

205 – Trustee Code of Conduct and Conflict Resolution

205 Trustee Code of Conduct and Conflict Resolution

Purpose

The Board believes that individual Trustees must adhere to a Trustee Code of Conduct which reflects the Board’s recognition and respect of the public’s trust in the Board as elected representatives of the community. It is the Board’s expectation that each Trustee will adhere to the highest ethical standards in their dealings with fellow Trustees, the school community and all citizens of the District. The Board also believes in proactive resolution of conflict and a Trustee’s commitment to working together for the best interest of students.

Objectives

This policy, in alignment from guidance from the Ministry of Education and Child Care, is intended to provide Trustees a clear guide on the expectations of conduct in the exercise of their duties. It also will provide the procedural framework for the investigation, the informal and/or formal resolution of code of conduct complaints including strategies for restoring relationships following a breach. Finally, the policy will provide for the resolution of conflicts that may not rise to the level of a breach of the Code of Conduct (the “Code”).

Application

This Policy applies to behaviours and/or actions of Trustees individually, Trustee to Trustee behaviour and Trustee behaviour directed to the Superintendent.

1. Conduct Expectations

In carrying out the role of Trustee, the Board expects a Trustee to:

1.1. Comply with legal and policy requirements by:

- a. Conducting business in accordance with the Rules of Order, the policies of the District, and the laws and regulations governing public education in B.C. including but not limited to the *School Act*, *Human Rights Code* and the *Freedom of Information and Protection of Privacy Act*.
- b. Abiding by and upholding District Values, Mission, Vision and decisions of the Board while respecting diversity and inclusion.

- c. Keeping in confidence any personal or confidential information obtained in his or her capacity as a Trustee and not disclose the information except when required by law or authorized by the Board to do so.
- d. Declaring any conflict as required by the School Act and or the common law with respect to conflicts of interest.

1.2. Perform their duties diligently by:

- a. Devoting time, thought, and study to the duties of a Board member in order to ensure the District is well governed and work carefully to ensure that it is well maintained, fiscally secure, and operating in the best interests of those we serve.
- b. Considering information received from all sources and basing individual decisions upon all available facts while maintaining the confidentiality of privileged information obtained in their role as a Trustee.
- c. Not withhold or conceal information that may have a material impact on the deliberations of the Board or Administration of the District.

1.3. Represent the interests of the entire District by:

- a. Discharge the responsibility of being an advocate for children by always making fair and inclusive decisions free of bias that are in the best interests of children and resist every temptation and outside pressure to benefit either oneself or any other individual or agency apart from the total interest of the District.
- b. Understanding that individual Trustees have no legal authority outside the meeting of the Board, and therefore relationships with the District staff, the community and all media of communication should be conducted on this basis of fact.

1.4. Behaving Respectfully by:

- a. Representing the Board responsibly in all Board-related matters with proper decorum and respect for others and work respectfully with other Trustees and staff in both formal and informal settings.
- b. Recognizing the role of a Trustee by attending to the governance role of the Board avoiding involvement in District operations as required by Policy 202.

2. Process to Address a Breach of the Code of Conduct

2.1. Notification of an Alleged Breach of the Code of Conduct

- 2.1.1. A Trustee or the Superintendent shall in confidence bring the alleged breach of the Code to the attention of the Board by notifying the Chair or, in the absence of the Chair or if

the alleged breach has been made by or about the Chair, the Vice Chair who in such instances shall undertake the responsibilities of the Board Chair.

- 2.1.2. Notification of the Board Chair shall be made in a reasonable time from when the Trustee or Superintendent first becoming aware that the alleged breach has occurred. The notification shall be complete in writing in the form appended to this Policy. **The Chair shall engage section 2.2 or 2.3 as appropriate.**

2.2. Informal Code of Conduct Enforcement Procedures

- 2.2.1. The Chair, on their own initiative, or at the request of the individual who alleges a breach of the Code has occurred, may meet confidentially and informally with the Trustee who is alleged to have breached the Code, to discuss the breach. The Chair shall bring the allegation of the breach to the attention of the Trustee and discuss measures to correct the alleged offending behaviour which may include sanctions.
- 2.2.2. The sanctions or measures to address the alleged breach as an infraction may include a warning, an apology, or an agreed-upon consequence which may include that the Trustee engage in professional development.
- 2.2.3. If a Trustee does not agree that a breach occurred but is willing to take remedial steps in section 2.2 the Chair may report the outcome to a closed meeting of the Board and the matter will be considered closed.
- 2.2.4. In the event the Trustee does not acknowledge the breach and/or is unwilling to take remedial steps **the Chair shall engage section 2.3.1.**

2.3. Formal Code of Conduct Enforcement Procedures

- 2.3.1. In the absence of informal resolution of the alleged breach and within 14 days of receiving the notification of the alleged breach, the Chair shall compile the information obtained in the originating notification of the alleged breach and any actions the Chair may have taken to address the allegation, and make a confidential report to the Board in a closed meeting or closed session.
- 2.3.2. The Chair's report to the Board shall include the Chair's recommendation in respect to the merits of the Board conducting an investigation into the alleged breach of the Code. The report may include a recommendation to address the matter through the Resolution of Conflicts
- 2.3.3. The Board, by motion, shall within 14 days of receiving the report of the Chair, confirm or reject the recommendation of the Chair to conduct an investigation of the alleged breach of the Code.
- 2.3.4. Where the Board determines that an investigation should be made into the alleged breach of the Code, within 28 days of receiving notification from the Chair of the alleged breach, the Board shall by any appropriate means, including engagement of an independent investigator by the Superintendent, make inquiries into the alleged breach. On the basis of the results of the inquiry, the Board shall by motion decide whether the

Trustee has breached the Code and impose sanctions appropriate to the severity of the breach.

