 86 of the *Education Act*;
    - 5.2.2. whether the *Education Act* disqualifies the Trustee from being a Trustee; and
    - 5.2.3. the Trustee's involvement with any other organizations, committees, vendors, or associations which might be, or might reasonably be seen to constitute, a conflict of interest with the Trustee's role as a member of the Board of Trustees.

- 5.3 A Trustee who has a pecuniary interest in a contract with the Division for the provision of goods or services in an emergency must disclose that interest to the Board Chair as soon as is practical. A Trustee who has a pecuniary interest in any other contemplated contract with the Division must disclose that interest to the Board Chair before the Division enters the contract and provide information to the Board Chair about safeguards to ensure openness, competitive opportunity, and equal access to otherwise “inside” information by all bidders for the contract.
- 5.4 A Trustee who has a pecuniary interest in a matter before the Board, any committee of the Board or any commission, committee or agency to which the Trustee is appointed as a representative of the Board must comply with all the disclosure and abstention obligations under the *Education Act*, and all Board minutes must record all such disclosures and abstentions.
6. Trustees will treat all communications and information received as confidential as strictly confidential and shall not disclose the contents of any such communication, including verbal, except to pertinent members of administration, so as to avoid the development of a potential conflict of interest arising at any future hearing.
7. Trustees will not engage in conversations with individuals regarding Division Operations where the potential exists for a conflict of interest but will refer such individuals to administration.
8. Trustees must not use their positions to obtain for themselves, or for their family members, employment within the Division. Should a Trustee apply for employment, he or she must take a leave of absence from the Board. If offered a contract of employment, he or she must first resign from the Board.
9. Trustees shall not attempt to exercise individual authority over the Superintendent or any member of the staff. In particular:
- 9.1 Individual Trustees shall make no judgments of the Superintendent or staff performance.
- 9.2 Trustees shall not encourage direct communication with employees who attempt to bypass administration but shall encourage employees to utilize reporting lines within the administration to bring their concerns to the Board.
10. Trustees shall not use Board information for their own benefit or advantage. This requires that Board information be kept confidential whenever required in the best interests of the Division. Without limiting the generality of these statements, the following Board information must be kept confidential:
- 10.1 Financial information, negotiation strategies, legal or personnel matters presented or discussed in an in camera meeting of the Board, or a committee of the Board, or any record of such meetings, maintained by any participant of such meetings.
11. Trustees must not attempt to exercise individual authority over the organization. Trustee interaction with the public, the media, or other entities, must recognize this limitation and not speak for the Superintendent or speak for the Board except to repeat explicitly stated Board decisions without limiting the right of Trustees to express their own personal views, when interacting with the public, media or other entities, Trustees shall support the decision of the

Board on any matter, regardless of the Trustee's personal position on the issue. ?

11.1 Trustee behavior and conduct requirements are the same when using technology as when not using technology. Each Trustee must recognize that his or her online activity and social media accounts can dramatically affect the general public's perception of the Trustee, the Board, Division employees, and schools within the Division. Each Trustee's online activity and social media accounts must comply with the *Education Act*, regulations under the Act, and all Board Policies, including in particular this Board Policy 5.

12. Trustees shall be familiar with the *Education Act*, regulations under the Act, and Board Policies, as well as, the rules of procedure and proper conduct of a meeting, so that any decision of the Board may be made in an efficient, knowledgeable and expeditious fashion.
13. Trustees shall be properly prepared for Board deliberations.
14. Trustees shall attend and take part in all meetings of the Board and committee meetings as assigned on a regular and punctual basis. Repeated unexcused absences, partial attendance or late attendance by Trustees may be cause for disciplinary action, as determined by the Board.
15. Trustees will be deemed present at a Regular or Special Board meeting when participating by electronic means or other communication facilities provided that the communication allows all participants including the public to hear each other.
16. The unauthorized absence of a Trustee from three consecutive regular meetings of the Board, within the meaning of the *Education Act*, shall disqualify that person from remaining as a Trustee. (Education act section 87 1.I.)
17. Trustees shall ensure that unethical activities not covered or specifically prohibited by the foregoing, or any other legislation are neither encouraged nor condoned.
18. Trustees will be held responsible and accountable for the ethical and legal use of Division resources including but not limited to Division purchase cards and electronic devices.
19. A Trustee who believes that a fellow Trustee has violated this Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under this Code of Conduct.
20. A Trustee who wishes to commence an official complaint, under this Code of Conduct, shall file a letter of complaint with the Chair, and indicate the nature of the complaint and the section or sections of this Code of Conduct that are alleged to have been violated by the Trustee. The Trustee who is alleged to have violated this Code of Conduct, and all other Trustees, shall be forwarded a copy of the letter of complaint by the Chair, or where otherwise applicable, in what follows, by the Vice Chair, within five (5) days of receipt by the Chair of the letter of complaint.

