

SCHOOL DISTRICT 63 (SAANICH)
POLICY DEVELOPMENT COMMITTEE
Agenda

Committee Members:	Trustee VanWell, Chair Trustee Elder Trustee McMurphy
Staff Support:	Dave Eberwein, Superintendent of Schools Jason Reid, Secretary Treasurer
Partner Representatives:	Shannon Toronitz, STA CUPE Suzanne Chisholm, SAA COPACS
Other Attendees:	

**Tuesday, October 14, 2025
1:00 pm**

A. PRESENTATIONS AND QUESTIONS

No Items.

B. ITEMS FOR DISCUSSION

1. Policy 13 (Trustee Code of Conduct) & Appendix – Trustee Code of Conduct Sanctions

C. ITEMS FOR RECOMMENDATION

1. Policy 12 – Trustee Elections

Staff Recommendation:

That the Board confirm its consideration of the proposed amendments to Policy 12 (Trustee Elections).

Notice of Motion:

I, Trustee VanWell provide notice at the November 26, 2025 public meeting of the Board of Education, I will move the following motion:

That revisions to Policy 12 (Trustee Elections) be approved.

D. ITEMS FOR INFORMATION

1. Board Meeting Agenda – Indigenous Education Council

E. FUTURE AGENDA ITEMS

Policy 11 – Nov 2025
Policies 10, 14 – Nov 2025
Policies 15, 17 – Nov 2025
Policies 20, 21 – Jan 2026
Policies 22, 23 – Feb 2026
Policies 24, 25, 26 – Mar 2026
Policies 18 – Apr 2026
Policies 19 – May 2026
Policies 27, 29 – June 2026

POLICY 13 - TRUSTEE CODE OF CONDUCT

The Board has a strong commitment to ethical conduct. This includes the responsibility of trustees to use authority properly and to conduct themselves with appropriate decorum and professionalism at all times.

Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Policy 13 Appendix – Trustee Code of Conduct Sanctions.

Specifically, Trustees shall:

1. Carry out their responsibilities as detailed in Policy 3 – Role of the Trustee with reasonable diligence.
2. Keep confidential any personal, privileged or confidential information obtained in their capacity as a trustee and not disclose the information except when authorized by law or by the Board to do so. Trustees shall not divulge the contents of closed (in-camera) meetings, recognizing that a disclosure could seriously harm the Board's ability to conduct its business.
3. Be fully conversant with conflict of interest provisions of the School Act. Disclose in open meeting prior to discussion of the subject matter which may place the trustee in conflict, the nature of any pecuniary interest, and may leave the room. In addition, such a trustee in conflict shall not discuss the matter outside the meeting with other trustees and shall not exert influence on the decision in which the trustee has a conflict of interest. The trustee is responsible for declaring themselves to be in possible conflict of interest, however, it is the fiduciary duty of all trustees, the Superintendent and the Secretary Treasurer to protect the Board and they have a duty to point out apparent, potential or perceived conflict of interest when it appears. Additionally, a trustee may request guidance from other trustees or the Board on this matter. Such declaration of conflict of interest shall be recorded in the minutes of the meeting and the trustee shall not in any way discuss the associated topic at any time outside the Board table.
4. Not use their influence to obtain employment within the District for family members or friends and will not use their position for personal advantage or the advantage of friends and/or family.
5. Not attempt to exercise individual authority over the organization except as explicitly set forth in policies of the Board. Trustees' interaction with the Superintendent or with staff shall recognize the lack of authority vested in individual trustees except when explicitly authorized by the Board;

6. Respect that only the corporate Board as opposed to individual Trustees shall exercise individual authority over the Superintendent. In particular, only the corporate Board shall make judgments regarding the Superintendent's performance.
7. Abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act, the Oath of Allegiance and the Oath of Office.
8. Respect and abide by the majority decisions made by the Board in legally constituted meetings.
9. Endeavour to work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion which may arise during debate.
10. Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs.
11. Represent the Board in all Board-related matters with proper decorum and respect for others.
12. Use discretion at all times to minimize the impression that the individual trustees' statements reflect the corporate opinion of the Board.
13. Ensure the use of electronic devices at Board meetings are for the purposes of the meeting.
14. Refrain from engaging in private communications while at Board meetings.

