



August 1, 2023

Ref: 291264

Timothy Dunford, Board Chair
School District No. 63 (Saanich)
Email: tdunford@saanichschools.ca

RE: School Trustee Codes of Conduct Criteria

Dear Timothy Dunford:

The Ministry of Education and Child Care and the BC School Trustees Association (BCSTA), in partnership with a sector advisory committee,⁴ has co-developed voluntary provincial criteria for school trustee codes of conduct. The intent of this project is to provide trustees with clarity on their roles and responsibilities respecting conduct. Codes of conduct can assist boards to focus on their core responsibilities to deliver educational programs and to support safe and inclusive schools and workplaces.

In the June 2, 2023, DM Bulletin, the Ministry and the BCSTA released the following criteria for school trustees codes of conduct:

- o Emphasis on student achievement, equity, and well-being;
- o Alignment with BCSTA's six principles/standards (integrity, respect, confidentiality, responsibility, conflict of interest and relationships);
- o Alignment with existing provincial and federal legislation (i.e., *Criminal Code*, *BC Human Rights Code*, *Freedom of Information and Protection of Privacy Act*, *School Act*, *Workers' Compensation Act*);
- o Provisions on:
 - Respectful workplaces & relationships with others;
 - Anti-racism, reconciliation & relations with local First Nations;
 - Acceptable use of social media;
- o Policies and procedures for breaches and sanctions with public accountability;
- o Mechanisms to regularly review and affirm the code;
- o Board training, including with trustee onboarding; and
- o Plain language.

.../2

⁴ The Committee includes representatives from the Ministry, BCSTA, the BC Association of School Business Officials (BCASBO), the BC Public School Employers' Association (BCPSEA), the BC School Superintendents Association (BCSSA), and the First Nations Education Steering Committee (FNESC).

To support boards and senior district staff in revising their codes over the 2023/24 school year, a guidelines document and training supports are available [here](#).

Furthermore, a scan of all BC boards' codes of conduct has been completed to better understand and support individual boards in revising their codes of conduct. Based on the scan, the School District No. 63 (Saanich) Board has been identified as an exemplar and meeting all standards outlined by the BCSTA. Thank you for allowing the inclusion of examples of your code of conduct in the provincial criteria document. If you have any questions on the trustee code of conduct criteria or if you would like to have the BCSTA review any processes or documents, please contact the Ministry of Education and Child Care by email at EDUC.Governance.Legislation@gov.bc.ca.

The Ministry and the BCSTA are requesting that boards submit their revised codes to EDUC.Governance.Legislation@gov.bc.ca by April 30, 2024.

We look forward to working in partnership with the School District No. 63 (Saanich) to continue to support student achievement, equity, and well-being.

Sincerely,



Rachna Singh
Minister

Attachments: School Trustees Codes of Conduct: Provincial Criteria Guidelines

pc: Christina Zacharuk, Deputy Minister
Cloe Nicholls, Assistant Deputy Minister
Suzanne Hoffman, CEO, BC School Trustees Association
Carolyn Broady, President, BC School Trustees Association
Dave Eberwein, Superintendent, School District No. 63 (Saanich)



SCHOOL TRUSTEES CODES OF CONDUCT: PROVINCIAL CRITERIA GUIDELINES

CONTEXT

PURPOSE

The purpose of this document is to set out best practices and provide guidelines for the voluntary development or refinement of a board of education's ('board') school trustee ('trustee') code of conduct.

This document is meant to be a resource to assist boards in the review of their trustee code of conduct and related policies and processes. The criteria outlined below will help set a common approach and ensure boards can focus on their core responsibilities to deliver an educational program and to support safe and inclusive schools and workplaces.

This document was developed in collaboration between the Ministry of Education and Child Care and the BC School Trustees Association. Its content is based on extensive research including a literature review, a cross-jurisdictional scan, interviews with experts, and learnings from other sectors. This document is not intended as legal advice and should not be relied upon for that purpose. Boards are responsible for developing codes of conduct in their respective districts. Boards are encouraged to seek independent legal advice and/or support from other sources, should circumstances warrant.

