

POLICY 4

TRUSTEE CODE OF CONDUCT

Purpose and Application

Section 33(1)(k) of the *Education Act* requires every Board of Trustees in Alberta to adopt a code of conduct for its trustees.

The purpose of this Code of Conduct is to provide standards for the conduct of trustees of the Board of Trustees of Northland School Division (the “Board”) relating to their roles and obligations and a procedure for investigating and enforcing those standards. This Code of Conduct applies to all trustees of the Board, including the Chair (“Trustees”).

This Code of Conduct is one aspect of accountability and transparency, both internally among trustees and between the Board and Administration, and externally with Northland School Division students and parents, the general public, other levels of government, and the media.

Framework and Interpretation

This Code of Conduct provides a framework to guide ethical conduct 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 trustees by the Board bylaws and policy, and legislation, including:

- (a) *The Access to Information Act (ATIA)*;
- (b) *The Alberta Human Rights Act*;
- (c) *The Criminal Code (Canada)*
- (d) *The Education Act*;
- (e) *The Local Authorities Election Act (LAEA)*;
- (f) *The Northland School Division Act*
- (g) *The Occupational Health and Safety Act*
- (h) *The Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012, cP-39.5 and the *Protection of Privacy Act (POPA)*

For clarity, the Code of Conduct does not supersede any of the above-noted Acts, nor shall it be construed to contradict any of the same.

It is not possible to write a Code of Conduct that covers every scenario. Accordingly, this Code

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of Conduct is to be interpreted broadly and liberally in accordance with applicable legislation. Trustees are to be guided by and conduct themselves in a manner that reflects the spirit and intent of this Code.

Principles and Values

1. Trustees are expected to perform their duties and functions in office with integrity, accountability, and transparency.
2. Trustees have a duty to act respectfully, honestly, in good faith, and in the best interests of the Northland School Division.
3. Trustees shall:
 - (a) Uphold the law established by the Federal Parliament and the Alberta Legislature, and the bylaws and policies adopted by the Board;
 - (b) Carry out their duties in accordance with all applicable legislation, bylaws and policies about their position as a trustee;
 - a. Trustees must undergo a valid criminal record check when the Board has a bylaw requiring it.
 - (c) Observe the highest standard of ethical conduct and perform their duties in the office and arrange their private affairs in a manner that promotes public confidence and will withstand public scrutiny; and
 - (d) Serve and have been seen to serve the interests of Northland School Division (the "Division") and their constituents conscientiously and diligently, and shall approach decision-making with an open mind.

Confidential Information

1. The Board as a whole must be able to access information to fulfill its decision-making duties and oversight responsibilities; however, individual trustees must also recognize that certain information they receive in their capacity as trustees is subject to confidentiality and disclosure rules contained in legislation, as well as the Board's bylaws and policies. Trustees must keep confidential matters discussed privately at a Board meeting or within the Closed Session of the Board meeting.
2. During their duties, trustees may also become privy to confidential information received outside of a "closed session" meeting. Trustees must not:

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- (a) Disclose or release by any means to any trustee 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;
 - (b) Access or attempt to gain access to confidential information unless it is necessary for the performance of the trustee'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;
 - (c) Use confidential information for personal benefit or the benefit of any other individual or organization.
3. No trustee shall use confidential information to harm the Division or other trustees of the Board.

Conflicts of Interest

1. Trustees are expected to make decisions in the best interests of the Northland School Division. Trustees are to be free from undue influence and not act or appear to act in a manner that would gain financial or other benefits for themselves, their family, friends, associates, or business interests. Trustees have a statutory duty to comply with the pecuniary interest provisions set out in Part 4, Division 5 of the *Education Act*.
2. In the exercise of official power, duty or function, no trustee shall give preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.
3. No trustee shall initiate, endorse, support or otherwise participate in any proceeding being brought against the Board or the Division.
4. Trustees must complete a disclosure of information in accordance with Section 86 of the Education Act and provide any updates or changes to the Board's secretary during their term.
5. Trustees must promptly disclose all pecuniary interests and non-pecuniary interests in accordance with Section 88 of the Education Act.

Improper Use of Influence

1. No trustee shall use the influence of their office for any purpose other than for the exercise of the trustee's official duties.

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2. No trustee shall act as an agent to advocate private interests (i.e. on behalf of any individual, organization, or corporate entity) before the Board, a committee of the Board or any other body established by the Board.
3. No trustee shall use their position to undermine the Division, the Board and/or a trustee.

