POLICY 1.22 TRUSTEE CODE OF CONDUCT

The Board of Education resides in the two Traditional Territories of the Nłeʔkepmx and Syilx people and serves the seven distinct communities of Shackan, Nooaitch, Lower Nicola, Coldwater, Upper Nicola, Princeton, and Merritt. The Board is comprised of elected members from these diverse communities and are committed to serving its members and meeting the vision of "Success for ALL Learners – Today and Tomorrow" with a commitment to both equity and Truth and Reconciliation.

As democratically elected members of the Board, Trustees fully acknowledge the critical trust invested in the Board by the electorate and are dedicated to governing the affairs and business of the District in a respectful and professional manner that recognizes and affirms the rights and dignity of all students.

The Board, representing all members of the community, wishes to operate under the highest of standards of conduct. To this end, trustees will be guided by the following statements of conduct:

1. Decorum

By working collaboratively and creatively with rightsholders, administrators, teachers, parents, and community leaders, Trustees model and contribute to a positive and receptive learning and working culture both within the Board and the School District. In exercising their duties of governance, Trustees will demonstrate mutual respect, transparency, and impartiality. Trustees will act with integrity and be accountable for their actions and decisions. To fulfill the responsibilities of public office effectively, Trustees are expected to attend all scheduled meetings of the Board; in the event of an unavoidable absence, Trustees will inform the Board Chair.

2. Decision Making

Trustees will consider information received from all sources, base their decisions upon all available facts, and vote impartially in every situation. To facilitate effective decision making, Trustees must be knowledgeable about the School Act; statutory requirements; existing Board policy and practices; Local Education Agreements; initiatives; long-range plans; and current educational issues, both local and provincial. It is expected Trustees will be diligent in familiarizing themselves with supporting documents, in advance of meetings, in order to make informed and credible decisions.

3. Confidentiality

Trustees will preserve the confidentiality of information discussed at closed school board or committee meetings and will not release privileged information in any format to the public until the Board has done so in an official capacity.

4. Working Relationships

Trustees will work with each other in a spirit of harmony and cooperation and be respectful of differences of opinion. Trustees will refrain from making discrediting comments about others, engaging in unwarranted criticism, or taking private action that could compromise the integrity or authority of the Board. Trustees will observe proper decorum and encourage full, open, and courteous discussions in all matters with other Trustees. Information that may be of potential concern should not be concealed or withheld.

5. Engagement

Trustees are committed to constructive engagement and participation from rightsholders and the broad school community in establishing and interpreting policy on school operations, goals, and directions. Trustees will endeavour to share and incorporate the opinions and views of others in the deliberations and decisions of the Board. Timely reporting out of information will be provided to those who are impacted by Board decisions.

6. Conflict of Interest

It is the legal duty of each trustee to avoid conflict of interest in all trusteeship responsibilities. Trustees will not use the schools or the School District's programs for personal advantage or for the advantage of family and friends. When a trustee becomes aware that they are in a position that creates a conflict of interest or a perceived conflict of interest, they will declare the nature and extent of the conflict at a public board meeting and abstain from deliberating or voting on the issue giving rise to the conflict.

7. Legal Authority of Individual Trustees

Trustees recognize that, as a Corporate Board, the authority to make decisions must only be made within an official meeting of the Board. Individual Trustees or committees of Trustees may not exercise the rights, duties, and powers of the Board. The Chair acts as the official spokesperson for the Board; other Trustees will not speak on behalf of the Board unless authorized by the Board to act in such a capacity.

8. Support for Board Decisions

Trustees will present their views through the process of Board debate. Regardless of holding a minority position in debate or casting an opposition vote, Trustees will accept and support the majority decisions of the Board including any proposed action or implementation that will ensure decisions have the intended outcome.

9. Trustee Professional Learning

Trustees will endeavour to attend the BCSTA's Annual AGM, Academy, and Regional Branch Meetings, and take advantage of educational conferences, workshops, and training sessions made available by local, Indigenous, or provincial affiliations. Through participating in professional learning opportunities, Trustees can enhance their knowledge of Trustee roles and responsibilities and become acquainted with current educational topics and trends.

10. Scope of Delegated Responsibility

Trustees will respect the authority vested in the role of the Superintendent of Schools and their senior staff and will give them responsibility to manage and operationalize policies and directions, which have been established and evaluated by the Board.

Trustees will uphold the commitments articulated in the Trustee Code of Conduct and address any violation(s) through the process outlined below.

Upon being elected to a term as trustee for the district, and as part of the inaugural meeting, trustees will commit to these statements by formally signing this Code of Conduct. Trustees will also annually indicate their commitment to this Code of Conduct.

Addressing Breaches of the Trustee Code and Conduct

Trustees are required to conduct themselves in an ethical and prudent manner in compliance with the Code of Conduct (the "Code"). The failure by Trustees to conduct themselves in compliance with the Code may result in the Board instituting sanctions.

