



Trustee Code of Ethical Conduct and Conflict of Interest

The position of School Trustee is one of responsibility, integrity and trust and individuals holding that position must conduct themselves accordingly. Trustees are the governing body for the school division and accountable to constituents, fellow Trustees and the process of governance. A Trustee Code of Ethical Conduct is an agreement between the organization and individual board members that identifies the standards of behavior and accountability expected from Trustees.

The Board of Trustees of the Pine Creek School Division expects individual Trustees to adhere to the highest ethical standards in their dealings with the collective Board, divisional staff, school communities and the public. Therefore, the Trustees abide by the following principles.

Principle 1: Integrity and Dignity of Office

- Remember always that their first responsibility is to the students, the parents and the guardians in our school system, our employees and the communities we serve.
- Discharge their duties loyally, faithfully, impartially and in a manner that inspires public confidence in the abilities and integrity of the Board.
- Commit themselves to dignified, ethical, professional and lawful conduct.
- Recognize that the expenditure of school board funds is a public trust and endeavor to see that the funds are expended efficiently, in the best interests of the students.

Principle 2 – Avoidance of Personal Advantage and Conflict of Interest

- Never accept a gift from any person or entity that has dealings with the Board if a reasonable person might perceive that the gift could influence the Trustee when performing his or her duties to the Board.
- Do not use their office to advance the Trustee's interests or the interests of any family member or person or organization with which the Trustee is related or associated. Specifically, Trustees comply with the *PSA* regarding requirements to disclose conflicts of interest and withdraw from meetings and refrain from influencing decisions when a conflict exists. Trustees may also excuse themselves in situations where the perception of a conflict of interest may exist. When in doubt regarding a conflict of interest, Trustees seek counsel from the Chair.



- Do not use his or her office to obtain employment with the Board for the Trustee or a family member.
- Ensure their comments are issue-based and not personal, demeaning or disparaging with regard to Division staff or fellow Board members.

Principle 3: Compliance with Regulatory Requirements

- Discharge their duties in accordance with *The Public Schools Act (PSA)* and any regulations, directives or guidelines thereunder.
- Recognize that the Board's authority rests with the corporate body, not with individual Trustees, and that they have authority or power only when the Board has delegated such authority or power.

Principle 4 – Respect for Confidentiality

- Maintain the confidentiality of any information disclosed or discussed at a meeting of the Board that was closed to the public unless required to divulge such information by law or authorized by the Board to do so.
- Do not use confidential information for either personal gain or to the detriment of the Board.
- Do not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of his or her position, except when required by law or authorized to do so by Board resolution.

Principle 5 - Active Participation and Informed Decision Making

- Attend and participate in all regular and special meetings of the Board and in the event of unforeseen circumstances, advise the Secretary-Treasurer by email/phone as soon as possible if unable to attend.
- Come prepared by reviewing meeting materials and other relevant information prior to Board and Committee meetings.
- Contribute to open and honest discussion about matters before the Board or Committees and encourage the free expression of opinion by all Board members at these meetings.



- Make decisions based on the available facts and independent judgment, refusing to surrender that judgment to individuals or special interest groups.
- Specifically, Trustees comply with the PSA regarding requirements to disclose conflicts of interest and withdraw from meetings and refrain from influencing decisions when a conflict exists. Trustees may also excuse themselves in situations where the perception of a conflict of interest may exist. When in doubt, Trustees seek counsel from the Chair.
- Communicate expressions of public reaction to Board policies and school programs to other Board members and Senior Administration through formal channels.
- Inform themselves about current educational issues by individual study and through participation in continuing education programs.

Principle 6 – Civil Behaviour

- Engage in conduct during meetings of the Board or Committees of the Board, and at all other times in a manner that credits or demonstrates the integrity of the Board.
- Advance only those allegations of misconduct and/or a breach of this Code that are not trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee.
- When expressing individual views, respect the differing points of view of other Trustees, staff, students and the public.
- At all times act with decorum and be respectful of other Trustees, staff, students and the public.
- Use social media responsibly, including acknowledgement that opinions expressed are those of the individual, not of the Board.

