

*MEDICINE HAT PUBLIC BOARD OF EDUCATION OPERATES AS MEDICINE HAT PUBLIC SCHOOL DIVISION,
AND FOR THE PURPOSE OF THIS DOCUMENT WILL BE REFERRED TO AS "MHPSD" AND/OR "DIVISION"*

SECTION 200 – Board Governance

POLICY 202.1: TRUSTEE CODE OF CONDUCT

POLICY

Trustees should be accountable to the Medicine Hat Public School Division (MHPSD) for their actions and should always conduct themselves in an ethical and prudent manner. This includes proper use of authority and appropriate decorum in group and individual behaviour. Trustees shall behave in a manner that reflects respect for the dignity and worth of all individuals.

GUIDELINES

1. Trustees shall be loyal to the interests of MHPSD. This loyalty supersedes loyalty to:
 - 1.1. Any advocacy or special interest groups and membership on other boards or staff positions.
 - 1.2. The personal interest of any Trustee whether acting as an individual consumer of MHPSD's services or not.
2. Trustees are accountable to exercise the powers and discharge the duties of their office honestly and in good faith. Trustees shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
3. Trustees shall avoid any conflict of interest with respect to their fiduciary responsibility, for example:
 - 3.1. There must be no self-dealing or any conduct relating to private business or personal services between any Trustee and the MHPSD, except as provided for in this section and allowed by the School Act. Trustees with a pecuniary interest in any contract with the MHPSD must inform the Board Chair, as soon as practical, if the contract is for the provision of goods or services in an emergency, and prior to the signing of the contract in all other circumstances must obtain prior approval of the Board.
 - 3.2. Trustees will file, and updated forthwith if changes occur, with the Secretary Treasurer, a statement disclosing:
 - 3.2.1. The Trustee's involvement with any other organizations, vendors, or associations, which might be, or might reasonably be seen to constitute, a conflict of interest with the Trustee's role as a member of the Board of Trustees.
 - 3.2.2. As stated in the School Act...

- 3.2.2.1. “The names and employment of the Trustee and the Trustee’s spouse or adult interdependent partner and children,
 - 3.2.2.2. The names of the corporations, partnerships, firms, governments or persons in which the Trustee has a pecuniary interest,
 - 3.2.2.3. The names of the corporations, partnerships, firms, governments or persons in which the Trustee’s spouse or adult interdependent partner or children under 18 years of age have a pecuniary interest.”
 - 3.3. Trustees must not use their positions to obtain for themselves, or for their family members, employment within the MHPSD. Should a Trustee accept an offer of employment with the MHPSD or a teaching position with any Board, he or she must first resign from the Board before accepting the position.
 - 3.4. Should Trustees be in a conflict position, or a position of pecuniary interest, with respect to any matter, Trustees must declare their conflict, absent themselves without comment from not only the vote, but also from the deliberation of the matter, and leave the room. The minutes must record all declarations of conflict of interest and departure from the room.
4. Trustees shall not attempt to exercise individual authority over the Superintendent of Schools or any member of the staff. In particular:
 - 4.1. Individual Trustees shall make no negative judgments in a public forum of the Superintendent of Schools or individual staff’s performance.
 - 4.2. Trustees shall not encourage direct communication with employees who attempt to bypass administration but shall encourage employees to utilize reporting lines within the administration to bring their concerns to the Board.
5. Trustees shall not use Board information for their own direct benefit or advantage. This requires that Board deliberations during in-camera or Board Planning Meetings be kept confidential whenever required in the best interests of the MHPSD.
6. The Board Chair, Superintendent, or designate, is the official spokesperson for the Board of Trustees, and therefore, the only person authorized to speak to the public, media or other entities on behalf of the Board.
 - 6.1. Without limiting the right of Trustees to express their own personal views, when interacting with the public, media or other entities, Trustees shall accurately represent and support the corporate decision of the Board, once that decision has been made.
7. Trustees shall attend and take part in meetings such as Information Meetings, Trustee Orientation and Renewal Sessions, Governance Sessions, Agenda Planning Meetings, Board Retreats, School Council Meetings, and all regularly scheduled or special meetings of the committees of the Board of Trustees, on a regular and punctual basis. Repeated unexcused absences, partial attendance or late attendance by Trustees at these activities and meetings shall be cause for disciplinary action, as determined by the Board.



8. Trustees are required to attend and actively participate in the Annual General Meetings of the Alberta School Board Association and any other conferences and conventions as may be approved by the Board.
9. Trustees wishing to attend professional development activities or conferences other than those offered by official Trustee organizations shall adhere to the process as set out in Policy 202.2 – Trustee Development.
10. The unexcused absence of a Trustee from three consecutive regular meetings of the Board shall disqualify that person from remaining as a Trustee, as stated in the School Act, Section 82(1)(h).
11. Trustees shall ensure that unethical activities not covered or specifically prohibited by the foregoing or any other legislation are neither encouraged nor condoned.
12. A Trustee who believes that a fellow Trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
13. A Trustee who wishes to commence an official complaint, under the Code of Conduct, shall file a letter of complaint with the Chair, or Vice Chair in the absence of the Board Chair, or in cases when the complaint is about the Chair, 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. 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 Chair, or where otherwise applicable, in what follows, by the Vice Chair, within five (5) days of receipt by the Chair of the letter of complaint.
14. 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 section five (5) above. Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct hearing.
15. To ensure that the complaint has merit to be considered and reviewed, at least one other Trustee of the Board must provide to the Chair within three days of the notice in writing of the complaint being forwarded to all Trustees, a letter indicating support for having the complaint be 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.
16. Where no letter supporting a hearing is forthcoming, the complaint shall not be heard. The Chair shall notify all other Trustees in writing that no further action of the Board shall occur.



17. Where a letter supporting a hearing is forthcoming, the 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.
18. At the Special Meeting of the Board, the 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.
19. Violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
 - 19.1. 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;
 - 19.2. Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the Special Meeting of the Board;
 - 19.3. 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.
20. 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.

PROCEDURES – CODE OF CONDUCT HEARING

Without limiting what appears below, the Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:

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. The Board, in its sole discretion, may record the in-camera session of the Special Board Meeting by electronic means. Where recording will take place, the complaining Trustee and the respondent Trustee shall be advised by the presiding Chair at the commencement of the Code of Conduct Hearing. 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.
2. The sequence of the Code of Conduct Hearing shall be:
 - 2.1. The complaining Trustee shall provide a presentation which may be written or oral or both;
 - 2.2. The respondent Trustee shall provide a presentation which may be written or oral or both;



- 2.3. The complaining Trustee shall then be given an opportunity to reply to the respondent Trustee's presentation;
 - 2.4. The respondent Trustee shall then be provided a further opportunity to respond to the complaining Trustee's presentation and subsequent remarks;
 - 2.5. The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 2.6. The complaining Trustee shall be given the opportunity to make final comments; and
 - 2.7. The respondent Trustee shall be given the opportunity to make final comments.
3. 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.
 4. 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.
 5. 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.
 6. The remaining Trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.
 7. 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.
 8. All documentation, including any recording by electronic means, that is related to the Code of Conduct Hearing shall be returned to the Superintendent of Schools or designate immediately upon conclusion of the Code of Conduct Hearing and shall be retained in accordance with legal requirements.
 9. The presiding Chair shall declare the Special Board Meeting adjourned.

REFERENCES

Policy 202.2 – Trustee Development
Alberta Education – School Act

Approved: June 1, 2004
Revised: September 20, 2016