The Board believes that it is essential to have a clear, fair, and effective process for ensuring the adherence to and enforcement of the obligations established under the Code. Trustees also believe that Trustee discipline processes must not be used for frivolous, vexatious, or bad faith reasons, or as a response to legitimate disagreements that have been expressed in a manner consistent with this Code on matters relating to the Board's business.

A Trustee who believes that a Trustee has violated the Code is encouraged to seek resolution of the matter through the Informal Complaint Process when possible, prior to commencing a formal complaint under the Code.

1. Conduct constituting breach of the Code of Conduct

    1.1. Allegations of breaches of the Code may arise in many diverse circumstances and it is not possible to exhaustively specify in advance what conduct constitutes a breach of this Code.
    1.2. The Board recognizes that disciplinary proceedings concerning Trustees are serious matters not to be taken lightly, having regard to the democratically elected nature of the Trustee's role and that such proceedings must not be utilized as a response to legitimate policy disagreements.
    1.3. Notwithstanding the above, the following are provided as examples of conduct that could be subject to sanction or to proceedings:
        1.3.1. Where a Trustee violates the law, or advocates the violation of a law;
        1.3.2. Where a Trustee's conduct is a violation of expected standards of decorum, is uncivil, or is otherwise disruptive of the meetings of the Board;
        1.3.3. Where a Trustee breaches the confidences of the Board;
        1.3.4. Where a Trustee's conduct gives rise to a breach of the Human Rights Code;
        1.3.5. Where a Trustee's conduct is discriminatory or otherwise in breach of a policy of the Board;
        1.3.6. Where a Trustee fails to disclose a conflict of interest or acts while in conflict of interest;
        1.3.7. Where a Trustee harasses or otherwise engages in misconduct in relation to School district staff;
        1.3.8. Where a Trustee misuses social media;
        1.3.9. Where a Trustee engages in personal attacks on other Trustee's or staff members' integrity or conduct or otherwise defames them;
        1.3.10. Where the Trustee's conduct exposes the Board to potential liability; or
        1.3.11. Where the Trustee's conduct is otherwise a clear breach of the Trustee Code of Conduct.

2. Informal Complaint Process

    2.1. It is recognized that a contravention of the Code may occur that is relatively minor, or committed inadvertently or due to an error of judgment made in good faith. In such

instances the priority will be to alert the offending Trustee to the violation and their obligations under the Code. Only serious and/or reoccurring breaches of the Code should be investigated following the formal complaint procedure.

2.2. Any Trustee, the Superintendent or the Secretary Treasurer who has reasonable grounds to believe that a Trustee has breached the Code, will seek resolution in an informal, cooperative fashion marked by mutual respect with an openness to growth and improvement.

2.2.1. The party will engage in an individual private conversation with the Trustee affected.

2.3. Failing resolution through the private conversation the parties will engage the Board Chair, Vice Chair or designate to gain resolution. If the concern is with the Board Chair, the concern should be raised with the Vice Chair.

2.3.1. The Chair and at the Chair's option the Chair and Vice Chair will attempt to resolve the matter to the satisfaction of the Trustees involved.

2.4. It is recognized that for reasons which may include the nature of the issue of concern or the way it has come to a Trustee's attention, informal measures may not be appropriate.

2.5. If resolution through the Informal Complaint Process is not possible, the Formal Complaint Process, outlined below, will be followed.

2.6. All serious and/or reoccurring breaches of the Code by a Trustee should be addressed following the Formal Complaint Process.

3. Formal Complaint Process

3.1. Any Trustee who has reasonable grounds to believe that another Trustee has breached this Code, the Superintendent or the Secretary Treasurer may bring an alleged breach ("Complaint") to the attention of the Chair of the Board or designate.

3.2. Where an allegation is made against the Chair, all other references to the Chair in this Policy will be deemed to read "Vice Chair".

3.3. Absent exceptional circumstances, an allegation of a breach of the Code must be brought to the attention of the Chair within 30 days after the breach comes to the knowledge of the Complainant.

3.4. The Complaint will be in writing, signed by the Complainant advancing it, and will contain:

3.4.1. the name of the Trustee who is alleged to have breached the Code;

3.4.2. the alleged breach or breaches of the Code;

3.4.3. information as to when the breach came to the Complainant's attention;

3.4.4. the grounds for the belief by the Complainant that a breach of the Code has occurred; and

3.4.5. the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

4. Notification of Trustees

4.1. A copy of the complaint will be forwarded to all Trustees, including the allegedly breaching Trustee, the Superintendent and Secretary Treasurer, within seven (7) days of receiving it.

4.2. 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 of the Code.

4.2.1. Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Board Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code hearing.