What is a code of conduct? Codes, or Standards of Conduct:

- Ensure values that guide ethical behaviour and norms for trustee relationships;
- Promote awareness regarding trustee roles and responsibilities; and
- Encourage respect for divergent views so that boards can focus on student achievement, equity and well-being.

CRITERIA OVERVIEW

The Ministry of Education and Child Care ('the Ministry' or 'ECC'), together with the BC School Trustees Association ('BCSTA') and education partners and rightsholders, have developed the following criteria for codes of conduct for school trustees. The code of conduct criteria is meant to support boards by providing trustees with a clear understanding of roles and expectations on conduct, as well as approaches to investigate breaches of conduct, determine consequences, and restore relationships. It will help ensure boards have the necessary tools and resources to focus decisions on the best interest of students.

It is highly recommended that boards work together with district senior staff to review their codes of conduct to ensure there is:

- ✓ Emphasis on student achievement, equity and well-being;
- ✓ Alignment with BCSTA's principles/standards for codes of conduct:
 - Confidentiality, [addressing] conflicts of interest, integrity, relationships, respect, and responsibility;
- ✓ Alignment with existing provincial and federal legislation;
- ✓ Provisions on:
 - Respectful workplaces & relationships with others;
 - Anti-racism, reconciliation & relations with local First Nations;
 - Acceptable use of social media;
- ✓ Policies and procedures for breaches and sanctions with public accountability;
- ✓ Mechanisms to regularly review and affirm the code;
- ✓ Board training, including with trustee onboarding; and
- ✓ The incorporation of plain language.

CRITERIA GUIDELINES

Together with education partners and rightsholders,¹ the Ministry and the BCSTA have applied research, legal findings, and expert insights to develop the following criteria for province-wide standards for codes of conduct. It is strongly recommended that boards work collaboratively to discuss and develop and/or refine their codes of conduct. The discussions arising from the review process at the board and district senior staff level will be as important as the updates that the board will make to its code of conduct.

The BCSTA and ECC extend appreciation to the boards identified in the following section for allowing excerpts of their policies and guidelines to be used throughout this document.

EMPHASIS ON STUDENT ACHIEVEMENT, EQUITY AND WELL-BEING

Under the *School Act*, a board of education is responsible, collectively, for the improvement of student achievement in their district. For example, boards may wish to include statements such as:

"Trustees make decisions in terms of the educational welfare of children/students and strive for public schools that will meet the needs of all students."

-- SD 73, Kamloops-Thompson

¹ The Ministry and BCSTA worked with an advisory committee (including the First Nations Education Steering Committee (FNESEC), BC Public School Employers' Association (BCPSEA), BC School Superintendents Association (BCSSA), and BC Association of School Business Officials (BCASBO).

ALIGNMENT WITH BCSTA'S CORE VALUES

The BCSTA and best practices from other jurisdictions and organizations recommend that codes of conduct reflect the principles/standards of confidentiality, [addressing] conflict of interest, integrity, relationships, respect and responsibilities. These standards or principles are interrelated. Boards may integrate these throughout codes and/or combine them with other relevant criteria and provisions.

CONFIDENTIALITY

This commonly covers issues around trustees maintaining confidentiality, including of information discussed in closed sessions. Boards may wish to include provisions such as:

"Trustees shall preserve the confidentiality of information discussed at closed school board or committee meetings and shall not release privileged information in any format to the public until the Board has done so in an official capacity."

-- SD 44, North Vancouver

CONFLICTS OF INTEREST

The *School Act* requires trustees to voluntarily and immediately declare any pecuniary conflict of interest (direct, indirect or deemed) in matters before the board or a committee of the board. Boards may wish to reference these requirements in their codes of conduct with relevant provisions, such as:

"As a trustee, I will not use my role as Trustee for my own personal advantage or for the advantage of my friends, supporters, or business. If I become aware that I am in a position that creates a conflict of interest (direct, indirect; statutory or common law), I will declare the nature and extent of the conflict at a meeting of the Board of Education and abstain from deliberating or voting on the issue giving rise to the conflict."

