



BOARD REGULATIONS

Policy Number: A-120-BR

Policy: Trustee Code of Conduct

References:

- A-120-BR
- *Education Act, Section 33, 34 (C)*
- *Education Act, Section 85-88*
- *ASBA Policy 3 – Role of the Trustee*
- *ASBA Policy 4 – Trustee Code of Conduct*

The St. Albert Public Board of Trustees believes that members of the Board represent the community of St. Albert through the democratic process. The Board is committed to the highest of ethical standards and recognizes that as trustees, they are entrusted with the educational development of the children and youth of the community. The Board expects trustees to act in the best interests of students of the division, without distinction as to who they are or what their background may be.

Trustees realize that the future welfare of the community depends in large measure upon the quality of education provided to the children and students in our schools.

The role of the trustee is to contribute to the work of the Board as it carries out its mandate to govern and achieve its vision, mission, beliefs, values and principles. The oath of office taken by each trustee when he or she assumes office binds that person to work diligently and faithfully in the cause of public school education.

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1. Code of Conduct

The St. Albert Public Board of Trustees expects individual Trustees to:

- 1.1 make decisions on issues before the Board in the best interest of students in consideration of the fiduciary duty and the public interest, acting with an open mind, based on all facts;
- 1.2 disclose the nature of any conflict of interest, and abstain from discussion or voting on the matter in question;
- 1.3 work with fellow trustees in the spirit of co-operation, in spite of differences of opinion that arise during vigorous debate on issues brought before the Board;
- 1.4 respect the corporate decisions of the Board;
- 1.5 function at all times, knowing that individual trustees have no legal authority outside the meeting of the Board to bind the Board, act on behalf of the Board, or to direct the Administration. Therefore, relationships with school staff, the community, and all media communication should be conducted accordingly;
- 1.6 refrain from intentionally giving the appearance of speaking on behalf of the Board on issues that the Board has not taken a position;
- 1.7 respect the confidentiality of information;
- 1.8 work on behalf of the Board to communicate to the community the facts about the school system in order that the community can support public school education;

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- 1.9 resist every temptation and outside pressure to use his or her position as a School Board member for personal benefit, or the benefit of any other individual or agency apart from the total interest of the school division;
- 1.10 respect the authority of the Superintendent of Schools to direct the work of the Administration;
- 1.11 foster positive relationships between the Board and its stakeholders;
- 1.12 encourage active participation by stakeholders with respect to establishing policy on current school operations and proposed future developments;
- 1.13 seek and receive communication from stakeholders to inform decision making on matters before the Board;
- 1.14 become familiar with Division policies and procedures, meeting agendas and reports in order to participate in Board business while observing the Board's Procedures Manual for the conduct of board meetings; and
- 1.15 respect the office of the Board Chair, the Vice-Chair and the authority delegated to the Board Chair by the Board.

2. Addressing Divergence from the Code of Conduct

Complaint by non Board Member:

- 2.1 If a complaint is made concerning a trustee's divergence from the Code of Conduct, the complainant, where feasible, should address the issue with the trustee directly;
- 2.2 If the matter is not successfully resolved, the complainant can raise the issue with the Board Chair. The Board Chair may choose to speak directly with the trustee. If the Board Chair is one of the trustees involved, the Vice-Chair may be approached to facilitate such a meeting;

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- 2.3 If still not successfully resolved, or if the complaint involves the Board Chair and Vice-Chair, the Board Chair shall request that the Superintendent or designate, appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at an in-camera meeting of the Board. This decision shall immediately be approved in a public meeting of the Board;
- 2.4 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent;
- 2.5 The Board Chair shall present at an in-camera meeting of the Board, the report of the independent investigator. At this time, the trustee in question shall have an opportunity to present any additional, relevant information.

