

6. Trustee Code of Conduct, Member Ethics and Conflict of Interest



Trustee Code of Conduct

6.1 Integrity and Dignity of Office

- i. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
- ii. Trustees will commit themselves to dignified, ethical, professional and lawful conduct.
- iii. Trustees' responsibility is to our students, the parents and guardians in our school system, our employees and the communities we serve.
- iv. Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
- v. Trustees shall ensure that their comments are issue based and not personal, demeaning, or disparaging with regard to Board staff or fellow Board members.
- vi. Trustees shall recognize that their personal interactions on social media platforms impact public confidence in the abilities and integrity of the Board and shall manage their online presence accordingly.

6.2 Avoidance of Personal Advantage and Conflict of Interest

- i. Conflict of Interest is defined as any direct or indirect interest in, connection with, or benefit from outside activities, especially business activities, involvement in which might adversely affect the Division, or benefit the Trustee directly or indirectly as a result of the Trustee's position or connection with the Division, including the use of Division materials, personal contacts, or knowledge for personal profit or gain.
- ii. No Trustee shall 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 their duties to the Board.
- iii. A Trustee shall not use their office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.
- iv. A Trustee shall not use their office to obtain employment with the Board for the Trustee or a family member.

6.3 Civil Behaviour

- i. No Trustee shall, at any time, engage in conduct that would discredit or compromise the integrity of the Board.
- ii. A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.
- iii. When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and the public.
- iv. Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.
- v. When using social media, Trustees shall do so responsibly, including an acknowledgement that opinions expressed are those of the individual, not of the Board.

6.4 Respect for Confidentiality

- i. Every Trustee shall keep confidential 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.
- ii. No Trustee shall use confidential information for either personal gain or to the detriment of the Board.
- iii. Trustees shall 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 their position, except when required by law or authorized by the Board to do so.

6.5 Upholding Decisions

- i. All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.
- ii. A Trustee must be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state their position on a resolution provided it does not in any way undermine the implementation of the resolution.
- iii. Each Trustee shall comply with Board policies, procedures, by-laws, and Rules of Order.

- iv. The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair or Board to do so.

Enforcement of the Code of Conduct

6.6 Identifying a Breach of the Code

- i. A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board.
- ii. Any allegation of a breach of the Code must be brought to the attention of the Chair no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.
- iii. Any allegation of a breach of the Code of Conduct shall be investigated following the Informal or Formal Complaint Procedures below, as the case may be.
- iv. It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the informal process. 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 a breach of the Code is to assist the Trustee in understanding his/her obligations under the Code. Only serious and/or recurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure.

6.7 Chair/Presiding Officer

- i. 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 shall be modified to read the Vice-Chair.
- ii. The Chair of the Board or Presiding Officer of any meeting of the Board or committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

6.8 Informal Complaint Procedure

- i. The Chair of the Board on his/her own initiative, or at the request of a Trustee of the Board will review the written complaint and may 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 the offending behaviour. This process is

conducted in private and shall take no longer than 10 business days from start to finish. A summary report outlining the issue and resolution will be maintained in a sealed envelope with the Secretary-Treasurer.

- ii. The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Manitoba School Boards Association. If the Chair of the Board and the Trustee alleged to have breached this Code cannot agree on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.

6.9 Formal Complaint Procedure

- i. A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached the Board's Code of Conduct may bring the breach to the attention of the Board by first providing to the Chair of the Board a written, signed complaint setting out the following:
 - the name of the Trustee who is alleged to have breached the Code;
 - the alleged breach or breaches of the Code;
 - information as to when the alleged breach came to the Trustee's attention;
 - the grounds for the belief of the Trustee that a breach of the Code has occurred;
 - the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
- ii. The Chair of the Board shall provide to all Trustees of the Board a confidential copy of the complaint within fifteen (15) business days of receiving it. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code.
- iii. The Chair shall appoint Committee of three (3) consisting of two (2) Trustees and a third party human resources professional.

6.10 Refusal to Conduct Inquiry

- i. 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 shall not be conducted and a confidential report stating the reasons for not doing so shall be provided to all Trustees of the Board.

6.11 Steps of Inquiry

- i. Procedural fairness and the rules of natural justice shall govern the formal inquiry. The formal inquiry will be conducted in private.

- ii. Refer to AP 1-502 Guidelines for the Investigation of Harassment Complaints for investigation procedure.
- iii. Once the formal inquiry is complete, the investigators shall provide a confidential draft copy of their report containing the findings of fact to the Trustee who is alleged to have breached the Code of Conduct and the Trustee who brought the complaint for their written comment to the investigator (s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. These two Trustees shall have fifteen (15) business days (or such reasonable period of time as deemed appropriate by the investigator(s)) from the receipt of the draft report to provide a written response.
- iv. If the accused Trustee refuses to participate in the formal inquiry, the formal inquiry will continue in his/her absence.

6.12 Potential Remedial Measures

- i. Refer to PSA Section 35.2(1) for a list of permissible sanctions.
- ii. In addition, should the Code of Conduct Committee determine that further measures are warranted, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Manitoba School Boards Association may be required.

6.13 Appeal of Sanction

- i. To appeal a sanction, a trustee must provide the following to the minister within 10 days of the sanction being imposed:
 - a. a copy of the school board's motion to sanction the trustee;
 - b. a written statement setting out
 - i. the particular sanction or sanctions the trustee wishes to appeal, and
 - ii. the reasons for the appeal.

Further steps in the appeal process can be found in the PSA Section 35.3.

School Board Member Ethics

As a member of the Western School Division Board of Trustees, I will strive to improve public education, and to that end I will:

1. Attend all regularly scheduled board and respective committee meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
2. Make policy decisions only after full discussion at committee and board meetings;
3. Render all decisions based on available facts and my independent judgment, and refuse to compromise that judgment to individuals and special interest groups;
4. Encourage the free expression of opinion by all Trustees and use the proper channels of communication for the exchange of information with students, staff and community;

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5. Work with other Trustees to establish effective board policies and to delegate authority for the administration of the schools to the senior administrative staff;
6. Communicate to other Trustees and senior administrative staff expressions of public reaction to board policies and school programs;
7. Inform myself about current educational issues by individual study and through participation in programs providing needed information;
8. Support the employment of those people best qualified to serve as school staff, and insist on a regular impartial evaluation of all staff;
9. Avoid being placed in a position of conflict of interest and refrain from using my board position for personal or partisan gain;
10. Take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged;
11. Remember always that my first and greatest concern must be the educational welfare of the students attending the schools of the Western School Division;
12. Recognize that authority rests with the Board in legal session, and not with individual members of the Board;
13. Refrain from making statements to the media that alienate, prejudice, or jeopardize another board;
14. Associate myself with members of other school boards, both personally and in conferences, for the purpose of discussing school problems and co-operating in the solution of them;
15. Encourage my Board to associate itself with other boards through the Manitoba School Boards Association, to utilize the services of the Association, to give proper considerations to its recommendations, and to promote its growth and objectives.

Board Member Conflicts of Interest

Trustees of Western School Division will comply with the disclosure requirements contained in the *Public School Act* sections 36 - 39.8.

Reference:

Policy 1 – Mission and Belief Statements

Policy 5 – Board Operations

Policy 14 – Community Engagement

Legal Reference: *The Public Schools Act*

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