-- SD 6 Rocky Mountain

INTEGRITY

Integrity includes reference to other criteria such as being student-centered and referencing applicable legislation. Integrity may also include:

- Trustees making all decisions based on available facts and their independent judgment and refusing to surrender that judgment to individuals or special interest groups; and
- Trustees acting with the highest standards of professional integrity and in a manner that inspires public confidence in the board.

Boards may wish to directly reference integrity in their codes of conduct provisions:

"Board members will do everything possible to maintain the integrity, confidence, and dignity of the office of School Trustee."

-- SD 35, Langley

RELATIONSHIPS

Relationships include those with other trustees, with district staff, and with all members of an educational community. This includes working respectfully with others, recognizing the importance of good relationships to boards' core responsibilities to deliver educational programs and support safe and inclusive schools and workplaces. Boards may wish to include reference to the principle of relationships:

"Trustees shall work with fellow board members in a spirit of harmony and cooperation and be respectful of differences of opinion. Trustees shall refrain from making discrediting comments about others, engaging in unwarranted criticism, or taking private action that could compromise the integrity or authority of the Board."

-- SD 44, North Vancouver

RESPECT

Respect includes reference to criteria on provisions for respectful workplaces and relationships with others, and anti-racism, reconciliation, and relations with local First Nations. This also includes respecting differing views and being prepared for board meetings and committee work. Boards may wish to emphasize respect in their codes of conduct:

"Trustees shall represent the Board in all Board-related matters with proper decorum and respect for others."

-- SD 63, Saanich

RESPONSIBILITY

In addition to the other responsibilities referenced in the provincial criteria, responsibility also includes upholding board decisions and ensuring effective stewardship of board resources in the best interests of students. Boards may wish to directly include provisions on responsibility such as:

"I will recognize that, although I am elected from a particular area of the District, my responsibility is to ensure that decisions are made in the best interests of the District as a whole."

-- SD 6, Rocky Mountain

ALIGNMENT WITH EXISTING PROVINCIAL AND FEDERAL LEGISLATION

Boards and trustees have legal responsibilities as set out in the *School Act* and under common law. Additionally, boards and trustees are subject to, and must comply with, all applicable provincial and federal laws. This includes the *Criminal Code*, *Freedom of Information and Protection of Privacy Act*, *Human Rights Code*, *Workers' Compensation Act*, and other applicable legislation. Boards may wish to include relevant provisions such as:

"Trustees shall abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act and the Oath of Office."

-- SD 63, Saanich

PROVISIONS ON:**RESPECTFUL WORKPLACES & RELATIONSHIPS WITH OTHERS**

In addition to the guidance on the principles of respect and relationships, this provision relates to compliance with the Human Rights Code and the *Workers' Compensation Act*. As the employer, boards must work with staff, students, and communities abiding by applicable legislation, and supporting safe, inclusive workplaces and communities. Boards may wish to include provisions such as:

"This commitment includes... appropriate decorum in individual and group behaviour and fair and respectful treatment of students, parents, staff, members of the community and other Board members."

-- SD 35, Langley

ANTI-RACISM, RECONCILIATION & RELATIONS WITH LOCAL FIRST NATIONS

Boards have an important role in addressing systemic racism and promoting an active culture of anti-racism in schools. To uphold the Human Rights Code and support safe, inclusive educational communities, boards may wish to integrate the principles from the *Declaration on the Rights of Indigenous Peoples Act* and the Ministry's K-12 [Anti-Racism Action Plan](#) into their codes through provisions such as:

"Trustees will recognize their duty to represent and advocate for the best interests of learners in the community, including Indigenous communities and First Nations on whose traditional territories our schools operate."

-- SD 37, Delta

ACCEPTABLE USE OF SOCIAL MEDIA

Boards may wish to directly include provisions on acceptable use of social media (including confidentiality, respect, conflict of interest) or reference their communications policy in their code of conduct. Provisions could include:



“The Board of Education remains committed to responsible digital citizenship and to minimizing the risks associated with the use of electronic communications systems and access to social media.”

