

The Swan Valley School Board has established a Code of Conduct as per Section 35 of The Public Schools Act (PSA).

This Code of Conduct is an agreement between the Board and individual Trustees that identifies the standards of behavior and accountability expected from Trustees.

The Code Conduct works in partnership with all other divisional policies, by-laws and operating procedures, particularly the Trustee Conflict of Interest.

Trustee Responsibilities

- The Board expects individual Trustees to adhere to the highest ethical standards in their dealings with the collective Board, divisional staff, school communities and the public.
- Trustees are responsible for familiarizing themselves with provisions for Trustee code of conduct found in Section 35 of the Public School Act, associated regulations and any guidelines approved by the Board and are responsible to fulfill any requirements therein.
- It is the responsibility of each Trustee to agree to and abide by the Articles listed below.

Article 1: General Conduct and Responsibilities:

1. Trustees hold positions of public trust and must act with integrity and in the best interests of the division.
2. Trustees must adhere to all applicable laws, regulations, and division policies.
3. Trustees shall model ethical behavior, respect, integrity, and lifelong learning.
4. Trustees must recognize that the board's authority rests with the collective body and not with individual trustees.
5. Trustees must support and uphold board decisions after they are made.
6. Trustees are expected to attend all board and committee meetings, notifying appropriate individuals if they cannot attend.
7. Trustees are expected to arrive at meetings prepared and informed, having reviewed agendas and relevant materials.
8. Trustees are expected to listen respectfully to others' opinions and base decisions on the merits of those opinions.
9. Trustees must treat all individuals (colleagues, staff, students, community members) respectfully and refrain from abusive or denigrating language.
10. Trustees must recognize the distinction between policy-making (board responsibility) and day-to-day administration (Superintendent/CEO and staff responsibility).

11. Trustees must work within the established lines of authority and communication, and not obligate the board or staff without proper authorization.
12. Trustees should work cooperatively with fellow trustees and staff, encouraging a respectful exchange of diverse viewpoints, despite personal differences.
13. Decisions should be made considering the best interests of the entire division, rather than individual interests or groups.
14. Trustees are expected to maintain the confidentiality of sensitive information they encounter in their role, including student, staff, and financial matters.
15. Trustees must not use their position for personal or private gain, or for the benefit of friends.
16. Trustees should strive to maintain the integrity, confidence, and dignity of their office.
17. Confidential board business should be discussed only during official board or committee meetings
18. Trustees should avoid disparaging fellow board members, while reserving the right to offer honest, respectful, and constructive feedback.

Article 2: Social Media Conduct:

1. Trustees are expected to maintain the same high level of conduct on social media as they do in other settings.
2. Trustees should refrain from expressing opinions or sharing information on social media that could undermine the board's integrity.

Article 3: Gifts and Conflicts of Interest:

1. Trustees should not accept gifts that could be perceived as influencing their decision-making.
2. Cultural gifts and tokens associated with ceremonies and traditions are permitted.
3. Trustees must adhere to the division's Conflict of Interest Policy (Policy 16).
4. If there is uncertainty regarding a potential conflict of interest, the board will vote to make a determination.
5. When a conflict of interest is declared, the affected trustee may be present for the discussion but must abstain from voting and refrain from influencing the decision.
6. Declarations and decisions related to conflicts of interest must be recorded in the meeting minutes.

Article 4: Financial Disclosure and Decisions:

1. Before taking office, trustees must file a statement disclosing their assets and interests with the Secretary-Treasurer.
2. Trustees must comply with all relevant sections of the Public Schools Act concerning their conduct, particularly regarding contracts, transactions, personnel decisions, and disclosures.
3. Trustees shall recognize that the expenditure of school board funds is a public trust and endeavor to see that the funds are expended effectively and efficiently, in the best interest of students.

Article 5: Use of Division Property:

1. Division property (vehicles, equipment, materials) should primarily be used for division business.

2. The Superintendent/CEO or designate may authorize the use of supplies or equipment for board members' work.
3. Written records should be maintained for all authorized use of division supplies and equipment.
4. Trustees are responsible for the proper care and use of division property entrusted to them.
5. During election campaigns:
 - a. Division resources can only be used for division-related business.
 - b. Division trademarks and logos cannot be used in campaign materials.
 - c. Trustee divisional email accounts cannot be used for campaign correspondence or advertising.

Article 6: Enforcement of the Code of Conduct:

1. Identifying a Breach:

- a. A trustee with reasonable grounds to believe another trustee has breached the code can report the alleged breach to the board through the Chair. In the case of an allegation of a breach of the Code of Conduct by the Chair, wherever a process requires action by the Chair, it is modified to read the Vice-Chair.
- b. Allegations must be reported within four weeks of the alleged breach becoming known, and no inquiry can be undertaken after six months from the alleged date of the breach.

2. Informal and Formal Complaint Procedures:

- a. Alleged breaches can be addressed through either informal or formal procedures, as appropriate.
- b. **Informal procedures** prioritize collegiality and aim to assist the trustee in understanding their obligations. They are generally used for trivial, inadvertent, or good-faith errors in judgment.
- c. **Formal procedures** are used for serious or recurring breaches.

