

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. This includes allegations that a trustee has failed to respect the confidentiality of a sanctions process initiated in accordance with the below.

Filing of Complaint

1. A trustee, who believes that a fellow trustee has violated the Code of Conduct, may seek resolution of the matter through appropriate informal measures, prior to commencing an official complaint under the Code of Conduct.
2. Informal measures may 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 person who wishes to commence an official complaint, alleging a breach of 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. This thirty (30) day period may be extended by the Board if the facts leading to the complaint were not known, and could not reasonably have been known, to the complainant within the thirty (30) day period.
4. 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 within five (5) days of receipt by the Board Chair of the letter of complaint. If the complaint involves the conduct of the Board Chair, the letter of complaint shall be filed with, and distributed by, the Vice-Chair.
5. The filing, notification, content, and nature of any complaint under this Policy shall be deemed to be strictly confidential. The public disclosure of the complaint, including its existence and any proceedings related to the complaint, shall be deemed to be a violation of the Code of Conduct. Public disclosure of the complaint, and any resulting decision made 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.

Preliminary Determination

6. A special closed meeting of the Board will be convened as soon as possible after distribution of the complaint. The trustee against whom the complaint has been made shall be provided with the opportunity to make a written submission to the Board for consideration at the preliminary hearing.
7. At this meeting, the Board will conduct a preliminary review of the complaint and shall determine whether to:
 - 7.1 Dismiss the complaint;
 - 7.2 Adjourn the meeting and refer the complaint for further investigation, or
 - 7.3 Refer the matter to a formal Code of Conduct hearing.
8. In making its preliminary determination, the Board will consider, without limitation:
 - 8.1 Whether there is any factual basis for the complaint;
 - 8.2 Assuming that the allegation is true, whether a formal Code of Conduct hearing is necessary on the basis that the trustee's conduct threatens the integrity and proper functioning of the corporate board;
 - 8.3 Whether there is another, more appropriate forum for dealing with the alleged misconduct (e.g. if the allegation involves a breach of the conflict of interest provisions of the *School Act* there is a mechanism in Part 5 of the *Act* for dealing with such matters.)
9. In the event the Board determines that no further action is required, the complaint shall be dismissed, and the matter will be considered closed.

Investigation

10. In the event the Board determines in its preliminary meeting, or any subsequent time, that there is a need to obtain additional information regarding the allegation(s), it may direct that the matter be referred for investigation.
11. The Board shall appoint an independent third party to conduct the investigation.
12. The investigator shall gather all relevant information and documents pertaining to the allegation(s), and shall prepare a report to the Board summarizing the relevant facts and attaching relevant documentation. No recommendations shall be made, and any disputed facts will be identified. Where facts are disputed, no findings will be made other than to identify the nature of the dispute.

Code of Conduct Hearing

13. In the event the Board determines that a formal Code of Conduct hearing is warranted, a closed ((in-camera) (closed to the public)) meeting of the Board shall be convened.
14. The trustee against whom the complaint has been made shall be provided with at least ten (10) days' advance notice of the meeting, together with any information or documentation relevant to the complaint.
15. 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.
 - 15.1 The sequence of the Code of Conduct hearing shall be:
 - 15.1.1 The respondent trustee shall provide a presentation which may be written or oral or both;
 - 15.1.2 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 15.1.3 The respondent trustee shall be given the opportunity to make final comments.
 - 15.2 After hearing from the respondent trustee, 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, retain legal counsel to provide advice.
 - 15.3 If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened, and the requests made to the respondent trustee. 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 to enable the gathering of further information.
 - 15.4 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.
 - 15.5 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
 - 15.6 The presiding Chair shall call for a resolution(s) to be placed before the Board. The Board will vote on the resolution(s).
 - 15.7 The presiding Chair shall declare the closed ((in-camera) (closed to the public)) Board meeting adjourned.
 - 15.8 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.

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16. In the event the Board concludes that the Code of Conduct has been violated, it may impose whatever sanction is deemed necessary to protect the integrity and functioning of the Board including, without limitation, one or more of the following:
 - 16.1 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) (closed to the public)) meeting of the Board;
 - 16.2 Having a motion of censure passed by a majority of those trustees present, and allowed to vote at the closed ((in-camera) (closed to the public)) meeting of the Board;
 - 16.3 Removing 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) (closed to the public)) meeting of the Board;
 - 16.4 Temporary or indefinite suspension of the trustee from attendance at in-camera (closed to the public) meetings including receipt of materials pertaining to in-camera (closed to the public) meetings;
17. 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, 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. Before making its findings public, the Board will provide the affected trustee with the opportunity to address the Board on this issue. In no event will the Board act in a manner which would contravene its obligations under the *Freedom of Information and Protection of Privacy Act*.

Legal Reference: Sections 49, 50, (Part 5 Sections 55-64), 65, 85, 94, 95 School Act

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