-- SD 6, Rocky Mountain

POLICIES AND PROCEDURES FOR BREACHES AND SANCTIONS, PUBLIC ACCOUNTABILITY

Misconduct and breaches may affect boards’ abilities to deliver on their core responsibilities to offer an educational program and their ability to support safe and inclusive schools and workplaces. It is best to ensure boards take a proactive approach by establishing policies outlining processes to address breaches as well as steps to restore relationships after the occurrence of a breach.

When there are issues with misconduct, it is best to develop solutions to resolve issues early and with measures that are commensurate with the underlying factual context. When appropriate, boards could also take an incremental approach (i.e., having informal complaint processes and mediated conversations before a formal complaint process is triggered). A board may wish to seek legal advice depending on the nature of the complaint.

If proactive measures do not result in changed behaviour, disciplinary measures for breaches may be imposed in a remedial and restorative manner, reflecting the seriousness of the breach. These measures may include the offending trustee:

- Writing a letter of apology;
- Participating in a restorative justice process;
- Participating in specific training, coaching, or counselling as directed by the board;
- Being subject to a motion of censure passed by a majority of the voting trustees at a closed (i.e., in-camera) board meeting; or
- Being removed from one, some, or all board committees or other appointments by a majority of voting trustees at an in-camera board meeting.²
 - It is important to note that, except as expressly permitted by the *School Act*, a board’s authority does not extend so far as to effectively remove a trustee from their elected office.

The board may, at its discretion and by resolution of the voting trustees, make public the outcome(s) of the official complaint process if the board considers this reasonable and appropriate. However, the board should be careful to avoid disclosing details that identify third parties or disclose confidential information. The board must comply with its obligations to protect the privacy of others under the *School Act* and the *Freedom of Information and Protection of Privacy Act*.

Boards should act in accordance with principles of administrative fairness, which includes avoiding bias (including the perception of bias). The Ombudsperson’s Office has developed the [Complaint Handling](#)

² The imposition of a disciplinary measure barring a trustee from attending all, or part of, a board meeting shall be deemed to be the authorization for the trustee to be absent from the meeting, and therefore not in violation of the *School Act* regarding absences from meetings.



Guide as a resource on the topic of fairness. Furthermore, the Public Authority Consultation and Training Team in the Ombudsperson's Office is available to provide support to public bodies, including boards of education, to ensure they incorporate and reflect administrative fairness principles. Boards may also contact the BCSTA for resources.

MECHANISMS TO REGULARLY REVIEW AND AFFIRM THE CODE

Effective codes are living documents that are strengthened through regular review and affirmation. Boards may wish to include requirements such as:

"The Board shall review this policy within six months of the Inaugural Board Meeting."

-- SD 44, North Vancouver

BOARD TRAINING, INCLUDING WITH TRUSTEE ONBOARDING

In addition to regular review and affirmation, board training strengthens the effectiveness and usefulness of codes of conduct. Boards may wish to include training provisions in their codes of conduct, such as:

"Trustees will endeavour to take advantage of educational conferences, workshops, and training sessions made available by local or provincial affiliations. Through participating in professional development opportunities, Trustees can enhance their knowledge of Trustee roles and responsibilities and become acquainted with current educational topics and trends."

-- SD 44, North Vancouver

The BCSTA provides sessions on governance and codes of conduct, and will also offer requested assistance or advice to boards. Please contact the BCSTA directly for support.

In addition, the Ministry and BCSTA have developed an onboarding approach to support trustees in their role. This training includes sessions on six key areas: Governance, Legislation, Roles and Responsibilities; Relations with First Nations; Working with People; Values-Based, Evidence-Informed Decision Making; Planning for Student Success; and Financial and Resource Management. Boards and trustees can find more information on BCSTA's HUB, in the Virtual Orientations section.

