

## 202.1 Appendix Trustee Code of Conduct

### Appendix I General Considerations and Protocol

Attendant attributes of trustee conduct not specifically related to the *Education Act*, Alberta.

#### 1. Respect for the Decision-Making Process

Decision-making authority lies with the Board, and not with any individual Trustee. The Board acts by resolution passed at a duly constituted meeting held in public at which there is a quorum present, pursuant to Section 64 of the Education Act.

- 1.1. A Trustee must not attempt to bind the Board, either by publicly expressing their personal views as being on behalf of the Board when not authorized to do so or by giving direction to staff, agents, contractors, consultants or other service providers of the Division or prospective vendors.
- 1.2. Trustees must accurately communicate the decisions of the Board, even if they disagree with the Board's decision, such that respect for the decision-making processes of the Board is fostered.

#### 2. Public Communications

Open, honest and consistent communication with stakeholders is important to accurately inform and increase awareness of public education.

- 2.1. A Trustee must not communicate on behalf of the Board unless authorized to do so or unless the Board directs otherwise. The Chair is the Board's official spokesperson and in the absence of the Chair it is the Vice Chair.
- 2.2. A Trustee who is authorized to act as the Board's official spokesperson must ensure that their comments accurately reflect the official position and will of the Board as a whole, even if the Trustee disagrees with the Board's position.
- 2.3. A Trustee must not make a false statement with the intent to mislead the Board or Trustees or members of the public.

#### 3. Use of Social Media

- 3.1. As with any other activity, Trustees must ensure that their use of social media complies with the law, the requirements of this Code of Conduct and any related Board policy. This Code of Conduct applies to all communications a Trustee makes, regardless of the social media account or device from which the communication is made.
- 3.2. For the purposes of Section 9 of this Code of Conduct, "communications" shall be considered to mean any information or data submitted by a Trustee to a social media network or platform that is capable of being displayed using software or approved hardware such as text, images, videos, or links to other content and includes a Trustee liking, commenting on or sharing content created by other users of the social network or platform.

4. Conduct Respecting Administration
  - 4.1. The Board is the source of all governance authority and will make decisions on whether and to what extent to delegate the Board's authority to others, including the Chair, Board committees and to the Superintendent. Under the direction of the Superintendent, staff in Administration serve the Board as a whole
  - 4.2. Trustees shall respect the fact that staff work for the Division as a body corporate and are charged with making recommendations that reflect their professional expertise and a corporate perspective and carrying out directions of the Board and administering the policies and programs of the Board, and that staff are required to do so without undue influence from any Trustee or group of Trustees.
  - 4.3. Trustees must not:
    - 4.3.1. involve themselves in Administration and the day-to-day management of the Division, which fall within the jurisdiction of the Superintendent pursuant to the *Education Act*;
    - 4.3.2. use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in that staff member's duties; or
    - 4.3.3. maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of any staff member.
    - 4.3.4. Trustees must obtain information about the operation or administration of the Division from the Superintendent, or a person designated by the Superintendent. Trustees must refrain from directing any other staff in Administration without authorization.
5. Use of Division Property and Resources
  - 5.1. Trustees must use Division property, equipment, services, supplies and staff time only for the performance of their duties as a Trustee, subject to the following limited exceptions:
    - 5.1.1. Board property, equipment, service, supplies and staff time that is available to the general public may be used by a Trustee for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges,
    - 5.1.2. Electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which may be supplied by the Division to a Trustee, may be used by the Trustee for personal use, subject to the terms and conditions described below.
  - 5.2. Electronic communication devices provided by the Division are the property of the Division, and shall, at all times, be treated as the Division's property. Trustees are hereby notified that they are to have no expectation of privacy in the use of these devices and further that:
    - 5.2.1. all emails or messages sent or received on Division devices are subject to the *Freedom of Information and Protection of Privacy Act*,
    - 5.2.2. all files stored on Division devices, all use of internal email and all use of the internet through the Division's firewall may be inspected, traced or logged by the Division,

