



SEVEN OAKS SCHOOL DIVISION

Board Policy #9 Code of Conduct

The Board has established a code of conduct for trustees in accordance with the provisions of The Public School Act (PSA) sections 35.1(1) and 35.1(2).

This code of conduct is an agreement between the organization and individual board trustees that identifies the standards of behaviour and accountability expected of trustees.

Trustee Responsibilities

Act with Integrity and Dignity of Office

- Recognize that they have a responsibility to the students, parents, and guardians in the school system, employees, and the communities that they serve.
- Discharge their duties loyally, faithfully, impartially, and in a manner that inspires public confidence in the abilities and integrity of the Board.
- Commit themselves to dignified, ethical, professional, and lawful conduct.
- Recognize that the expenditure of Seven Oaks School Division funds is a public trust and ensure that the funds are expended effectively and efficiently, in the best interests of the students.

Comply with Regulatory and School Division Requirements

- Adhere to the provisions of all federal, provincial, and local legislation including, but not limited to, those identified in the Introduction to the Board Policy Manual as well as to all Board Policies, Operating Procedures, and Bylaws

Comply with Authorities

- Recognize that the Board's authority rests with the corporate body, not with individual trustees.
- Accept the Chair as the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board.
- Accept that no other trustee speaks on behalf of the Board unless expressly authorized to do so by the Board Chair.

Uphold Decisions

- Uphold Board Motions.
- Be prepared to explain the rationale for a motion passed by the Board.
- Recognize that a motion passed by the Board may be reversed by Board motion.



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Respect Confidentiality

- Understand that trustees may be privy to confidential information about individuals including students or staff, or financial or other sensitive matters, and must keep any such information confidential unless authorized by law or by the Board.

Actively Participate and Make Informed Decisions

- Prioritize and accept responsibility to attend all regular and special meetings of the Board and those committees on which they serve, and if unable to do so, advise the Secretary-Treasurer and Board Chair by email or phone of their pending absence at least two hours prior to the start of the meeting.
- Recognize that unexcused absences from regular and special meetings may result in removal from office, as stipulated in the PSA, or in the loss of a portion of the trustee's annual indemnity, as stipulated by the Board.

Full Participation Requirements

- Virtual Attendance: Adhere to expectations for conduct, attire, and engagement in virtual board meetings the same as in-person meetings. Utilize participation strategies including leaving the camera on throughout the meeting (if bandwidth permits) and actively participating in discussion. Trustees must ensure that the environment they are joining from is suitable for confidentiality and upholds the decorum of the board.
- All meetings: Review meeting agendas and other relevant information prior to board and committee meetings and be prepared to contribute to an open and honest discussion of matters before the Board or committee.
- Safeguard the confidentiality of all documents and email activities that are recorded automatically by the School Division's domain, including the opening, and editing of documents.
- Listen respectfully and with an open mind to the full range of opinions on each matter before the Board and make decisions based on the merits of evidence presented.
- Make decisions based on the available facts and independent judgment.
- Keep informed about current education issues by individual study and through participation in continuing education programs.

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Behave Respectfully

- Engage in conduct that demonstrates the integrity of the Board at all times.
- Treat trustee colleagues, divisional and school staff, students, and community members in a respectful and courteous manner, and refrain from using abusive or denigrating language in any dealings with them.
- Refrain from expressing opinions and/or sharing information through social media that would discredit, undermine, or compromise the integrity of the Board.
- Refrain from initiating or participating in discussions of board business with other trustees (whether in person or via electronic means) when such discussions should rightly take place at an official school board meeting.

Relationship Bias

The Board supports the rights of trustees to be involved in community projects and activities as citizens of the community. Trustees:

- will work in the best interest of the School Division and set aside opposing interests of the other organizations or agencies of which they are a part;
- do not represent the Board in any official capacity unless requested by the Board to do so;
- will not discuss confidential Board or School Division business outside of Board meetings including with family members, dependents and close associates who work for or attend classes in the School Division;
- will avoid relationship bias, whether real, potential or perceived, as outlined in Policy #8 Conflict of Interest;
- will refrain from accepting a gift from any person or entity that has dealings with the Board if it could be perceived that the gift could influence the trustee when performing their duties to the Board; and
- will respectfully acknowledge that exchanges of gifts and tokens are permitted in association with cultural ceremonies and customary traditions.