Conduct at Meetings

1. Trustees shall conduct themselves with decorum and make every effort to participate diligently in the meetings of the Board, its committees and other bodies to which they are appointed by the Board.
2. Trustees shall comply with Board policies and procedures governing the conduct of board meetings, and any other rules of meeting procedure applicable to the body to which they have been appointed by the Board.
3. Trustees 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.
4. Trustees shall conduct and convey the Board's business and all their duties openly and transparently, except for those matters that, by virtue of legislation, are authorized to be dealt with confidentially in a closed session. This enables the public to observe the process and rationale behind decision-making, as well as the reasons for specific actions.
5. No trustee shall record any proceedings of the Board without the express prior permission of the Board.
6. Trustees shall limit their personal use of technology when representing the Board, acting in any capacity on behalf of the Board, or fulfilling their trustee or board-related duties. They shall remain engaged in the matter at hand. Trustees may use technology for personal use in the event of an emergency.
7. Trustees shall dress in a professional manner.

Respect for the Decision-Making Process

1. Decision-making authority lies with the Board, and not with any individual trustee. The Board acts by bylaw or resolution passed at a public meeting at which a quorum is present, pursuant to section 64 of the *Education Act*.
2. A trustee 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,

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agents, contractors, consultants or other service providers of Northland School Division or prospective vendors.

3. Trustees shall accurately communicate the Board's decision, even if they disagree with it, in a manner that fosters respect for the Board's decision-making processes.
4. Trustees may engage in vigorous debate with other trustees of the Board during the Board's decision-making, provided that such debate is conducted in a respectful manner at all times. Where a trustee cannot accept the Board's decision, they may choose to resign from their public office as trustee.

External Communications

1. A trustee must not purport to speak on behalf of the Board unless authorized to do so. Unless the Board directs otherwise, the Chair serves as the Board's official spokesperson, and in the Chair's absence, the Vice-Chair serves as the Board's official spokesperson.
2. A trustee 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 trustee disagrees with the Board's position.
3. No trustee shall make a statement when they know, or ought reasonably to know, it to be false.
4. No trustee shall make a statement with the intent to mislead, or that could reasonably mislead the Board or the public.

Internal Communications

1. Trustees must respond to any internal communications, including those from the Board Chair/Vice Chair and Administration, within 48 hours. Where a trustee fails to respond within 48 hours, the Board Chair/Vice-Chair will follow up with an additional email or text message.
2. Trustees must respond to any Board-related communications that impact the division's interests.

Use of Social Media

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.

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2. As public figures and representatives of the Board, trustees must exercise discretion and be judicious in what material they post on social media. As with any other communications, trustees are accountable for content and confidentiality.
3. No trustee shall attempt to disguise or mislead as to their identity or status as a trustee when using social media.
4. No trustee shall use social media to publish anything dishonest, untrue, offensive, disrespectful, that constitutes harassment or is defamatory or misleading in any way.
5. As with any other activity, trustees must ensure that their use of social media complies with the law, this Code of Conduct, and any related Board policies. This Code of Conduct applies to all communications made by a trustee.

Discrimination and Harassment

1. Trustees have a duty to treat one another, the public, and Division staff with dignity and respect, and to ensure their work environment is free from discrimination and harassment.
2. No trustee shall use indecent, abusive, or insulting words or expressions toward any other trustee, staff trustee or public trustee. Trustees must refrain from engaging in abuse, bullying and intimidation.
3. No trustee shall speak in a discriminatory manner 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.
4. The Board is the source of all governance authority and will decide whether, and to what extent, to delegate that authority to others, including the Chair, Board Committees, and the Superintendent. The Superintendent and staff in the Administration serve the Board as a whole. No individual trustee has executive authority over the Superintendent or the Administration staff. The Superintendent is the only employee of the Board.
5. Trustees shall respect the fact that staff work for the Division as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective. In carrying out the Board's directions and administering the Board's policies and programs, Division staff are required to act without undue influence from any trustee or group of trustees.
6. Trustees must not:
 - (a) Involve themselves in matters of Administration, and the day-to-day management of the Division, which fall within the jurisdiction of the Superintendent pursuant to the Education Act;

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- (b) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff trustee with the intent of interfering in that staff trustee's duties; or
 - (c) Maliciously or recklessly, or falsely injure the professional or ethical reputation or the prospects or practice of staff trustees.
7. Trustees shall obtain information about the operation or administration of the Division from the Superintendent or a person designated by the Superintendent. Trustees are to contact staff only in accordance with the procedures authorized by the Superintendent regarding interactions between trustees and staff.