3. Role of the Chair:

- a. The Code of Conduct applies to all trustees, including the Chair.
- b. The Chair (or presiding officer) is expected to act fairly and impartially, respecting each trustee's opinions and views.

4. Informal Complaint Procedure:

- a. The Chair, on their own initiative or at the request of a trustee, may review a complaint and meet informally with the trustee in question.
- b. The purpose of this informal meeting is to address the alleged breach and discuss remedial measures.
- c. Remedial measures could include warnings, apologies, or professional development training.
- d. If an informal resolution is reached, a detailed record of the resolution will be kept.
- e. If the informal process fails, a formal complaint can be filed.

5. Formal Complaint Procedure:

- a. The trustee filing a formal complaint must provide specific information to the Chair, including the name of the trustee involved, the alleged breach(es), the date

of the occurrence, when the breach became known, grounds for belief, and contact information for witnesses.

- b. The Chair will share an oral report of the complaint with all trustees within 15 business days.
- c. A Code of Conduct Committee is formed, consisting of the Chair and two other trustees (one selected by each party involved in the complaint).
- d. The complaint, response, and investigation remain confidential until the committee makes a decision regarding the breach and a resolution is brought forward.

6. Refusal to Conduct Inquiry:

- a. The Code of Conduct Committee may choose not to conduct an inquiry if the breach is considered out of time, trivial, frivolous, vexatious, not made in good faith, or if there are insufficient grounds for an inquiry.
- b. A confidential report outlining the reasons for not conducting an inquiry will be provided to all trustees in such cases.

7. Steps of Inquiry:

- a. Formal inquiries adhere to principles of procedural fairness and natural justice, and are conducted in private.
- b. Inquiries may involve written and oral statements from witnesses and both trustees involved.
- c. The trustee accused of the breach will have opportunities to respond to the allegations both in writing and in a private meeting.
- d. Investigators will provide a confidential draft summary report of their findings to both trustees involved for their comment, ensuring factual accuracy.
- e. Trustees have 15 business days (or a reasonable extension as determined by investigators) to provide written responses to the draft report.
- f. If the accused trustee refuses to participate, the inquiry will proceed in their absence.

8. Suspension of Inquiry:

- a. If the subject matter of the inquiry is being investigated by law enforcement or addressed under another legal procedure, the inquiry will be suspended until that process is completed.
- b. The Board of Trustees will be informed of the suspension.

9. Decision:

- a. The final report is delivered to the Board of Trustees.
- b. The board will decide whether a breach occurred and determine any sanctions.
- c. Trustees are expected to base their decision solely on the findings of the final report.
- d. The accused trustee and the trustee who filed the complaint can vote on the resolutions concerning the breach or sanctions.
- e. While the accused trustee may be present, they are not allowed to participate in deliberations or answer questions during the meeting where the decision is made.
- f. The accused trustee is prohibited from attempting to influence the vote on the breach decision or sanctions.

- g. The determination of a breach and any sanctions must be made by a board resolution, voted on publicly, and require a two-thirds majority vote.
- h. Debate on the motion may occur in a closed session, but the vote must be public.
- i. All records related to the complaint are kept confidential by the Secretary-Treasurer, regardless of the outcome.

10. Sanctions:

- a. If a breach is confirmed, the board will determine appropriate action, potentially including remedies from the informal process or sanctions as outlined in the Public Schools Act Section 35.2 (1).
- b. Possible sanctions include:
 - i. Censure
 - ii. Barring from attending board or committee meetings (in whole or in part)
 - iii. Suspension from the board for up to three months (including suspension of all rights, duties, and privileges)
- c. Less severe sanctions like warnings or mandatory professional development may also be imposed.
- d. The board cannot declare a trustee's seat vacant.
- e. A trustee barred from meetings is not entitled to receive materials related to those meetings that are not available to the public.
- f. The imposed sanction of barring a trustee from a meeting constitutes authorized absence, preventing a violation of the Public Schools Act regarding meeting attendance.

11. Appeal to Adjudicator:

- a. A trustee sanctioned with barring from meetings or suspension can appeal the decision to an adjudicator appointed by the Minister of Education.
- b. Written notice of appeal must be submitted to the minister within 10 days of the sanction.
- c. The adjudicator has the authority to uphold, modify, or overturn the sanction.
- d. The cost of adjudication is borne by the school division, but the adjudicator may authorize the division to recover some or all of the cost from the trustee.
- e. The adjudicator's final determination will be provided to both parties involved.

12. Records:

- a. The Chair keeps records of the following:
 - i. Information received or notes taken upon receiving the complaint;
 - ii. Documentation of any investigation; and
 - iii. Notes of any meetings with the Trustee alleged to have breached the Code of Conduct.
- b. Records are kept in the Chair's personal files until the Trustee in breach is no longer serving, at which time the records are destroyed.