Principle 7 – Upholding Decisions

- Accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board by resolution.
- Uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission may be brought by a Trustee.



- Be prepared to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided the Trustee's statement does not in any way undermine the implementation of the resolution.
- Comply with Board policies, administrative procedures, By-Laws, and Rules of Order.
 - Accept the Chair of the Board as the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee speaks on behalf of the Board unless expressly authorized to do so by Board resolution.

Conflict of Interest

Conflict of interest occurs when a personal matter or interest clashes with a public duty or responsibility. For an individual Trustee, conflict of interest occurs when a Trustee participates in decisions of the Board which result in a direct or indirect pecuniary gain for that Trustee or the dependent of that Trustee.

The Board acknowledges its continuing duty to conform to all laws regulating conflicts of interest. Trustees are also alert to situations which have the appearance of a conflict of interest.

Members of the Board are subject to the provisions of the *PSA*, Sections 36 to 39 inclusive, which govern Board member conduct with reference to certain contracts, transactions, personnel decisions and disclosures, all as particularly set forth in the law.

A Trustee is required, whenever the Board is about to consider any matter in which the Trustee has a pecuniary interest, to:

- Disclose the interest;
- Refrain from attempting to have any influence on the matter; and
- Withdraw from the meeting without voting or participating in the discussion of the matter.

This applies to all Board meetings, Committee meetings, and Sub-Committee meetings.

The Secretary-Treasurer keeps a record of all disclosures and this record is available to the public during office hours as specified in sub-section 39(4) of the *PSA*.

Review and Acknowledgement of the Code

Trustees review the Code annually at the inaugural meeting and immediately thereafter, each Trustee acknowledges in writing that they:



- Recently read this policy;
- Agree to comply with it; and
- Have complied with it over the past year, if in office.

Enforcement of the Code

Identifying a Breach of the Code

A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached this Code is obligated to bring the alleged breach to the attention of the Chair no later than two (2) weeks after the breach comes to the knowledge of the Trustee reporting the breach. An inquiry into a breach of the Code must be initiated within 6 months from the time the contravention is alleged to have occurred.

Allegations of a breach of the Code are addressed through an informal or formal process, depending on the nature of the complaint.

Informal Complaints

It is recognized that from time to time a contravention of the Code may occur that is trivial or committed through inadvertence or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to such a breach is to assist the Trustee in understanding his or her obligations under the Code. It is expected that whenever possible, allegations of a breach of the Code by a Trustee are addressed using the informal process.

The Chair of the Board on his or her own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) may review the complaint and meet informally, with a Trustee of the Board who is alleged to have breached the Code, to discuss the breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct any offending behaviour. The meeting is conducted in private. Remedial measures may include a warning, an apology or the requirement for the Trustee to successfully complete professional development training such as that offered by the Manitoba School Boards Association.

Upon informal resolution of a complaint, the Chair prepares a summary report outlining the issue and agreed resolution. The report is signed by the Chair and the Trustee and handed over to the Secretary-Treasurer in a sealed envelope.

If the Chair of the Board and the Trustee alleged to have breached the Code cannot agree on a remedy, the matter proceeds as a formal complaint.



Formal Complaints

Serious or recurring breaches of the Code by a Trustee are handled through a formal process.

A Trustee who has reasonable grounds to believe that another Trustee has breached the Code may bring the breach to the attention of the Board by submitting to the Chair a written, signed complaint setting out the following:

- Name of the Trustee alleged to have breached the Code;
- Alleged breach of the Code and when the alleged breach occurred;
- Information as to when the alleged breach became known to the Trustee;
- Grounds for the belief of the Trustee that a breach of the Code has occurred; and
- Names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

Within 15 days of receipt, the Chair provides a confidential copy of the complaint to all Trustees. The complaint, any response to the complaint and the investigation of the complaint remain confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code and a resolution is brought forward.

