



**1.0 POLICY**

The Sturgeon School Division Board believes that, at all times, Trustees must conduct themselves lawfully, with integrity and high ethical standards, in order to model the behaviours expected of employees and students and to build public confidence and credibility.

The Board of Trustees further believes that a Trustee Code of Conduct should serve to provide guidance and direction for the ongoing behaviour of trustees.

**2.0 GUIDELINES**

2.1 In keeping with the policy statement, Trustees for Sturgeon School Division shall conduct themselves in an ethical and prudent manner which includes proper use of authority and appropriate decorum in group and individual behaviour.

2.1.1 Additionally, Trustees shall behave in a manner that reflects respect for the dignity and worth of all individuals.

2.2 Trustees shall be loyal to the interests of Sturgeon School Division. This loyalty supersedes loyalty to:

2.2.1 The personal interest of any trustee whether acting as an individual consumer of the School Division’s services or not.

2.3 Trustees must be mindful of the fact that they are accountable to exercise the powers and discharge the duties of their office honestly and in good faith. To this end, Trustees shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

2.4 Trustees shall avoid any conflict of interest with respect to their pecuniary interests as per Policy B/II/3 and the School Act (S80).

2.4.1 Trustees will file, and update forthwith if changes occur, with the Secretary-Treasurer, a disclosure of interest statement as required by the *School Act* (s. 81).

2.5 Trustees shall act in accordance with the role description provided for in Policy B/I/1 - Trustee Functions, Trusteeship & Policy as amended from time to time and shall not attempt to exercise individual authority over the organization and/or schools; the Superintendent of Schools; or any member of the staff. In particular:

References:	Board Policies:	B/I/1 – Trustee Functions, Trusteeship & Policy B/II/3 – Requirement to Declare Conflict of Interest E/I/11 – Harassment Policy E/I/15 – Healthy Interactions Model
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- 2.5.1 Individual trustees will not assume personal responsibility for resolving operational problems or complaints. Any such complaints will be referred forthwith to the Superintendent for investigation and resolution.
- 2.5.2 Trustees shall not encourage direct communication with employees and members of the public who attempt to bypass school or central office administration but shall encourage employees and members of the public to utilize reporting lines at the school level or within Central Office Administration to bring their concerns to the Board.
- 2.5.3 Trustees shall comply with their fiduciary duty to inform administration of concerns brought to their attention.
- 2.6 Trustees shall not use Board information for their own direct benefit or advantage. This requires that Board deliberations during in-camera or closed board planning meetings be kept confidential as required by law.
- 2.7 The Board Chair is the official spokesperson for the Board of Trustees, and therefore, the only person authorized to speak to the public, media or other entities and communicate corporate decisions or positions on behalf of the Board.
  - 2.7.1 Without limiting the right of trustees to express their own personal views, when interacting with the public, media or other entities, Trustees shall accurately represent and accept the corporate decision of the Board, once a decision has been made.
- 2.8 At all times Trustees shall avoid any conflict of interest or personal bias with respect to their fiduciary responsibility owed to Sturgeon School division. Each Trustee shall, in considering any matter, determine whether he/she has a conflict of interest or personal bias requiring him/her to recuse him/herself from addressing a particular matter before the Board of Trustees. In making the determination respecting conflict of interest or personal bias each Trustee shall consider the following:
  - 2.8.1 Whether a reasonably well-informed person would conclude that the Trustee has a substantial personal interest in the matter;
  - 2.8.2 The Trustee’s interest in the subject matter of the vote must go beyond that which he or she may have in common with other members of the community;
  - 2.8.3 The Trustee’s interest in the matter must be something that will serve his or her own personal ends; and

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2.8.4 Where there is such an interest it must be so related to the subject matter of the vote before the Board of Trustees that a reasonably well-informed person would conclude that the interest may well influence the Trustee’s vote and exercise of his or her public duty.

2.9 Trustees shall be prepared for Board deliberations

2.9.1 Trustees shall attend all regularly scheduled or special meetings of the Board of Trustees and any committee meetings to which they are assigned, on a regular and punctual basis. Provisions for absence because of illness and penalties for unapproved absences are delineated as follows:

2.9.1.1 Unless an absence has been previously approved by the Board, failure to attend Regular and Special Board Meetings as well as scheduled committee meetings, will result in the deduction from salary of a per diem rate.

