

	<h2>GOVERNANCE POLICIES</h2>
Policy Type	Governance Process
Policy Name	Councilors' Code of Conduct
Policy Number	ASD-W-GP5
Effective Date: September 20, 2012	Revised: October 23, 2014, September 22, 2016

<u>Policy:</u>
<p>1. General</p> <p>1.1 It is the responsibility of the Anglophone West School District Education Council of (DEC) to establish objectives and policies aimed at addressing the particular priorities and needs of the District. The DEC is responsible for developing policy which governs the operation of the schools in its district in the areas of education, school performance, and infrastructure. Each Member of Council (Member) is responsible for contributing to the decisions and responsibilities of the DEC.</p> <p>1.2 The regulations of the Education Act provide the authority for this Code of Conduct. Members must follow the policies governing conduct contained in this Code of Conduct, the Education Act and the policies of the Department of Education and Early Childhood Development. Section 40 of the Education Act requires that every member of a District Education Council:</p> <p style="padding-left: 40px;">“ (a) exercise his or her duties under this Act in good faith, (b) comply with this Act and the regulations, and (c) refrain from exercising individual influence or authority over the superintendent of the school district or over other school personnel.”</p> <p>1.3 DEC and all members must comply with all laws, regulations and rules that apply to the Department of Education employees and volunteers. The DEC and its members uphold the dignity and rights of individuals in accordance with the New Brunswick Human Rights Act and the Canadian Charter of Rights and Freedoms. Questions or concerns regarding legal issues should initially be brought to the attention of the DEC Chair or Vice-Chair.</p>

2. Professional Conduct and Decorum

- 2.1 Members of the District Education Council are committed to the common purpose of guiding and moving forward the education of all students in the District. DEC Members have a responsibility to always act in the best interests of the students of the District.
- 2.2 Members commit to high professional and ethical standards and undertake to always carry out their duties with honesty and the appropriate discretion. Members always demonstrate fair and respectful treatment of students, parents, staff and the community.
- 2.3 Members must be aware of the scope and responsibilities of their role as a part of the DEC. Members are expected to be familiar with the District Education Council Handbook and the appendix regarding meeting procedures.
- 2.4 Members recognize the time commitment made by members of the DEC and ensure that meeting times are used efficiently. DEC governs effectively because members are on-time, have reviewed materials in advance, and have prepared comments and submissions which are carefully planned and to the point.
- 2.5 Members are encouraged to bring forward ideas, opinions and information relevant to the agenda of the DEC meeting. Members must give consideration and respect to the public's view or ideas which may differ from their own.
- 2.6 Members are committed to a collaborative work environment which encourages the respectful expression of ideas. The deliberation of different perspectives and ideas is used to reach an informed decision.
- 2.7 Members must exercise caution and good judgment in fulfilling their duties. The DEC will use individual member's expertise to enhance the ability of the DEC but will not rely on an individual's judgment as a substitute for making an informed decision as a Council.
- 2.8 DEC has a responsibility to the students of ASD-W. The Council is guided by the mission of the District and must consider how decisions and actions will impact the education of all students.
- 2.9 The DEC will endeavor to make decisions by consensus; striving to reach a decision which has been acceptable to all members. Decisions will be made by majority vote.
- 2.10 Members must not undermine the decisions reached by the DEC. Members who have a good faith and legitimate reason to oppose the decision may only use the appropriate process to have the decision challenged or reconsidered. Members will

not publically criticize the actions, submissions or decisions of the Council or individual members.

- 2.11 Members respect the privacy of others and will not disclose confidential information. Confidential information may include legal opinions, litigation strategies, personnel issues and disciplinary matters, and any other information which is generally not disclosed to the public. Members will be bound by Department of Education and Early Childhood Development's confidentiality policies surrounding personal information, reports, email and passwords.