PLAIN LANGUAGE

When revising a code of conduct, boards may wish to promote accessibility by presenting information in clear, understandable language. In addition to defining certain terms and refraining from using jargon, some boards have also written their codes with plain language and "I" statements. For example:

"I will do my best to protect, conserve, and advance public education, giving to the children of this District educational facilities and services that are as complete as it is possible to provide."

-- SD 6, Rocky Mountain



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To support the principles underpinning codes of conduct and to promote consistency in the application of codes across the province, the Ministry and BCSTA encourage all boards to review their codes of conduct in accordance with these criteria guidelines. Please submit your updated codes to EDUC.Governance.Legislation@gov.bc.ca by **April 30, 2024**.

APPENDIX A: CODES OF CONDUCT

School District	Code of Conduct ³	Updated
SD05 Southeast Kootenay	<u>Policy 4 - Trustee Code of Conduct</u>	2021/08
SD06 Rocky Mountain	<u>Policy 1500 - Trustee Role, Responsibility and Code of Ethics</u>	2021/11
SD08 Kootenay Lake	<u>Policy 130: Trustee Code of Professional and Ethical Conduct</u>	2023/01
SD10 Arrow Lakes	<u>Policy 120 – Governance (Section 4.0 Board of Education Code of Conduct)</u>	2017/05
SD19 Revelstoke	<u>Policy 2.2 - Composition, Roles and Conduct</u>	2014/10
SD20 Kootenay-Columbia	<u>Policy 5.12 - Trustee Code of Conduct</u>	2018/01
SD22 Vernon	<u>Policy 130 - Trustee Code of Ethics and Conduct</u>	2022/09
SD23 Central Okanagan	<u>125 - Trustee Code of Ethics</u>	2021/09
SD27 Cariboo-Chilcotin	<u>Policy 130 – Trustee Code of Conduct</u>	2019/11
SD28 Quesnel	<u>Policy 107 - Trustee Code of Ethics</u>	2023/01
SD33 Chilliwack	<u>130 - Trustee Code of Conduct</u> <u>Separate Policy – 131</u> <u>Trustee Conflict of Interest</u>	2022/03
SD35 Langley	<u>Policy 4 - Trustee Code of Conduct</u>	2020/12
SD34 Abbotsford	<u>Policy 6 – Trustee Code of Ethics</u>	2013/10
SD36 Surrey	<u>Policy 2100 - Trustee Code of Conduct</u>	2018/01
SD37 Delta	<u>Policy 4 - Trustee Code of Conduct</u>	2022/06
SD38 Richmond	<u>Policy 200 – Trustee Role, Responsibilities and Code of Ethics</u>	2008/09
SD39 Vancouver	<u>Policy 4 - Trustee Code of Conduct</u>	2021/12
SD40 New Westminster	<u>Policy 4 - Trustee Code of Conduct</u>	2017/05
SD41 Burnaby	<u>Policy 1.05 Trustee Code of Conduct and Ethics</u>	2021/04
SD42 Maple Ridge-Pitt Meadows	<u>Policy 2919 - Trustees' Code of Conduct</u>	2019/12
SD43 Coquitlam	<u>Policy 4 - Trustee Code of Ethics</u>	2019/02
SD44 North Vancouver	<u>Policy 108 - Trustee Code of Ethics</u>	2018/09
SD45 West Vancouver	<u>Policy 108 – Trustee Code of Ethics</u>	2022/06
SD46 Sunshine Coast	<u>Policy 3 – Role of Trustee</u>	2022/10

³ Generally captured as policy. As per SD 20, policies are statements of principle whereas bylaws are legally enforceable resolutions of the board.