2.9.1.2 Notwithstanding 2.9.1, two days per year are allowed without deduction for illness on the part of the Trustee, and two days compassionate leave are also permitted. If, however, a Trustee is absent from any Regular or Special Meeting of the Board or scheduled committee meetings due to illness, beyond the two sick days permitted, he/she must produce a doctor’s certificate and no deduction from salary will be made.

2.9.2 Trustees shall attend and take part in meetings, such as Trustee Orientation and Renewal sessions, Board Retreats, School Council meetings, Student Discipline Hearings, Teacher Transfer Hearings, meetings with external organizations (such as Municipal Councils and Chamber of Commerce). Trustees are also expected to attend the annual general meetings of the PSBAA and/or the ASBA and other conferences as approved by the Board.

2.9.3 The presence or absence of every Trustee shall be recorded in the minutes. If a Trustee wishes to absent himself/herself during the course of a meeting, he/she will declare this wish and ensure that the recording secretary has noted it. Failure to do so will result in inaccuracies in the recording of minutes.

2.9.4 As outlined in the School Act, a person is disqualified from remaining as a Trustee of a board if that person absents himself/herself, without being authorized by a resolution of the board to do so, for three consecutive regular meetings of the board, unless his/her absence is due to illness and he/she provides evidence of that illness in the form of a medical certificate respecting the period of absence.

2.9.5 Repeated partial or late attendance shall be cause for disciplinary action, as determined by the Board.

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- 2.10 A Trustee who believes that a fellow 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.
- 2.11 A Trustee who wishes to commence an official complaint, under the Code of Conduct, shall
  - 2.11.1 File a letter of complaint with the Chair, or Vice Chair in the absence of the Board Chair, or in cases when the complaint is about the Chair,
  - 2.11.2 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.
- 2.12 The Trustee who is alleged to have violated the Code of Conduct, and all other Trustees, shall be forwarded a copy of the letter of complaint by the Chair, or where otherwise applicable by the Vice Chair, within five (5) days of receipt by the Chair/Vice Chair of the letter of complaint.
- 2.13 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 be deemed to be a violation this Trustee Code of Conduct.
  - 2.13.1 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.
- 2.14 Upon receipt of a complaint, a special meeting of the Board of Trustees shall be called. 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.
- 2.15 Violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
  - 2.15.1 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 and allowed to vote at the Special Meeting of the Board. Trustees are allowed to vote if they do not have a conflict of interest and/or personal bias relative to the matter under consideration. The Trustee filing the complaint as well as the Trustee alleged to have violated the code shall not be eligible to vote;

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2.15.2 Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board;

2.15.3 Having a motion to remove the offending Trustee from one, some or all Board committees 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.

2.16 The Board may vote, at its discretion, to 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 the Board’s 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.

**3.0 PROCEDURES – CODE OF CONDUCT HEARING**

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

3.1 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.

3.1.1 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, trustees shall be advised by the presiding Chair at the commencement of the Code of Conduct Hearing.

3.2 The sequence of the Code of Conduct Hearing shall be:

3.2.1 The information supporting the complaint shall be presented to members of the Board of Trustees and may be written or oral or both;

3.2.2 The respondent Trustee shall provide a presentation which may be written or oral or both;

3.2.3 The Trustee advancing the complaint shall then be given an opportunity to reply to the respondent Trustee’s presentation;

3.2.4 The respondent Trustee shall then be provided a further opportunity to respond to any additional information or presentation and subsequent remarks;

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- 3.2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;
- 3.2.6 The Trustee advancing the complaint shall be given the opportunity to make final comments; and
- 3.2.7 The respondent Trustee shall be given the opportunity to make final comments.
- 3.3 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 private. 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.
- 3.4 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.
- 3.5 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.
- 3.6 The remaining Trustees, in deliberation, may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.
- 3.7 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 the resolution.
- 3.8 All documentation or records related to the Code of Conduct Hearing shall be returned to the Superintendent of Schools or designate immediately upon conclusion of the Code of Conduct Hearing and shall be retained in accordance with legal requirements.
- 3.9 The presiding Chair shall declare the Special Board Meeting adjourned.

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