Use of School Division Property and Resources

1. Trustees shall use Division property, equipment, services, supplies and staff time only for the performance of their duties as a trustee, subject to the following limited exceptions:
 - (a) Board property, equipment, service, supplies and staff time that is available to the general public may be used by a trustee for personal use upon the same terms and conditions as trustees of the general public, including booking and payment of any applicable fees or charges;
 - (b) Electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, supplied by the Division to a trustee, may be used by the trustee for personal use, subject to the terms and conditions described below.
2. Electronic communication devices provided by the Division are the property of the Division and shall, at all times, be treated as the Division's property. Trustees are hereby notified that they are to have no expectation of privacy in the use of these devices, and further that:
 - (a) All emails or messages sent or received on School Division devices are subject to the *Access to Information Act (ATIA) and the Protection of Privacy Act (POPA)*.
 - (b) All files stored on School Division devices, all use of internal email and all use of the Internet through the Division's firewall may be inspected, traced or logged by the Division;
 - (c) In the event of a complaint pursuant to this Code of Conduct, the Board may require that any or all electronic communication devices provided by the school division to trustees be confiscated and inspected as part of the investigation, including downloading any information considered relevant to the investigation. All email messages or internet connections may be retrieved.
 - (d) No trustee shall access an employee's and/or trustee's email.

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3. No trustee shall use any Division property, equipment, services or supplies, including email, Internet services, or any other electronic communication device, if the use could be offensive or inappropriate.
4. Trustees must exercise all reasonable care to prevent abuse, excessive wear, or loss of Division-owned property, equipment, or supplies entrusted to their care.
5. Upon ceasing to hold office, a trustee shall immediately deliver to the Division any money, book, paper, thing or other property of the S Division that is in the trustee's possession or under the trustee's control, including, without restriction, any record created or obtained by virtue of the trustee's office other than a personal record or constituency record as those terms are used in the *Access to Information Act (ATIA)*.

Expenses

1. Trustees shall comply with the provisions of all Board policies and related procedures and guidelines with respect to claims for remuneration and expenses, including but not limited to claims for per diems (honoraria), mileage, travel, meals, lodging, event tickets, hosting and attendance at conferences, conventions, seminars, training courses and workshops.
2. Falsifying a trustee's claim, including receipts or signatures, by a trustee is a serious breach of this Code of Conduct and the Criminal Code (Canada) and could lead to prosecution.

Gifts and Benefits

1. Trustees are expected to represent the public and the school division's interests, doing so with both impartiality and objectivity. The acceptance of a gift or benefit can imply favouritism, bias or influence on the part of the trustee. At times, the acceptance of a gift or benefit occurs as part of the culture, social protocol, or community events associated with a trustee's duties and role in representing the Board. Personal integrity and sound business practices require that relationships with vendors, contractors or others doing business with the School Division be such that no trustee is perceived as showing favouritism or bias toward the giver.
2. Trustees shall not accept gifts or benefits that would, to a reasonable trustee of the public, appear to be in gratitude for influence, to induce influence, or otherwise go beyond the necessary and appropriate public functions involved. For these purposes, a gift or benefit provided with the trustee's knowledge to a trustee's spouse, child, or parent that is

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connected directly or indirectly to the performance of the trustee's duties is deemed to be a gift to that trustee.

3. For further clarity, the following are recognized as acceptable gifts or benefits:
 - (a) Such gifts or benefits that typically accompany the responsibilities of the office and are received as an incident of culture, protocol or social obligation, provided that the value of the gift or benefit does not exceed one hundred dollars (\$100).
 - (b) A political contribution otherwise reported by law;
 - (c) A suitable memento of a function honouring the trustee;
 - (d) Food, lodging, transportation, event tickets or entertainment provided by provincial, local governments, the Federal government or a foreign government within a foreign country, or by a conference, seminar or event organizer where the trustee is either speaking or attending in an official capacity on behalf of the Board;
 - (e) Food and beverages consumed at banquets, receptions, or similar events, if:
 - i. Attendance serves a legitimate purpose;
 - ii. The person extending the invitation or a representative of the organization is in attendance, and
 - iii. The value is reasonable, and the invitations are infrequent.
4. Gifts received by a trustee on behalf of the Board, as a matter of official protocol, that have significance or historical value for the Division, shall be left with the Division when the trustee ceases to hold office.
5. An invitation to attend a function where the invitation is directly or indirectly connected with the trustee's duties in the office is not considered to be a gift. Still, it is the fulfillment of an official function or obligation. An invitation to attend a charity golf tournament or fundraising gala, provided the trustee is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting invitations to professional sports events, concerts, or dinners may serve a legitimate business purpose.
6. Any doubts about the propriety of a gift or benefit should be resolved in favour of not accepting it or not keeping it.