21. When a Trustee files a letter of complaint, and a copy of that letter of complaint is forwarded to all Trustees, the filing, notification, content, and nature of the complaint shall be deemed to be strictly confidential, the public disclosure of which shall itself be deemed to be a violation of this Code of Conduct. Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct hearing.
22. To ensure that the complaint has merit to be considered and reviewed, at least one other Trustee of the Board must provide to the Chair within three days of the notice in writing of the complaint being forwarded to all Trustees, a letter indicating support for having the complaint be heard at a Code of Conduct hearing. Any Trustee who forwards such a letter of support 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.
23. Where no letter supporting a hearing is forthcoming, the complaint shall not be heard. The Chair shall notify all other Trustees in writing that no further action of the Board shall occur.
24. Where a letter supporting a hearing is forthcoming, the Chair shall convene as soon as is reasonable, a Special Meeting of the Board to allow the complaining Trustee to present his or her views of the alleged violation of this Code of Conduct.
25. At the Special Meeting of the Board, the Chair shall indicate at the commencement of the meeting, the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the Special Meeting.

Without limiting what appears below, the Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:

#### CODE OF CONDUCT HEARING PROCEDURES

1. The Code of Conduct complaint shall be conducted at an in camera session, "Code of Conduct Hearing", of a Special Board Meeting convened for that purpose. The Board, in its sole discretion, may record the in camera session of the Special Board Meeting by electronic means. Where recording will take place, the complaining Trustee and the respondent Trustee shall be advised by the presiding Chair at the commencement of the Code of Conduct Hearing. 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 on behalf of the complaining Trustee.
2. The sequence of the Code of Conduct Hearing shall be:
  - 2.1 The complaining Trustee shall provide a presentation which may be written or oral or both;
  - 2.2 The respondent Trustee shall provide a presentation which may be written or oral or both;
  - 2.3 The complaining Trustee shall then be given an opportunity to reply to the respondent Trustee's presentation;

- 2.4 The respondent Trustee shall then be provided a further opportunity to respond to the complaining Trustee's presentation and subsequent remarks;
  - 2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;
  - 2.6 The complaining Trustee shall be given the opportunity to make final comments; and
  - 2.7 The respondent Trustee shall be given the opportunity to make final comments.
3. Following the presentation of the respective positions of the parties, the parties, and all persons, other than the remaining Trustees who do not have a conflict of interest, shall be required to leave the room, and the remaining Trustees shall deliberate in camera, 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.
  4. If the remaining Trustees in deliberation require further information or clarification, the parties shall be reconvened, and the requests 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.
  5. In the case of an adjournment, no discussion by Trustees whatsoever of the matters heard at the Code of Conduct Hearing may take place until the meeting is reconvened.
  6. The remaining Trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.
  7. 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 pass any resolution respecting any sanction.
  8. All documentation, including any recording by electronic means, that is related to the Code of Conduct Hearing shall be returned to the Superintendent immediately upon conclusion of the Code of Conduct Hearing and shall be retained in accordance with legal requirements.
  9. The presiding Chair shall declare the Special Board Meeting adjourned.
26. Violation of this Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
    - 26.1 Having the Board Chair write a letter of censure marked "personal and confidential" to the offending Trustee, on the approval of a majority of those Trustees present at the Special Meeting of the Board;
    - 26.2 Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board;

- 26.3 Having a motion to remove the offending Trustee from one, some, or all committees of the Board or other appointments of the Board, passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board;
- 26.4 Having a motion to declare the offending Trustee to be disqualified from remaining as a Trustee and the seat on the Board to be vacant, passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board.
27. The Board may, in its discretion, make public its findings at the Special Meeting, or at a Regular Meeting of the Board, where the Board has not upheld the complaint alleging a violation of this Code of Conduct or, where there has been a withdrawal of the complaint or, under any other circumstances that the Board deems reasonable and appropriate to indicate publicly its disposition of the complaint.

---

Legal Reference: Section 53 Education Act

Approval Date: October 14, 2003

Amended: June 23, 2009

Renumbered BP 4 September 08, 2009 (Previously BP 5)

Renumbered BP 5 September 14, 2010

Amended: March, 2012

Reviewed: January, 2013

Amended: October, 2013; November 14, 2018; April 2020, September 2021

Adopted from the Calgary Catholic School District Policy 4

Adapted October 2023