- 2.3.5. The Trustee alleged to have breached the Code shall not vote in respect to a motion to undertake an investigation of the alleged breach nor vote in respect to a motion to confirm the alleged breach or impose sanctions.

2.4. Sanctions for Breach of the Code of Conduct

Where the Board determines that a Trustee has breached the Code, the Board may censure the Trustee or, where the infraction includes the failure to maintain the necessary confidentiality of information, bar the Trustee from attending all or part of a meeting of the Board or a Committee of the Board and the Trustee shall not receive any materials that relate to that meeting that are not available to the public. These sanctions are not intended to limit any other response, action or remedy that the Board may decide to take or pursue.

- 2.4.1. Upon the Board determining that a Trustee has breached the Code and any sanctions to be imposed:

- a. The Board shall give the Trustee written notice of the determination and sanctions;
- b. Provide the Trustee with 14 days to make written submissions to the Board regarding the determination and/or sanctions;
- c. After considering the submissions, the Board shall confirm or revoke a determination within 14 days of receiving the submissions;
- d. If the determination is revoked, the sanctions are revoked; and
- e. If the determination is confirmed, the Board shall confirm, vary or revoke the sanctions.

- 2.4.2. Where a breach of the Code has occurred, sanction of a Trustee shall be undertaken by the Chair writing a letter of censure marked “personal and confidential” to the Trustee in question. This action shall be reported at the next open meeting of the Board.

- 2.4.3. In the event that the behaviour associated with the censure creates an unsafe work environment for a worker the Board may add steps to ensure its compliance with the Workers’ Compensation Act from the first occurrence.

- 2.4.4. For a second occurrence, a motion of censure shall be presented against the Trustee in question, at an open meeting of the Board, unless to do so would require a disclosure of confidential information other than a previous letter of censure.

- 2.4.5. For a third and subsequent occurrence, a motion to remove the Trustee in question from one, or more, or all Board appointments shall be presented at an open meeting of the Board including the limiting of attendance at open Board meetings for a period of time.

- 2.4.6. Where there has been a breach associated with the failure to maintain the confidentiality of information, in addition to the above sanctions, the Board may bar a Trustee from attending all or part of a meeting of the Board or a Committee of the Board. When a

sanction has been imposed that bars a Trustee from attendance at a meeting of the Board it is considered to be an absence authorized by the Board.

2.5. Restorative Justice

Following the conclusion of a Code of Conduct complaint the Chair shall work with the impacted individuals to determine whether a restorative process is appropriate including:

- a. Mediation
- b. Facilitated Meetings; or
- c. Other appropriate restorative justice strategies

3. Resolution of Non-Code of Conduct Conflicts

Disputes occur regularly and are an expected part of human interaction. Disagreements among Trustees and with the Superintendent similarly occur from time to time. Left unattended, disputes may lead to conflict that interferes with Board governance and Board/Superintendent relations. The Board regards conflicts as normally occurring and as opportunities to increase understandings of differences, enhance working relationships and improve individual performance.

3.1. Collaborative, inclusive, fair and developmental conflict resolution processes are based on the following interpersonal relational norms:

- a. Appreciation for the contributions of others
- b. Openness to diverse views and new ideas
- c. Respectful and emotionally safe interpersonal relationships
- d. Open and honest contributions to discussions
- e. Positive group dynamics (tone, body language), and
- f. Focus on the group task

3.2. Conflict Resolution Expectations

The Board has determined the following conflict resolution expectations. These expectations are intended to encourage learning, flexibility and responsiveness, and to avoid procedural rigidity.

3.2.1. Understanding

Disagreements present opportunities to seek additional information and create new understandings. Processes need to encourage inquiry, development of new and shared perceptions, and agreement.

3.2.2. Timeliness

Conflicts should be addressed as soon as possible and not left unattended to grow and impact unnecessarily on others and the work of the Board.

3.2.3. Fairness

Processes need to be open and equitable extending opportunities for participation in problem identification and generation of solutions.

3.2.4. Focus

Resolution processes and communications need to focus on issues and outcomes not people. The expectation is to build the team and enhance Board governance.

3.2.5. Respect

Interactions must be characterised by care and regard for the individual, empowerment and appropriate confidentiality.

3.3. Conflict Resolution Procedure

Trustees and the Superintendent are encouraged to adhere to the conflict resolution expectations:

3.3.1. Attend to the conflict, disagreement or dispute as soon as possible of becoming aware of the issue.

3.3.2. Address the issue with the individual directly with a view to resolving the matter privately.

3.3.3. Where a resolution is not found privately or the individual does not feel comfortable approaching an individual directly and there continues to be merit in seeking resolution, bring the matter to the attention of the Chair or, where the Chair is absent or the conflict involves the Chair, the Vice Chair, who shall:

- a. Within 14 days, take steps personally to inquire about the conflict with each individual involved;
- b. Seek to resolve the conflict in consultation with the individuals involved; and
- c. Treat the conflict and information surrounding the conflict confidentially.

3.3.4. Where the Chair is unable to resolve the conflict, there continues to be merit in seeking resolution. With the agreement of the involved individuals in respect to timing and external consultant, the Chair may engage an external consultant to resolve the conflict. The Chair shall report to the Board that an external consultant has been retained to assist.

Legal References:

Monitoring Method: *Internal Reports/Board and Superintendent*

Monitoring Frequency: *Annual*

Adopted: April 28, 2010 *Amended* 2012.08.29; 2012.12.10 202X.xx.xx