



# 101.03BP Board Operations – Trustee Code of Conduct

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## LEGAL REFERENCE:

- *Education Act*
- *Education Act Board Procedures Regulation*

## CROSS REFERENCE:

- [101BP Board Operations](#)
  - Alberta School Boards' Association Trusteeship documents
  - [101BP Exhibit 1](#) Summary of Public Disclosure of Travel & Expenses by Trustees, Superintendent & Secretary-Treasurer of Buffalo Trail Public Schools
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The Board commits itself and its members to conduct which meets the highest ethical standards. It is expected that all interactions related to the operations of the Board, and relationships will be characterized by mutual respect, which acknowledges the dignity and affirms the worth of each person

## 1. Purpose and Application

Section 33 of the *Education Act* requires every Board of Trustees in Alberta to adopt a code of conduct that applies to members of the Board. The purpose of this Code of Conduct is to provide standards for the conduct of members of the Board of Trustees of Buffalo Trail Public Schools (the "Board") relating to their roles and obligations and a procedure for the investigation and enforcement of those standards.

This Code of Conduct applies to all members of the Board, including the Chair ("Members"). This Code of Conduct is one aspect of accountability and transparency both internally, as among Members and as between the Board and Administration, as well as externally, with Buffalo Trail Public Schools' students and parents, the public at large, other orders of government and the media.

Consequences for the failure of individual members to adhere to the Trustee Code of Conduct are specified herein under the section Trustee Code of Conduct Sanctions.

## 2. Framework and Interpretation

Framework and Interpretation of this Code of Conduct provides a framework to guide ethical conduct in a way that upholds the integrity of the Board and the high standards of professional conduct the public expects of its elected representatives.

This Code of Conduct is intended to supplement other legal duties imposed on Members by Board bylaw and policy and legislation, including the:

- *Alberta Human Rights Act;*
- *Education Act;*
  - *Board Procedures Regulation*
- *Freedom of Information and Protection of Privacy Act;*
- *Local Authorities Election Act;* and
- *Occupational Health and Safety Act.*

This Code of Conduct is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a Code of Conduct that covers every scenario and, accordingly, Members are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code. The Board commits itself and its members to conduct which meets the highest ethical standards.

## 3. Principles and Values

3.1 Members are expected to perform their duties and functions of office with integrity, accountability and transparency.

3.2 Members have a duty to act honestly, in good faith, and in the best interests of Buffalo Trail Public Schools.

3.3 Members shall:

3.3.1 uphold the law established by the Federal Parliament and the Alberta Legislature and the and policies adopted by the Board;

3.3.2 carry out their duties in accordance with all applicable legislation, bylaws, Board Policies and Administrative Procedures, pertaining to their position as a member;

3.3.3 observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and

3.3.4 serve and have been seen to serve the interests of Buffalo Trail Public Schools and their constituents in a conscientious and diligent manner and shall approach decision-making with an open mind.

## 4. Confidential Information

4.1 The Board, as a whole, must be able to access information in order to fulfill its decision-making duties and oversight responsibilities; however, individual Members must also recognize that certain information they receive in their capacity as members is subject to confidentiality and disclosure rules contained in legislation and the Board's bylaws and policies. Members must keep in confidence matters discussed in private at a Board meeting or Board committee meeting.

4.2 In the course of their duties, Members may also become privy to confidential information received outside of an "in-camera" meeting. Members must not:

- 4.2.1 disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is

- required by law or authorized by the Board;
- 4.2.2 access or attempt to gain access to confidential information in the custody or control of Buffalo Trail Public Schools unless it is necessary for the performance of the Member's duties and is not otherwise prohibited by the Board, and only then if the information is acquired through appropriate channels in accordance with applicable Board bylaws and policies;
- 4.2.3 use confidential information for personal benefit or for the benefit of any other individual or organization.

