

Policy 4

TRUSTEE CODE OF CONDUCT

The Foothills School Division Trustee Code of Conduct links the Division's mission, values, and principles with standards of Trustee professional conduct. The code reflects the values The Foothills School Division (FSD) wishes to foster throughout the Division and, in doing so, defines and models expected Trustee behavior. It serves as both an internal guideline and an external statement of our corporate values and commitments.

The Board commits itself and its members to act in a professional manner. It is expected that all professional interactions and relationships will be characterized first and foremost by affirming the worth and contribution of each individual. Trustees will also act consistently in the best interest of all learners and the Foothills community while demonstrating empathy and genuine concern for others; and always acting with fairness, respect and integrity.

This Code of Conduct is to be given a broad interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Trustees are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code. The professional behaviour and decisions of Trustees shall be governed by the following guiding principles and specific obligations.

Guiding Principles

- Trustees shall engage in the highest ethical and professional conduct during meetings of the Board or committees of the Board, and at all other times in a manner that would not discredit or compromise the integrity of the Board nor the Division.
- Trustees shall act in good faith and in the best interest of The Foothills School Division community.
- Trustees shall uphold and protect the public interest.
- Trustees shall engage with the community and model a culture of integrity, assurance, and transparency.

Specific Obligations

- Trustees are obligated to meet the specific responsibilities as outlined in all relevant provincial legislation and regulations as well as The Foothills School Division [Trustee Guide to Good Governance](#).

- Trustees shall comply with provincial and school system requirements relating to all matters of confidentiality. In the course of their duties, Trustees may become privy to confidential information received outside of an “in-camera” meetings. Trustees must not:
 - disclose or release by any means to any staff member of the Division, member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by the Board;
 - access or attempt to gain access to confidential information in the custody or control of The Foothills School Division unless it is necessary for the performance of the Trustee’s duties and is not otherwise prohibited by the Board, and only then if the information is acquired through appropriate channels in accordance with applicable Board Policies and Administrative Procedures;
 - use confidential information for personal benefit or for the benefit of any other individual or organization.

- Trustees’ fiduciary responsibility supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs, or acting as an individual consumer of the Division’s services.

- Trustees shall disclose the nature of any pecuniary interest as outlined in the [Education Act](#), and abstain and absent themselves from discussion or voting on the matter in question.

- A Trustee shall not use his or her 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.

- Trustees shall not use their influence to obtain employment within the Division for family members or friends.

Trustees will refrain from initiating, participating in, or encouraging the filing of complaints against fellow Trustees that are malicious, unwarranted or without basis in fact. Furthermore, Trustees shall refrain from knowingly assisting or inducing a fellow Trustee to contravene the Trustee Code Conduct.

Consequences for the failure of individual Trustees to adhere to the Trustee Code of Conduct are specified in Policy 4 Appendix – Trustee Code of Conduct Sanctions.

Legal Reference: [Relevant Legislation & Guidelines](#)

Appendix A

TRUSTEE CODE OF CONDUCT SANCTIONS

Compliance with this Code of Conduct

1. Trustees are ultimately accountable to the public through the four-year election process. Between elections, a Trustee may become disqualified and required to resign if a Trustee commits a disqualifying action pursuant to section 87 of the [Education Act](#).
2. Any reported violation of this Code of Conduct may be subject to investigation by the Board, a committee of the Board or a third party investigator appointed by the Board.
3. Trustees are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.
4. No Trustee shall:
 - a. undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Board or to any other person in accordance with this Code of Conduct; or
 - b. obstruct the Board, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

Informal Complaint Process

5. Any person who identifies or witnesses behaviour or activity by a Trustee that they reasonably believe, in good faith, is in contravention of this Code of Conduct is encouraged to attempt to address the prohibited behaviour or activity informally, where appropriate, by advising the Trustee that they are in contravention of this Code of Conduct and encouraging the Trustee to stop.
6. People are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or activity that they believe violates this Code of Conduct. However, a person is not required to complete this informal complaint process prior to pursuing the formal complaint process outlined below.