Use of School Division Property

- School Division property, including vehicles, equipment, and material, are used primarily for carrying out School Division business.
- The Superintendent or Secretary-Treasurer may authorize the use of supplies or equipment if they feel that such use will assist trustees in their assigned work for the School Division. It may be required that some staff and trustees regularly retain district-owned supplies or equipment in their possession.

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- A written record of the authorization of the use of supplies or equipment is maintained indicating the time of release, the signature of the user, and the date on which the item is returned.
- Trustees are responsible for exercising all reasonable care to prevent abuse to, excessive wear of, or loss of district-owned equipment or material entrusted to their care.

While actively campaigning for election the following activities are prohibited and are considered a conflict of interest under provisions of Policy #8.

- School Division-owned resources may not be used other than to carry out School Division related business.
- Use of School Division trademarks and logos are not permitted in campaign material.
- Use of trustee divisional email accounts are not permitted in campaign correspondence or advertising.

Involvement with External Organizations

Trustees must be cognizant of the potential conflict that exists when serving as members of any organization (whether school or community based) that may from time to time make a request of the Board. This includes Parent Advisory Councils (PACs), Recreation Commissions, sports leagues, clubs, or other organizations with potential connections to the School Division.

If a trustee is a member, officiant, or otherwise involved with any other organization that may have like interests to those of the School Division they:

- may not appear as part of the organization's delegation or take part in any formal presentation the organization may make to the Board;
- are recused from any discussion or vote on the matter involving that organization and will immediately leave the room; and
- may not remain in the meeting as an observer.

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CODE OF CONDUCT – Process for Breach

Review and Acknowledgement of the Code

Trustees review the Code annually at the inaugural meeting and immediately thereafter, each Trustee acknowledges in writing that they:

- Recently read this policy;
- Agree to comply with it; and
- Have complied with it over the past year, if in office.

Breaches of the Code

Chair/Presiding Officer

The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it is modified to read the Vice-Chair.

The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board exercises their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

Complaints

- Any Trustee or the Chair has the prerogative to identify and address a breach directly during a meeting of the Board. Addressing Code of Conduct issues directly between individuals involved is recommended.
- A Trustee, division employee or member of the public who has reasonable grounds to believe a Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board. This is done by providing the Chair with the following information, constituting a complaint:
 - The name of the Trustee who is alleged to have breached the Code;
 - The alleged breach or breaches of the Code;
 - When the alleged breach occurred;
 - Information as to when the alleged breach came to the person's attention; and
 - The names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

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- If a complaint is provided in writing, the complainant should be advised that any written details may be subject to requests for information under *The Freedom of Information and Protection of Privacy Act*.
- If provided orally, the Chair documents only the necessary information and keeps it in their personal notes.
- Any allegation of a breach of the Code must be brought to the attention of the Chair no later than two (2) weeks after the breach comes to the knowledge of the person reporting the breach. In no circumstances will an inquiry into a breach of the Code be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.

Reporting the Breach to the Board

- In the interest of transparency, the Chair provides the Board with an oral report of the complaint within fifteen (15) business days of receiving it.
- Complaint reports are given during board-only in-camera sessions. All information regarding the complaint is confidential until a motion (if any) is required.
- Aside from the specific responsibilities noted otherwise in this Code, Senior Administration will not be included in any reporting of a breach nor discussion of actions to be taken or decisions made. If a member of Senior Administration is the complainant, they will have no more of a role, rights or privileges than other staff members.

Addressing the Complaint

- Complaints are dealt with in a manner that is proportional to the seriousness of the breach and minimizes interruption to board work.
- A contravention of the Code may be addressed immediately, particularly if it is trivial, inadvertent, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding their obligations under the Code.
- The Chair on their own initiative, or at the request of a Trustee, division employee or member of the public, may review the complaint and may, along with a designate, meet in private and informally with the Trustee who is alleged to have breached the Code. The Trustee alleged to be in breach may also bring an Trustee advocate to the meeting.
 - The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee.
 - Appropriate remedial measures (see below) or corrective action to prevent future breaches may be determined and agreed at this meeting.