TRUSTEE CODE OF CONDUCT SANCTIONS

Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.

Code of Conduct Sanctions other than a Breach of Confidentiality

1. 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.
2. Conciliatory measures will normally include:
 - 2.1 The trustee who believes a violation has occurred will engage in an individual private conversation with the trustee affected.
 - 2.2 Failing resolution through the private conversation the parties will engage the Board Chair to gain resolution. If the concern is with the Board Chair, the concern is to be raised with the Vice-Chair.
 - 2.3 The Chair, and at the Chair's option the Chair and Vice Chair, will attempt to resolve the matter to the satisfaction of the trustees involved.
3. A trustee who wishes to commence an official complaint under the Code of Conduct shall submit 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. 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 submitted to the Vice-Chair.
4. 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 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.
5. To ensure that the complaint has merit to be considered and reviewed, at least one (1) 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 and deliberating upon the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.

6. Where no letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 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.
7. Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, the Board Chair shall convene, as soon as is reasonable, at an in-camera meeting of the Board to allow the complaining trustee to present their views of the alleged violation of the Code of Conduct.
8. At the in-camera meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted. Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:
 - 8.1 The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at an in-camera Board meeting convened for that purpose. All preliminary matters, including whether one (1) 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.
 - 8.2 The sequence of the Code of Conduct hearing shall be:
 - 8.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
 - 8.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
 - 8.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
 - 8.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
 - 8.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 8.2.6 The complaining trustee shall be given the opportunity to make final comments; and,

8.2.7 The respondent trustee shall be given the opportunity to make final comments.

8.3 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 except for the Secretary Treasurer or designate. 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(s).

8.4 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.

8.5 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.

8.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.

8.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.

8.8 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.

8.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.

8.10 The presiding Chair shall declare the in-camera Board meeting adjourned.

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

9.1 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 in-camera meeting of the Board;

9.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the in-camera meeting of the Board;

9.3 Having a motion to remove the offending trustee from one (1), 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 in-camera meeting of the Board.

10. The Board may, in its discretion, make public its findings 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.

Breach of Confidentiality

11. The Trustee Code of Conduct requires that trustees shall respect the confidentiality appropriate to issues of a sensitive nature. Failure to comply with this requirement constitutes a failure of security. An individual trustee may bring a suspected breach of security to the attention of the Board, at an in-camera meeting of the Board. If by majority vote the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:
 - 11.1 The Board Chair shall request that the Superintendent (as head of the District under the Freedom of Information and Protection of Privacy Act), 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.
 - 11.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.
 - 11.3 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.
 - 11.4 If it is determined by a majority vote of the Board that a willful violation of security 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.
 - 11.5 For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of trustees present at such a meeting.

POLICY 12 - TRUSTEE ELECTIONS

The Board of Education recognizes that during a period of trustee elections caution must be exercised to ensure that trustee candidates cannot have nor be perceived to have any unfair advantages due to connections to schools. This ~~goes for~~ **applies to** candidates currently serving as trustees and candidates who might otherwise have connections to the schools where those connections may provide them with privileged opportunities to engage in election-related discussions or be perceived as providing an unfair advantage during campaigning.

The Board of Education supports fair campaigning during trustee elections and as such supports the use of school facilities for community led events such as all-candidates meetings. ~~The Board is committed to the principle that other than through all-candidates meetings~~ It is inappropriate for any trustee candidate, including sitting trustees, to undertake any campaigning or campaign related work in schools or on school property during an election campaign, **except during community led all-candidates events.**

- For the purposes of this policy, trustee candidates include sitting trustees who are running for re-election.
- Trustee candidate visits to schools are not ~~considered~~ appropriate during an election campaign unless for non-election purposes.
- A trustee candidate who is in a school for non-election purposes ~~should~~ **must** not engage in election-related conversations or processes, and should only be introduced by name, although a sitting trustee may be introduced as a trustee.
- Campaign events such as all-candidates meetings may be held in schools but only if organized through the community use department by community agencies or district partner groups.
- The Board supports the hosting of all-candidates meetings by student groups in support of students learning about the democratic process and issues related to public education governance.

~~The Board is committed to there being no Board~~ Election campaign materials of any kind **must not be** posted in schools or on school property, or distributed through any school communication, although it is appropriate to share information about the election and to encourage people to become informed and vote.