Formal Complaint Process

7. Any person who identifies or witnesses behaviour or activity by a Trustee that they reasonably believe, in good faith, is in contravention of this Code of Conduct may file a formal complaint in accordance with the following conditions:
 - a. a complaint must be made in writing and include the complainant's name and contact information;
 - b. a complaint must be addressed to the Board, attention of the Chair. In the event that the Chair is the subject of, or is implicated in a complaint, the complaint shall be addressed to the attention of the Vice Chair;
 - c. a complaint must include the name of the Trustee(s) alleged to have contravened the Code of Conduct, the provision(s) of the Code of Conduct allegedly contravened and the facts surrounding the allegation, including the names of any witnesses(es).
8. Upon receipt of a complaint, the Board will meet, in closed session, excluding the Trustee(s) alleged to have contravened the Code of Conduct, and decide whether to proceed to investigate the complaint or not. If the Board is of the opinion that:
 - a. a complaint is frivolous or vexatious or is not made in good faith,
 - b. a complaint is outside the jurisdiction of the Board or is more appropriately dealt with by another applicable legislative appeal, complaint or court process, or
 - c. there are no grounds or insufficient grounds for conducting an investigation,

the Board may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In such event, the complainant and the Trustee(s) alleged to have contravened the Code of Conduct shall be advised of the Board's decision in writing, with reasons, and the complainant may be provided with information regarding other options to pursue the complaint, if applicable.
9. If the Board decides to investigate the complaint, it shall take such steps as it may consider appropriate in the circumstances having regard for the specific nature of the complaint, which may include but is not limited to, proceeding to investigate on its own, appointing a committee of the Board to conduct the investigation, seeking legal advice and/or engaging a third party to investigate the complaint and report their findings to the Board.
10. Investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

11. If the Board or a committee of the Board is tasked with investigating a complaint, the Trustee(s) who the complaint is made against shall not participate in conducting the investigation.
12. If the complainant is a member of the Board, that Trustee shall not participate in conducting the investigation.
13. Prior to commencing an investigation, the complainant and the respondent Trustee(s) will be advised of the investigation, and the respondent Trustee(s) will receive a copy of the complaint.
14. During an investigation, a complainant or witness may be asked to provide additional information. Division staff may also be requested to provide information, and any person conducting an investigation under this Code of Conduct may look at any record or thing belonging to or used by the Division, and enter any Division facility for the purpose of completing the investigation.
15. A respondent Trustee is entitled to disclosure of all relevant information gathered during an investigation and must be given an opportunity to respond to the complaint before the Board deliberates and disposes of the complaint. The Board may, in its discretion, allow a respondent Trustee to respond to a complaint by way of written submissions, oral submissions, or both.
16. Upon conclusion of the investigation, the Board will convene, in closed session, to consider the results of the investigation and dispose of the complaint. The Trustee(s) alleged to have contravened the Code of Conduct may be in attendance if the Board has authorized the respondent Trustee(s) to make oral submissions to the Board, but the Trustee(s) shall thereafter be excluded from the closed session portion of the meeting while the Board is deliberating on and disposing of the complaint.
17. If the complainant is a member of the Board, the Trustee shall not participate in the closed session deliberations of the Board on the complaint.
18. If the Board determines it appropriate to do so, having regard for the nature and severity of the violation as well as the past conduct of the Trustee, the Board may, by resolution passed at a meeting open to the public, impose sanctions on a Trustee who contravenes this Code of Conduct.
19. Sanctions that may be imposed on a Trustee by the Board are intended to be corrective in nature, following the principle of progressive discipline, and may include:
 - a. issuing a letter of reprimand addressed to the Trustee,

- b. requesting the Trustee to issue a letter of apology,
- c. publicly reprimanding the Trustee by motion of censure,
- d. publishing a letter of reprimand or request for apology and the Trustee's response,
- e. requiring the Trustee to attend training,
- f. suspending or removing the Trustee from membership on a committee,
- g. suspending or removing the Trustee from chairing a committee,
- h. requiring the Trustee to reimburse monies received,
- i. reducing or suspending remuneration paid to the Trustee in respect of the Trustee's services,
- j. requiring the Trustee to return Division property or reimburse its value,
- k. restricting the Trustee's access to Division facilities, property, equipment, services and supplies,
- l. restricting the Trustee's contact with Division staff,
- m. restricting the Trustee's travel and representation on behalf of the Board,
- n. restricting how Division documents are provided to the Trustee (e.g. no electronic copies, but only watermarked paper copies for tracking purposes),
- o. disqualifying the Trustee from the Board,
- p. imposing any other sanction the Board deems reasonable and appropriate in the circumstances provided that the sanction does not prevent the Trustee from fulfilling the legislated duties of a trustee while the Trustee remains in office and the sanction is not contrary to the *Education Act* or any other enactment or the common law, but nothing in this Code of Conduct requires the Board to impose a sanction for any contravention.

20. All complaints received under this Code of Conduct and all information and records received, reviewed or generated during the course of an investigation and disposition of a complaint, including interviews and investigation reports, are and shall remain strictly confidential, unless the Board directs otherwise.

Legal Reference: This appendix was prepared following relevant legislation and guidelines, by the legal counsel, Brownlee LLP (June 2021).