The Chair establishes an ad hoc Code of Conduct Committee to review the complaint, consisting of the Chair and two other Trustees – one selected by the Trustee alleged to have breached the code and one selected by the Trustee alleging the breach of the code, invited by the chair.

The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it is modified to read the Vice-Chair.

The Chair of the Board or Presiding Officer of any meeting of the Board or committee of the Board exercises their powers in a fair and impartial manner having due regard for the opinions or views of each Trustee.

If the Code of Conduct Committee is of the opinion that the breach is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, an inquiry is not conducted and a confidential report stating the reasons for not doing is provided to all Trustees of the Board.

When an inquiry proceeds, it:

- Is governed by the rules of natural justice and procedural fairness;
- Is conducted in private;



- May involve both written and oral statements by any witnesses, the Trustee bringing the complaint and the Trustee who is alleged to have breached the Code; and
- Allows the Trustee alleged to have breached the Code an opportunity to respond to the allegations both in a private meeting with the Committee and in writing.

Upon completion of the inquiry, the Committee provides a confidential draft copy of their report containing the findings of fact to both the Trustee who is alleged to have breached the Code and the Trustee who brought the complaint, for their written comment to the Committee. The purpose of providing the draft report to the parties is to ensure the report contains no errors of fact. These two Trustees have 15 business days (or such reasonable period of time as deemed appropriate by the Committee) from the receipt of the draft report to provide a written response.

If the accused Trustee refuses to participate in the formal inquiry, the formal inquiry continues in his or her absence.

In the event the Committee discovers the subject matter of the formal inquiry is under investigation by police or that a charge has been laid or is being dealt with in accordance with a procedure established under another Act, the inquiry is suspended until the police investigation, charge or matter under another Act has been finally disposed of. Any such suspension of an inquiry is reported to the Board of Trustees.

Upon completion of an inquiry, the Code of Conduct Committee submits the final report to the Board of Trustees.

Decision of the Board of Trustees

As soon as practical after receipt the final report from the Code of Conduct Committee, the Board of Trustees makes the final determination of a breach of the Code and the imposition of a sanction. In accordance with subsection 35.2(2) of the *PSA*, the motion may be debated at a Board meeting that is closed to the public but a motion to sanction a Trustee must be voted on in public. Both resolutions are decided by a vote of at least two thirds of the Trustees of the Board present and voting. The Trustee alleged to have breached the Code is not entitled to vote on the decision or sanction; the Trustee who brought the complaint forward may vote. The resolutions are recorded in the minutes of the meeting.

In making these decisions, the Trustees consider only the findings in the final report. The Trustee alleged to have breached the Code may be present but does not participate in the deliberations and is not be required to answer any questions. The Trustee who is alleged to have breached the Code may not in any way influence the vote on the decision of breach or sanction, except as permitted below after these decisions have been made.



Whether the complaint is found to be valid or unfounded, a record of the decision, any action taken and all written documentation of the complaint is maintained in a sealed envelope by the Secretary-Treasurer.

Sanctions

If by resolution the Board determines a Trustee has breached the Code, the *PSA* gives the Board the authority to impose the following sanctions:

- Censuring the Trustee;
- Barring the Trustee from attending all or part of a meeting of the Board or a Committee of the Board; or
- Suspending the Trustee from the Board, including suspending all the Trustee's rights, duties and privileges as a member of the Board, for up to three months.

The Board does not have the authority to impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.

A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.

The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the *PSA* regarding absences from meetings as stated in sub-section 35.2(3).

Appeals to Adjudicator

The right and process to allow a barred or suspended Trustee to appeal the sanction are outlined in the *PSA* and supporting regulations.

Unexcused Absences

Unexcused absences from regular and special meetings may result in removal from office, as stipulated in the *PSA*, or in the loss of a portion of the trustee's annual indemnity, as stipulated by the Board By-Law.