

Policy 4 – Appendix

TRUSTEE CODE OF CONDUCT SANCTIONS

1. 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 Failure of Security

2. 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.
3. Conciliatory measures will normally include:
 - 3.1 The trustee who believes a violation has occurred will engage in an individual private conversation with the trustee affected.
 - 3.2 Failing resolution through the private conversation the parties will engage the Board Chair, Vice-Chair or designate to gain resolution. If the concern is with the Board Chairperson, the concern is to be raised with the Vice-Chairperson.
 - 3.3 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.
4. A trustee who wishes to commence an official complaint, under the Code of Conduct shall file 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 filed with the Vice-Chair.
5. 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.
6. 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 at and deliberating upon, the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.

7. 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.
8. 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, a closed (in-camera) meeting of the Board to allow the complaining trustee to present his/her views of the alleged violation of the Code of Conduct.
9. At the closed (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:

- 9.1 The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at a closed (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.
- 9.2 The sequence of the Code of Conduct hearing shall be:
 - 9.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
 - 9.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
 - 9.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
 - 9.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
 - 9.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 9.2.6 The complaining trustee shall be given the opportunity to make final comments; and
 - 9.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 9.3 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. 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).
- 9.4 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.

- 9.5 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.
 - 9.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
 - 9.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.
 - 9.8 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
 - 9.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.
 - 9.10 The presiding Chair shall declare the closed (in-camera) Board meeting adjourned.
10. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 10.1 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 closed (in-camera) meeting of the Board;
 - 10.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the Board;
 - 10.3 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 closed (in-camera) meeting of the Board.
11. 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.

Failure of Security

12. 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 a closed 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:
- 12.1 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 a closed meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
 - 12.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.

- 12.3 The Board Chair shall present at a closed 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.
- 12.4 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 a closed meeting of the Board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.
- 12.5 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.

Legal Reference: Sections 49, 50, 55, 56, 57, 58, 59, 62, 65, 85, 94, 95 School Act