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- The Chair keeps notes consisting only of the date of the meeting, names of those present, the section of the Code discussed and reference to agreed actions and dates for completion.
- If the Chair considers the breach sufficiently serious (including escalation due to repeated behaviour), the Chair may decide to bring the allegation before the full Board, with or without meeting with the Trustee first.
- If the Chair refuses to bring the allegation before the board, the complainant has the right to appeal to the full board in an in-camera meeting.
- If an inquiry is required, the Board determines who will collect information and report on findings. The nature of information collected and recorded is determined by the nature of the complaint and those involved.
 - No Trustee may undertake their own inquiry on the matter.
 - If the Board, while in the process of reviewing a breach, discovers the subject matter of the inquiry is being investigated by police, a charge has been laid, or is being dealt with in accordance with a procedure established under another Act, the inquiry investigation is suspended until the police investigation, charge or matter under another Act is completed. This is communicated to the complainant and the Board.
- If warranted the Board may at any time forgo the process described above and impose sanctions (see below).

Debating the Decision

- A decision by the Board as to whether or not the Code was breached and the remedial measure or sanction imposed, if any, is made as soon as practical.
- The determination of a breach of the Code and the imposition of remedial measures or a sanction may be debated in-camera.
- The Trustee alleged to have breached the Code may be present and participate in deliberations but cannot attempt to intimidate other Trustees.

Remedial Measures and Sanctions

- If it is determined that a breach has occurred, the Board may impose remedial measures under this policy or sanctions under Section 35.2(1) of the PSA, dependent on the nature of the breach.
 - The measure should be commensurate with the breach.
 - Repeat breaches may substantiate more serious measures or sanctions but not more onerous than outlined under the PSA Section 35.2(1)
- Remedial measures may include but are not limited to:
 - An apology;



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- Prohibiting the Trustee from holding a position of Chair of the Board or a committee for a specified period;
- Prohibiting a Trustee from being a member of a specific committee for a specified period;
- Prohibiting the Trustee from attending community meetings as a representative of the Division (PACs, graduation ceremonies, etc); or
- Requiring the Trustee successfully complete professional development training such as that offered by the Manitoba School Boards Association.
- If warranted or if the Board and the Trustee cannot agree on remedial measures, or agreed actions are not carried out in the agreed timeframe, the Board shall impose sanctions as provided in the PSA.
- The Board cannot impose a sanction more onerous than those in the PSA.
 - If imposing a suspension, the Board has no power to declare the Trustee's seat vacant. The suspension is viewed as a void and attendance at regular meetings recommences at the time of reinstatement.
 - A Trustee barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board or a Trustee that is suspended is not entitled to receive any materials related to that meeting, time period or part of the meeting that are not available to the public. The Trustee is deemed to be authorized to be absent from the meeting and therefore, is not in violation of the PSA regarding absences from meetings as stated in Subsection 35.2(3).
 - A suspension may result in loss of the Trustee's indemnity for the period of time of the suspension as stated in PSA Section 35.2(4).

Voting

- In accordance with regular practice, a motion to determine if a breach occurred or to impose remedial measures or sanction by public censure is:
 - Decided by a majority vote;
 - Voted on at a public meeting; and
 - Is recorded in the minutes of the meeting.
- In accordance with Section 35.2 (2), a motion to sanction by barring or suspending a Trustee is decided by an affirmative vote of at least two thirds (2/3), based on the total number of Trustees allotted to the Division.
- The Trustee who is alleged to have breached the Code does not vote on a resolution to determine whether or not there is a breach or the imposition of a remedial measure or sanction.



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- The Trustee who is alleged to have breached the Code may participate in debate of the motion at the public meeting.
- If a Trustee brought the complaint forward, that Trustee may vote.
- Trustees consider only the findings presented when voting on the decision and sanction.

Appeal to Adjudicator

- As stated in Subsection 35.3(1) of the PSA, a Trustee who is sanctioned under item 2 or 3 of Subsection 35.2(1) may appeal to a single adjudicator appointed by the minister.
- The Trustee and the Board abide by the procedures for appeal as provided in the PSA Section 35.
- In accordance with the PSA *Trustee Code of Conduct Appeal Regulation*, the final determination of the adjudicator is provided to both parties.

Records

- The Chair keeps records of the following:
 - Information received or notes taken upon receiving the complaint, as described above;
 - Minimal documentation of any investigation; and
 - Notes of any meetings with the Trustee alleged to have breached the code, as described above.
- Records are kept in the Chair's personal files until the Trustee in breach is no longer serving, at which time the records are destroyed.

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