3. Representing the Council and Encouraging Public Confidence

- 3.1 While many voices contribute to the decisions of the DEC, under the policy governance model, the DEC operates as a single voice. The Chair is the representative of the Council and has the authorization to discuss DEC opinions, decisions and policy or to otherwise interact with the public, press or other organizations.
- 3.2 DEC has a shared responsibility with the students, the parents, the school, the community, the District and the Department of Education and Early Childhood Development to advance education and a positive learning environment. Members will strive to work collaboratively and respectfully with these partners.
- 3.3 Members strive to undertake their duties in a manner that will inspire public confidence. Members must avoid unlawful/illegal activities which would discredit, compromise or negatively impact the reputation of the DEC.
- 3.4 To avoid a public perception of influence, members cannot accept or solicit gifts or personal benefits as a result of their position without the approval of the Chair. This excludes incidental gifts, customary hospitality or other benefits of nominal value.
- 3.5 Members are committed to the proper use of their authority.
- a) Individual members do not have authority over staff unless clearly granted by the Council or in DEC policies.
 - b) While the DEC expects individual members to be given common courtesy, it does not require the Superintendent to heed any individual member's opinion or instruction.
 - c) Regardless of any individual dissent from a decision of the DEC, members must support that the Superintendent is bound by direction given by the DEC as a whole.
 - d) Members will monitor the Superintendent performance using the approved protocol and in accordance with DEC Policy.

4. Conflict of Interest

- 4.1 Members will be aware of the potential for a conflict of interest and avoid situations where personal or family interests could conflict with the interests of the DEC. Members must report any personal benefit or financial interest which may influence or could reasonably appear to influence the decisions or actions of the DEC to the Council as soon as possible.
- 4.2 DEC will follow the Department of Education and Early Childhood Development Conflict of Interest Policy (Policy 213) and the Province of New Brunswick's Conflict of Interest Policy (AD-2915) in determining what is considered to be a conflict.
- 4.3 A conflict of interest may be resolved by requiring the member to withdraw from discussion or a meeting, refrain from voting on an issue or terminate the conflict or potential conflict. In situations in which there is a persistent conflict resignation from the DEC may be required.
- 4.4 If a conflict of interest is discovered after a decision is made, the decision is voidable but not automatically void.
- 4.5 If a Member does not disclose a conflict of interest, the DEC reserves all rights to have any matter entered into, or any action taken set aside, revoked or rescinded. The member may be asked to resign or removed according to the Enforcement Procedures contained in this policy.

5. Enforcement of this Code of Conduct

- 5.1 Members are committed to the principles of this Code of Conduct. Known or suspected violations of this Code or DEC Policies will be reported in writing to the Chair. In the event that there is an alleged violation by the Chair, the member will report concerns to the Vice-Chair.
- 5.2 Concerns and violations must be reported in writing. While the complaint cannot be made anonymously, the Chair is authorized to decide if the name of the complainant will be disclosed.
- 5.3 Reports of breaches will be treated promptly and fairly. Upon receiving a written complaint, the Chair or Vice-Chair will determine the appropriate response:
 - a) Conduct a private discussion with the member to notify them of the complaint and to seek a resolution to the breach.
 - b) Notify the offending member of the allegations and initiate a review.
 - c) Chair and Vice-chair (or another DEC member in the event that the complaint is against the Chair or Vice-chair) suspend the offending member immediately pending a review or resolution by the DEC.

- 5.4 A review into complaints may be conducted by the Chair, Vice-Chair or another individual authorized by the DEC.
- a) The findings of the investigation will be reported in writing to the member in question and the DEC 14 days in advance of a private session to discuss the complaint. The member will be provided with an opportunity to address the DEC at this session before any decision on discipline is made.
 - b) The DEC will provide direction on the complaint and proceed to dispose of the matter as it deems appropriate within the scope of this Code, the DEC policies and the Education Act.
- 5.5 A decision on discipline can only be made at a meeting of the DEC where not less than 75% of the members are present. Where discipline is deemed to be appropriate, the DEC may exercise one or more of the following options:
- a) a letter of reprimand
 - b) a suspension for a period not exceeding three months
 - c) a declaration that the member's seat is vacant under s. 36.7(4) of the Education Act. Declaring a member's seat to be vacant requires a majority vote by the DEC.
- 5.6 While the details of the investigation and deliberation are confidential, the outcome of any disciplinary hearing will be made public in an open session of the Council.

MONITORING:

Method(s)	Frequency	Month
<ul style="list-style-type: none"> • Council Self-evaluation 	<ul style="list-style-type: none"> • 2 times per year 	<ul style="list-style-type: none"> • December • May