## **TRUSTEE CODE OF CONDUCT SANCTIONS**

### **5. Compliance with this Code of Conduct**

- 5.1 Members are ultimately accountable to the public through the four-year election process. Between elections, Members may become disqualified and required to resign if a Member commits a disqualifying action pursuant to section 87 of the *Education Act*.
- 5.2 Any reported violation of this Code of Conduct may be subject to investigation by the Board, a committee of the Board or a third-party investigator appointed by the Board.
- 5.3 Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Code of Conduct.
- 5.4 No Member shall:
  - 5.4.1 undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Board or to any other person in accordance with this Code of Conduct; or
  - 5.4.2 obstruct the Board, or any other person, in carrying out the objectives or requirements of this Code of Conduct.
- 5.5 If the Board determines it appropriate to do so, the Board may impose sanctions on a Member who contravenes this Code of Conduct. Sanctions that may be imposed on a Member by the Board include:
  - 5.5.1 Issuing a letter of reprimand addressed to the Member,
  - 5.5.2 requesting the Member to issue a letter of apology,
  - 5.5.3 publicly reprimanding the Member by motion of censure with or without conditions on how to purge the censure,
  - 5.5.4 publishing a letter of reprimand or request for apology and the Member's response,
  - 5.5.5 requiring the Member to attend training,
  - 5.5.6 suspending or removing the Member from membership on a committee,
  - 5.5.7 suspending or removing the Member from chairing a committee,
  - 5.5.8 requiring the Member to reimburse monies received,
  - 5.5.8 reducing or suspending remuneration paid to the Member in respect of the Member's services,
  - 5.5.9 requiring the Member to return School Division property or reimburse its value,
  - 5.5.10 restricting the Member's access to School Division facilities, property, equipment, services, and supplies,
  - 5.5.11 restricting the Member's contact with School Division staff,
  - 5.5.12 restricting the Member's travel and representation on behalf of the Board,
  - 5.5.13 restricting how documents are provided to the Member (e.g. no electronic copies, but only watermarked paper copies for tracking purposes),
  - 5.5.14 disqualifying the Member from the Board,

5.5.15 imposing any other sanction the Board deems reasonable and appropriate in the circumstances provided that the sanction does not prevent the Member from fulfilling the legislated duties of a trustee while the Member remains in office and the sanction is not contrary to the *Education Act* or any other enactment or the common law, but nothing in this Code of Conduct requires the Board to impose a sanction for any contravention.

## **6. Improper Use of Influence**

6.1 No Member shall use the influence of his or her office for any purpose other than for the exercise of the Member's official duties.

6.2 No Member shall act as an agent before the Board or a committee of the Board or any other body established by the Board.

## **7. Discrimination and Harassment**

7.1 Members have a duty to treat members of the public, one another and staff with dignity and respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

7.2 No Member shall use indecent, abusive, or insulting words or expressions toward any other Member, any staff member or any member of the public.

7.3 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

7.4 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 serves the Board as a whole. No individual Member has executive authority over the Superintendent or staff in Administration.

7.5 Members shall respect the fact that staff work for the School 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 Member or group of Members.

7.6 Members must not:

7.6.1 involve themselves in matters of Administration, which fall within the jurisdiction of the Superintendent;

7.6.2 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

7.6.3 maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff members.

7.6.4 Members shall obtain information about the operation or administration of the School Division from the Superintendent or a person designated by the Superintendent. Members are to only contact staff according to the procedures in the role of Board governance.

## **8. Conduct at Meetings**

8.1 Members shall conduct themselves with decorum and make every effort to participate diligently in the meetings of the Board, committees of the Board and other bodies to which they are appointed by the Board.

- 8.2 Members shall comply with Board policies and procedures governing the conduct of meetings of the Board, and any other rules of meeting procedure applicable to the body to which they have been appointed by the Board.
- 8.3 Members shall act in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.
- 8.4 Members shall conduct and convey the Board's business and all their duties in an open and transparent manner other than for those matters which by virtue of legislation are authorized to be dealt with in a confidential manner in an in-camera (closed) session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 8.5 No Member shall record any proceedings of the Board without the express prior permission of the Board.

## **9. Respect for Decision Making Process**

- 9.1 Decision-making authority lies with the Board, and not with any individual Member. The Board acts by bylaw or resolution passed at a Board meeting held in public at which there is a quorum present, pursuant to section 64 of the *Education Act*.
- 9.2 A Member must not purport to bind the Board, either by publicly expressing their personal views 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 Buffalo Trail Public Schools or prospective vendors.
- 9.3 Members shall 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.
- 9.4 Members shall endeavor to work with fellow Board members collaboratively regardless of differences of opinion that may arise during debate.