Complaint by a Board Member:

- 2.6 A trustee wishing to submit an official complaint under the Code of Conduct must file a letter of complaint with the Board Chair within thirty (30) days of the alleged event occurring and indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the trustee;
 - 2.6.1 The trustee who is alleged to have violated the Code of Conduct and all other trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where otherwise applicable in what follows, by the Vice-Chair, within five (5) days of receipt by the Board Chair of the letter of complaint. If the complaint is with respect to the conduct of the Board Chair, the letter of complaint shall be filed with the Vice-Chair;
- 2.7 When a trustee files a letter of complaint and a copy of that letter of complaint is forwarded to all trustees, 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 of

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Conduct. 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 of Conduct hearing;

- 2.8 To ensure that the complaint has merit to be considered and reviewed, at least one other trustee must provide to the Board Chair, within three (3) days of the notice in writing of the complaint being forwarded to all trustees, a letter indicating support for having the complaint heard at a Code of Conduct hearing. Any trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.
- 2.9 Where no letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 2.8 above, the complaint shall not be heard. The Board Chair shall notify all other trustees in writing that no further action of the Board shall occur.
- 2.10 If it is determined by a majority vote of the Board that a willful violation of the Code of Conduct has occurred, for a first occurrence, a motion to write a letter of censure marked "Personal and Confidential" is required to be discussed and agreed upon by a majority of trustees present at an in-camera meeting of the Board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.
- 2.11 For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the Board. To have effect, this motion must be approved by a majority vote of trustees present at such a meeting;
- 2.12 Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 2.8 above, the Board Chair shall convene, as soon as is reasonable, a special meeting of the Board to allow the complaining trustee to present his or her views of the alleged violation of the Code of Conduct;

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2.13 At the special meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting. Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures;

2.13.1 The Code of Conduct complaint shall be conducted at an in-camera session, Code of Conduct hearing, of a special Board meeting convened for that purpose. All preliminary matters, including whether one or more trustees may have a conflict of interest in hearing the presentations regarding the complaint, shall be dealt with prior to the presentation of the complaint on behalf of the complaining trustee.

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St. Albert Public Schools Trustee Code of Conduct Hearing

The sequence of the Code of Conduct Hearing shall be as follows:

1. The complaining trustee shall provide a presentation which may be written or oral or both;
2. The respondent trustee shall provide a presentation which may be written or oral or both;
3. The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
4. The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
5. The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
6. The complaining trustee shall be given the opportunity to make final comments; and
7. The respondent trustee shall be given the opportunity to make final comments.
8. Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall deliberate in private, without assistance from administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution.
9. If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.
10. In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.
11. The remaining trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent trustee.
12. The presiding Chair shall reconvene the parties to the Code of conduct hearing and request a motion to revert to the open meeting in order to pass the resolution.
13. All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of conduct hearing and shall be retained in accordance with legal requirements.
14. The presiding Chair shall declare the special Board meeting adjourned.

A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:

1. Having the Board Chair write a letter of censure marked "Personal and Confidential" to the offending trustee, on the approval of a majority of those trustees present and allowed to vote at the special meeting of the Board;
2. Having a motion of censure passed by a majority of those trustees present and allowed to vote at the special meeting of the Board;
3. Having a motion to remove the offending trustee from one, some or all Board committees or other appointments of the Board passed by a majority of those trustees present and allowed to vote at the special meeting of the Board, for a time not to exceed the trustee's term as trustee.
4. The Board may, in its discretion, make public its findings at the special meeting or at a regular meeting of the Board where the Board has not upheld the complaint alleging a violation of the Board's Code of Conduct or where there has been a withdrawal of the complaint or under any other circumstances that the Board deems reasonable and appropriate to indicate publicly its disposition of the complaint.
5. If a trustee is disqualified under section 87 or 88 of the Education Act from remaining as a trustee of the Board and does not resign as required under Section 90, the Board may by resolution declare the trustee to be disqualified from remaining a trustee or the Board may apply for originating notice to the Court of Queen's Bench for an Order.
6. Determining whether the trustee is qualified to remain as a trustee, or
7. Declaring the trustee to be disqualified from remaining as a trustee.