- 5.2.3. in the event of a complaint pursuant to this Code of Conduct, the Board may require that any or all of the electronic communication devices provided by the Division to Trustees be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages or Internet connections may be retrieved as directed by the Board.
  - 5.3. A Trustee must not use any Division property, equipment, services or supplies including email, internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
  - 5.4. Upon ceasing to hold office, a Trustee must immediately deliver to Division personnel, as directed, any money, book, paper, thing or other property of the Division that is in the Trustee's possession or under the Trustee's control including, without restriction, any record created or obtained by virtue of the Trustee's office, other than a personal record or constituency record, as those terms are used in *the Freedom of Information and Protection of Privacy Act*.
6. Gifts, Benefits and Hospitality
- 6.1. Trustees are expected to represent the public and the interests of the Division with both impartiality and objectivity. The acceptance of a gift or benefit can imply favouritism, bias or influence on the part of the Trustee. At times, the acceptance of a gift or benefit occurs as part of the social protocol or community events linked to the duties of a Trustee and their role in representing the Board. Personal integrity and sound business practices require that relationships with vendors, contractors or others doing business with the Division be such that no Trustee is perceived as showing favouritism or bias toward the giver.
  - 6.2. Trustees must not accept gifts or benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a gift or benefit provided with the Trustee's knowledge to a Trustee's spouse, child, or parent that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that Trustee.
  - 6.3. For further clarity, the following are recognized as acceptable gifts or benefits:
    - 6.3.1. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$250.
    - 6.3.2. a political contribution otherwise reported by law.
    - 6.3.3. a suitable memento of a function honouring the Trustee.
    - 6.3.4. food, lodging, transportation, event tickets or entertainment provided by provincial, or local governments, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Trustee either speaking or attending in an official capacity on behalf of the Board.
    - 6.3.5. Food and beverages consumed at banquets, receptions, or events, if:
      - 6.3.5.1. attendance serves a legitimate purpose,
      - 6.3.5.2. the person extending the invitation or a representative of the organization is in attendance; and
      - 6.3.5.3. the value is reasonable and the invitations infrequent.
  - 6.4. Gifts received by a Trustee on behalf of the Board as a matter of official protocol which have significance or historical value for the Division must be left with the Division when the Trustee ceases to hold office.

- 6.5. An invitation to attend a function where the invitation is directly or indirectly connected with the Trustee's duties of office is not considered to be a gift but is the fulfillment of an official function or duty. An invitation to attend a charity golf tournament or fundraising gala, provided the Trustee is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting invitations to professional sports events, concerts or dinners may serve a legitimate business purpose.
- 6.6. Any doubts about the propriety of a gift or benefit should be resolved in favour of not accepting it or not keeping it.

## **Appendix II Code of Conduct Complaint Process and Remedial Actions**

Outlines the processes/options available to the Board in responding to Code of Conduct matters.

### **1. Informal Complaint Process**

- 1.1. Any person including a trustee 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:
  - 1.1.1. advising the Trustee that the behaviour or activity appears to contravene this Code of Conduct,
  - 1.1.2. encouraging the Trustee to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity; and
  - 1.1.3. if addressing the Trustee privately does not resolve the matter, requesting the Chair to assist in informal discussion of the alleged complaint with the Trustee in an attempt to resolve the issue. In the event that the Chair is the subject of, or is implicated in a complaint, request the assistance of the Vice Chair.
- 1.2. 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.

### **2. Formal Complaint Process**

- 2.1. Any person including a trustee 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:
  - 2.1.1. a complaint must be made in writing and include the complainant's name and contact information,
  - 2.1.2. 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 must be addressed to the attention of the Vice Chair,