## **10. Informal Complaint Process**

- 10.1 Any person who identifies or witnesses behaviour or activity by a Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct is strongly encouraged to attempt to address the prohibited behaviour or activity informally, where appropriate, by advising the Member that they are in contravention of this Code of Conduct and encouraging the Member to stop.
- 10.2 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.

## **11. Formal Complaint Process**

- 11.1 Any person who identifies or witnesses behaviour or activity by a Member 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:
  - 11.1.1 a complaint must be made in writing and include the complainant's name and contact information;
  - 11.1.2 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 shall be addressed to the attention of the Vice Chair;

- 11.1.3 a complaint must include the name of the Member(s) alleged to have contravened the Code of Conduct, the provision(s) of the Code of Conduct allegedly contravened and the facts surrounding the allegation, including the names of any witness(es).
- 11.2 Upon receipt of a complaint, the Board will meet, in closed session and inform the Member(s) alleged to have contravened the Code of Conduct.
- 11.3 The Board will then meet, in closed session, excluding the Member(s) alleged to have contravened the Code of Conduct, and decide whether to proceed to investigate the complaint or not. If the Board is of the opinion that:
- 11.3.1 a complaint is frivolous or vexatious or is not made in good faith,
  - 11.3.2 a complaint is outside the jurisdiction of the Board or is more appropriately dealt with by another applicable legislative appeal, complaint or court process, or
  - 11.3.3 there are no grounds or insufficient grounds for conducting an investigation,
- the Board may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In such event, the complainant and the Member(s) alleged to have contravened the Code of Conduct shall be advised of the Board's decision in writing, with reasons, and the complainant may be provided with information regarding other options to pursue the complaint, if applicable.
- 11.4 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 but is not limited to, proceeding to investigate on its own, appointing a committee of the Board to conduct the investigation, seeking legal advice and/or engaging a third party to investigate the complaint and report their findings to the Board.
- 11.5 Investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.
- 11.6 If the Board or a committee of the Board is tasked with investigating a complaint, the Member(s) who the complaint is made against shall not participate in conducting the investigation.
- 11.7 If the complainant is a member of the Board, that Member shall not participate in conducting the investigation.
- 11.8 Prior to commencing an investigation, the complainant and the respondent Member(s) will be advised of the investigation, and the respondent Member(s) will receive a copy of the complaint.
- 11.9 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.
- 11.10 A respondent Member 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. The Board may, in its discretion, allow a respondent Member to respond to a complaint by way of written submissions, oral submissions, or both.
- 11.11 Upon conclusion of the investigation, the Board will convene, in closed session, to consider the results of the investigation and dispose of the complaint. The Member(s) alleged to have contravened the Code of Conduct may be in attendance if the Board has authorized the respondent Member(s) to make oral submissions to the Board, but the Member(s) shall thereafter be excluded from the closed session portion of the meeting while the Board is deliberating on and disposing of the complaint.
- 11.12 If the complainant is a member of the Board, the Member shall not participate in the closed session deliberations of the Board on the complaint.

- 11.13 If the Board determines it appropriate to do so, having regard for the nature and severity of the violation as well as the past conduct of the Member, the Board may, by resolution passed at a meeting open to the public, impose sanctions on a Member who contravenes this Code of Conduct.
- 11.14 Sanctions that may be imposed on a Member by the Board are intended to be corrective in nature, following the principle of progressive discipline. Please see section 'Compliance with this Code of Conduct' for more information.
- 11.15 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 shall remain strictly confidential, unless the Board directs otherwise.

## **12. External Communications**

- 12.1 A Member must not purport to speak on behalf of the Board unless authorized to do so. 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.
- 12.2 A Member 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 Member disagrees with the Board's position.
- 12.3 No Member shall make a statement when they know that statement is false.
- 12.4 No Member shall make a statement with the intent to mislead the Board or members of the public.

## **13. Use of Social Media**

- 13.1 For the purposes of this Code of Conduct, "social media" refers to freely accessible, third party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.
- 13.2 While using social media, members shall be aware of, and responsible for, comments made and interpreted as those of the Division.
- 13.3 As public figures and representatives of the Board, Members must act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality.
- 13.4 No Member shall attempt to disguise or mislead as to their identity or status as a member when using social media.
- 13.5 No Member shall use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, or is defamatory or misleading in any way.