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Election-Related Activity

1. Trustees are required to follow the provisions of the *Local Authorities Election Act* and are accountable under that statute. Trustees should refrain from making inquiries of or relying on staff to interpret or provide advice to trustees regarding the requirements placed on candidates for the office of trustee. Trustees shall respect the Secretary-Treasurer's role in managing the election process and must not interfere with how the Secretary-Treasurer's election duties are carried out.
2. Trustees shall not use Board resources, including property, equipment, services, supplies and staff time, for any election-related activities, whether local, provincial or federal. Online resources hosted, supplied or funded by the Board, including but not limited to trustee electronic newsletters, trustee websites linked through the Board's website, and trustee social media accounts used for ward communication, shall not be used for any election campaign or campaign-related activities. No trustee shall use the school division logo for campaign purposes.
3. For greater clarity, a trustee may accept the services of staff who may choose to volunteer with the trustee's election campaign during non-work hours.

Compliance with this Code of Conduct

1. Trustees are ultimately accountable to the public through the four-year election process. Between elections, trustees may be required to resign if they become disqualified or engage in a disqualifying action, as outlined in Section 87 of the *Education Act*.
2. Any reported violation of this Code of Conduct provision may be subject to investigation by the Board or a third-party investigator retained by the Board.
3. Where a complaint against a Trustee originates from, or relates to, a Division school, worksite, or other Division-related event/facility, that Trustee shall refrain from attending or accessing that Division school, worksite, or Division-related event/facility pending the outcome of the investigation. Furthermore, the Trustee under investigation must refrain from contacting the complainant and any potential witnesses while the investigation is ongoing.
 - a. The above access and contact restrictions aim to support the integrity and independence of the investigation process, ensure that students and staff remain free from perceived influence or discomfort, and uphold the Board's commitment to creating a safe and respectful learning environment.

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- b. Such access and contact restrictions will remain in effect until the Board has received and reviewed the investigator's final report, considered any recommendations in accordance with Policy 4 - Trustee Code of Conduct, and made a decision. The Board Chair must approve any exceptions; where the Chair is the subject of the investigation, approval authority transfers to the Vice Chair.
 - c. The foregoing access and contact restrictions may be extended where the Board deems necessary (i.e, to ensure a safe and respectful learning environment).
- 4. Trustees are expected to cooperate in every way possible to ensure compliance with this Code of Conduct and its application and enforcement.
- 5. No trustee shall:
 - (a) 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
 - (b) Obstruct the Board or any other person in carrying out the objectives or requirements of this Code of Conduct.
- 6. If the Board determines it appropriate to do so, the Board may impose sanctions on a trustee who contravenes this Code of Conduct. Sanctions that may be imposed on a trustee by the Board include:
 - (a) Issuing a letter of reprimand addressed to the trustee,
 - (b) Requesting the trustee to issue a letter of apology,
 - (c) Publicly reprimanding the trustee by a motion of sanction,
 - (d) Publishing a letter of reprimand or request for an apology, and the trustee's response,
 - (e) Requiring the trustee to attend training,
 - (f) Suspending or removing the trustee from trusteeship on a committee/committees, and/or conferences, which included Ad Hoc committees, Alberta School Boards Association (ASBA) and Public School Boards Association of Alberta (PSBAA) attendance.
 - (g) Removal of professional development opportunities, such as attendance at conferences outside of board meetings.
 - (h) Suspending or removing the trustee from chairing a committee,
 - (i) Requiring the trustee to reimburse monies received,

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- (j) Reducing or suspending remuneration paid to the trustee in respect of the trustee's services,
- (k) Requiring the trustee to return School Division property or reimburse its value,
- (l) Restricting the trustee's access to School Division facilities, property, equipment, services and supplies,
- (m) Restricting the trustee's contact with School Division staff,
- (n) Restricting the trustee's travel and representation on behalf of the Board,
- (o) Restricting how documents are provided to the trustee (e.g. no electronic copies, but only watermarked paper copies for tracking purposes),
- (p) Disqualifying the trustee from the Board, but nothing in this Code of Conduct requires the Board to impose a sanction for any contravention.
- (q) Attending board meetings only, restricting the trustee's attendance to anything outside of required board meetings.

But nothing in this Code of Conduct requires the Board to impose a sanction for any contravention.

Legal Reference: Sections 33, 34, 51, 52, 53, 64, 67, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96 Education Act.
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