- 2.1.3. a complaint must include the name of the Trustee(s) alleged to have contravened the Code of Conduct, the specific provision(s) of the Code of Conduct allegedly contravened and the facts surrounding the allegation, including the names of any witnesses.
- 2.2. A complaint must be received not later than 30 days after the date the person became aware of the conduct giving rise to the complaint. The Board may exercise its discretion to grant an extension if:
  - 2.2.1. the delay in filing a formal complaint occurred in good faith.
  - 2.2.2. it is in the public interest to conduct an investigation or to give consideration whether to conduct an investigation; and
  - 2.2.3. no substantial prejudice will result to any person because of the delay.
- 2.3. Upon receipt of a formal complaint, the complaint will be:
  - 2.3.1. served on the Trustee(s) whose conduct is in question, and
  - 2.3.2. added as a confidential agenda item to the agenda of the next regular meeting of the Board or a special meeting of the Board called to consider the complaint.
- 2.4. Upon receipt of a formal complaint, the Board will meet, in closed session, excluding the Trustee(s) alleged to have contravened the Code of Conduct, if applicable, the Trustee(s) who filed the complaint, and decide whether to proceed to investigate the complaint or not.
- 2.5. Complaints will be immediately refused, and the complainant will be advised in writing, with reasons, and provided with information regarding other options, if applicable, if they:
  - 2.5.1. are not about a current Trustee, or
  - 2.5.2. are covered by other applicable legislative appeal, complaint or court processes,
  - 2.5.3. The Trustee alleged to have contravened the Code of Conduct will also be advised in writing with reasons
- 2.6. The Board may choose not to investigate or may dispose of the complaint in a summary manner if:
  - 2.6.1. a complaint is frivolous or vexatious or is not made in good faith, or
  - 2.6.2. there are no grounds or insufficient grounds for conducting an investigation,
  - 2.6.3. In such an event the complainant and the Trustee(s) alleged to have contravened the Code of Conduct will be advised in writing with reasons.
- 2.7. 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:
  - 2.7.1. establishing an ad hoc committee of the Board to investigate the complaint and report to the Board,
  - 2.7.2. retaining a third-party investigator to investigate the complaint; or
  - 2.7.3. if the material facts are not in dispute or the alleged misconduct is admitted by the Trustee(s) whose conduct is in question, proceeding to make a determination on the validity of the complaint without further investigation.
- 2.8. Investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

- 2.9. Prior to commencing an investigation, the complainant and the respondent Trustee(s) will be advised, in writing, of the investigation process. 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.
  - 2.10. The Trustee(s) whose conduct is in question 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. No investigation will be concluded or any investigation report issued in relation to a complaint unless a Trustee whose conduct is in question has had reasonable notice of the basis for the proposed findings and conclusion as to whether or not a complaint is substantiated and an opportunity to respond to the proposed findings and conclusion.
  - 2.11. Upon conclusion of the investigation, the Board will convene at a closed session of the Board, excluding the Trustee(s) alleged to have contravened the Code of Conduct, and the complainant, if applicable, to consider the results of the investigation and dispose of the complaint. The complainant and the Trustee(s) alleged to have contravened the Code of Conduct will be advised of the Board's disposition of the complaint in writing, with reasons.
  - 2.12. A Trustee who files a formal complaint under this Code of Conduct or against whom a formal complaint is made must not participate in conducting the investigation of the complaint.
  - 2.13. 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 must remain strictly confidential, unless the Board directs otherwise.
3. Remedial Action
- 3.1. Remedial action is intended to be corrective, serve as a deterrent, and follow the principle of progressive discipline. Prior to imposing any remedial action, the Board will take into consideration the nature and severity of the breach as well as whether the Trustee has previously breached this Code of Conduct.
  - 3.2. If the Board determines it appropriate to do so, the Board may impose sanctions on a Trustee who contravenes this Code of Conduct. Sanctions that may be imposed on a Trustee by the Board include:
    - 3.2.1. issuing a letter of reprimand addressed to the Trustee,
    - 3.2.2. requesting the Trustee to issue a letter of apology,
    - 3.2.3. publicly reprimanding the Trustee by motion of censure with or without conditions on how to purge the censure,
    - 3.2.4. publishing a letter of reprimand or the request for apology and the Trustee's response,
    - 3.2.5. requiring the Trustee to attend training either at the expense of the Board or the Trustee,
    - 3.2.6. suspending or removing the Trustee from membership on a committee,



- 3.2.7. suspending or removing the Trustee from chairing a committee,
- 3.2.8. requiring the Trustee to reimburse the Board for monies received,
- 3.2.9. reducing or suspending remuneration paid to the Trustee in respect of the Trustee's services,
- 3.2.10 requiring the Trustee to return Division property or reimburse its value, restricting the Trustee's access to Division facilities, property, equipment, services and supplies,
- 3.2.11. restricting the Trustee's contact with Division staff,
- 3.2.12. restricting the Trustee's travel and representation on behalf of the Board,
- 3.2.13. restricting how documents are provided to the Trustee (e.g. no electronic copies, but only watermarked paper copies for tracking purposes),
- 3.3 The Board is not required to impose a sanction for any contravention of this code.
- 3.4 The Board may give consideration on legal fees related to the parties in the matter.