5. Decision Not to Proceed on Complaint

5.1. If the Chair is of the opinion that the Complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds to proceed; or where the complainant has withdrawn their complaint and the Chair believe the Complaint should proceed, the Chair will prepare a confidential report to all Trustees stating their opinion and the rationale. The Trustees, excluding the Trustee who is alleged to have breached the Code, will determine by resolution whether, notwithstanding the Chair's opinion, to continue proceedings with respect to the Complaint.

6. Investigation

6.1. The Board may direct the appointment of an independent investigator to investigate the circumstances of the alleged breach. It is recognized that not all allegations of breach require the appointment of an independent investigator, but that allegations of a breach of this Code may be adequately addressed through the processes outlined below. If an independent investigator is appointed, the independent investigator will determine their own investigative procedure within the scope of terms of reference established by the Board with the assistance of counsel. The Trustee who is the subject

of the Complaint (the "Respondent Trustee") will be provided a fair opportunity to respond to the Complaint to the independent investigator.

6.2. The independent investigator will prepare a report that will be provided to the Board and the Respondent Trustee.

7. Processes may be amended

7.1. If, in the opinion of the Board, the circumstances of a particular Complaint so require, the Board may amend these processes, but in no case will the Respondent Trustee be denied procedural fairness.

8. Inquiry Procedure

8.1. All meetings in respect of Trustee discipline will be conducted in a closed meeting.

8.2. The Secretary Treasurer is responsible to facilitate the Board's process and make any administrative arrangements for the Board's consideration of a Complaint against a Trustee.

8.3. The Complainant and the allegedly breaching Trustee may make representations to the Board in respect of the Complaint.

8.4. A Complaint may be considered on the basis of written representations, oral representations or a combination of both, as determined by the Board. Where an independent investigation has occurred, the investigator's report will be placed before the Board. The Secretary Treasurer will make arrangements to provide relevant documents to the Board and the Trustee who has allegedly breached the Code.

8.5. The Trustee may be represented by counsel or another representative, at their own expense, unless the Board determines otherwise, provided that counsel or representative agrees to maintain the confidentiality of the proceedings. The Board may have counsel to assist the Board with matters of procedure, law, and in respect of its deliberations.

8.6. Witnesses will not be called and cross examination will not be permitted at any meeting concerning a Complaint. The Complainant and allegedly breaching Trustee may be asked questions of clarification by the other Trustees in respect of their written and oral representations.

8.7. The Board will endeavor to address any Complaint within 90 days of receipt the complaint. Consideration of a Complaint may, if in the opinion of the Board circumstances so require, be deferred if the matter is subject to investigation by the police or to proceedings under any applicable legislation.

9. Trustee Deliberations and Decision

9.1. Following receipt of submissions by the Respondent Trustee, the Complainant, and the other information before the Board in accordance with this Policy, the Trustees, excluding the Respondent Trustee, and, if the alleged misconduct is directed at another Trustee, excluding that other Trustee, will deliberate in a closed session.

9.2. Trustees will reach a decision with respect to whether a breach of the Code of Conduct occurred, what that breach was, and what, if any, sanction will be imposed.

10. Sanctions

10.1. If the Board determines that there has been no breach of the Code of Conduct or that although a contravention occurred, the Trustee took all reasonable measures to prevent it, or that the contravention was trivial or committed through inadvertence or an error of judgment made in good faith, no sanction will be imposed.

10.2. Where a sanction is to be imposed, Trustees will determine, by resolution, the appropriate level. Sanctions for a violation of the Code should be imposed in a remedial and restorative manner and should reflect the seriousness of the breach.

10.3. Sanctions may include:

10.3.1. having the offending Trustee write a letter of apology;

10.3.2. having the offending Trustee participate in a restorative justice process;

10.3.3. having the offending Trustee participate in specific training, coaching or counselling as directed by the Board

10.3.4. having the Board Chair write a letter of censure marked "personal and confidential" to the offending Trustee;

10.3.5. having a motion to remove the offending Trustee from one, some or all Board committees or other appointments of the Board, for a period of time, barring the Trustee from sitting on one or more committees of the Board.

10.3.6. any other sanction the Trustees consider appropriate in the circumstances.

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

11. Publication of Decision

11.1. The Board may, in its discretion and by resolution of the Voting Trustees, determine to publish any sanctions respecting a Trustee, including disclosing the substance of the Complaint, the Board's decision and any sanction imposed.

11.2. Personal privacy of any affected third party will be protected in accordance with the Freedom of Information and Protection of Privacy Act.

12. Powers of Presiding Officer Preserved

12.1. Nothing in this Policy prevents the Board from exercising its power pursuant to s. 70 of the *School Act* to expel or exclude from any meeting any Trustee person who has been guilty of improper conduct at the meeting without the necessity of a complaint or conducting an investigation or other inquiry before an expulsion or exclusion from a meeting.

13. Appeal of Decision

13.1. Trustees who have been sanctioned or have had other measures imposed upon them by the Board under this Policy can appeal those decisions through the legal system, at their own expense.