School District	Code of Conduct ³	Updated
SD47 Powell River	Policy 4: Trustee Code of Conduct	2022/05
SD48 Sea to Sky	Policy 204 - Trustee Code of Conduct	2022/03
SD49 Central Coast	Policy 120: Trustee Code of Conduct	2018/04
SD50 Haida Gwaii	Policy 2.0 - Governance	2018/09
SD51 Boundary	Policy 1110 - Trustee Code of Ethics	2018/03
SD52 Prince Rupert	6140 - Role of the Trustee and Trustee Code of Conduct Policy	2020/10
SD53 Okanagan Similkameen	Policy A-4 - Trustee Code of Conduct	2019/10
SD54 Bulkley Valley	Policy 1.180 - Trustee Code of Conduct	2021/04
SD57 Prince George	Policy 4 – Trustee Code of Conduct	2022/06
SD58 Nicola-Similkameen	Policy 205.3 - Trustee Code of Ethics and Conduct	2020/01
SD59 Peace River South	Policy 2150 – Roles and Responsibilities of the Board	2020/01
SD60 Peace River North	Policy 1001 - Roles and Responsibilities of the Board and Trustees	2021/08
SD61 Greater Victoria	Policy 8251 - Trustees' Code of Conduct	2022/05
SD62 Sooke	Policy A-105 – Trustee Code of Conduct	2021/01
SD63 Saanich	Policy 13 – Trustee Code of Conduct	2020/11
SD64 Gulf Islands	Policy 107 - Trustee Code of Conduct	2018/06
SD67 Okanagan Skaha	Policy 4 - Trustee Code of Conduct	2019/11
SD68 Nanaimo-Ladysmith	Policy 2.3 - Code of Conduct	2012/12
SD69 Qualicum	Trustee Code of Ethics included in Trustee Handbook (and Bylaw)	2022/09
SD70 Pacific Rim	Policy 112 - School Trustee Code of Conduct	2022/10
SD71 Comox Valley	Policy 4 – Trustee Code of Conduct	2023/03
SD72 Campbell River	Board Governance Policy 7 – Trustee Code of Conduct	2017/10
SD73 Kamloops/ Thompson	Policy 4 - Trustee Code of Conduct	2019/06
SD74 Gold Trail	Policy 1.100 Trustee Code of Conduct	2022/10
SD75 Mission	Policy 1.2 Trustee Code of Ethical Conduct	2022/06
SD78 Fraser-Cascade	Bylaw 17 - Trustee Code of Conduct; Conflict of interest in stand alone Bylaw #7	2018/03
SD79 Cowichan Valley	Policy 4 – Trustee Code of Conduct	2018/09



School District	Code of Conduct³	Updated
SD81 Fort Nelson	<u>Policy 1111 - Trustee Code of Ethics; Policy 1112 – Expectations of Trustees</u>	2015/03
SD82 Coast Mountains	<u>Policy 5010 - Trustee Code of Ethics</u>	2021/12
SD83 North Okanagan-Shuswap	<u>Policy 133 - Trustee Code of Conduct</u>	2022/04
SD84 Vancouver Island West	<u>Policy 4 - Trustee Code of Ethics</u>	2022/6
SD85 Vancouver Island North	<u>Policy 1-03 - Trustee Code of Conduct Sanctions</u>	2021/05
SD87 Stikine	<u>Policy 3 – Role of Board – District Expectations - Trustees</u>	2009/06
SD91 Nechako Lake	<u>Policy 200.2 - Trustee Code of Conduct</u>	2022/09
SD92 Nisga'a	<u>Policy 4 - Trustee Code of Conduct</u>	2020/12
SD93 CSF	Code of Ethics	2018/06



APPENDIX B: FURTHER RESOURCES

- British Columbia School Trustees Association [BCSTA]. (n.d.a). Our mission. *British Columbia School Trustees Association*. <https://bcsta.org/about/about-trustees/>
- British Columbia School Trustees Association [BCSTA]. (n.d.b). Rights & Responsibilities: A Resource Guide for School Trustees. *British Columbia School Trustees Association*.
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- Education Act, Statutes of Northwest Territories (1995, c.28). Retrieved from the justice website: [Education Act \(gov.nt.ca\)](#)
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- New Jersey School Boards Association [NJSBA] (n.d.). Code of Ethics for School Board Members. <https://www.njsba.org/wp-content/uploads/2016/02/code-of-ethics.pdf>
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