

## Policy 4 Trustee Code of Ethics – Appendix B

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### TRUSTEE CODE OF ETHICS SANCTIONS

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Ethics, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.
2. In particular, the Trustee Code of Ethics requires that trustees shall respect the confidentiality appropriate to issues of a sensitive nature.

#### **Breach of Confidentiality**

3. Failure to comply with this requirement constitutes a failure of security. A trustee who believes that a fellow trustee has violated the Code of Ethics may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Ethics.
4. If unresolved, an individual trustee may bring a suspected breach of security to the attention of the Board Chair, or where otherwise applicable in what follows, to the Vice-Chair. The suspected breach of security will go to an in-camera meeting of the Board. If by majority vote at a public meeting, the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:
  - 4.1 The Board Chair shall request that the Superintendent or designate (as Head of the Division 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.
  - 4.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.
  - 4.3 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.
  - 4.4 If it is determined by a majority vote of the Board that a wilful 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.
  - 4.5 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. In addition, at a public meeting of the Board, a motion to remove the trustee from one (1) or more Board appointments may be presented.

### **All Other Breaches of the Code of Ethics**

5. A trustee who believes that a fellow trustee has violated the Code of Ethics for matters other than respecting confidentiality may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Ethics.
6. A trustee who wishes to commence an official complaint, under the Code of Ethics 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 Ethics that are alleged to have been violated by the trustee. The trustee who is alleged to have violated the Code of Ethics 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.
7. 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 Ethics. 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 hearing.
8. To ensure that the complaint has merit to be considered and reviewed, at least one 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 be heard at a hearing. Any trustee who forwards such a letter of support shall not be disqualified, from attending at and deliberating upon, the complaint at a hearing convened to hear the matter, solely for having issued such a letter.
9. Where no letter supporting a hearing is forthcoming, 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.
10. Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 8 above, the Board Chair shall convene, as soon as is reasonable, at their discretion, either a special meeting of the Board, or at an in-camera session at a regular Board meeting, to allow the complaining trustee, to their views of the alleged violation of the Code of Ethics.
11. At the special meeting of the Board, or at an in-camera session of the regular Board Meeting, the Board Chair shall indicate in the notification commencement of the meeting, the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting.
12. Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures.

- 12.1 The sequence of the Code of Ethics hearing shall be:
  - 12.1.1 The complaining trustee shall provide a presentation which may be written or oral or both;
  - 12.1.2 The respondent trustee shall provide a presentation which may be written or oral or both;
  - 12.1.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
  - 12.1.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
  - 12.1.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
  - 12.1.6 The complaining trustee shall be given the opportunity to make final comments; and
  - 12.1.7 The respondent trustee shall be given the opportunity to make final comments.
- 12.2 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.
- 12.3 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 Ethics hearing to a later date.
- 12.4 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Ethics hearing may take place until the meeting is reconvened.
- 12.5 The remaining trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent trustee.
- 12.6 The presiding Chair shall reconvene the parties to the Code of Ethics hearing and request a motion to revert to the open meeting in order to pass the resolution.
- 12.7 All documentation that is related to the Code of Ethics hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of Ethics hearing and shall be retained in accordance with legal requirements.
- 12.8 The presiding Chair shall declare the special Board meeting, or in-camera session, adjourned.

13. **A violation of all sections of the Code of Ethics** other than matters of confidentiality shall result in:
- 13.1 The Board Chair writing a letter of censure marked “Personal and Confidential” to the trustee in question. This occurs only after having such action discussed and agreed upon by a majority vote of trustees present at an in-camera meeting of the Board. A majority of trustees at a public meeting of the Board shall immediately approve this decision.
  - 13.2 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. In addition, at a public meeting of the Board, a motion to remove the trustee from one (1) or more Board appointments may be presented.

### **Conflict of Interest**

14. If a trustee is disqualified under Section 82 or 83 of the School Act from remaining as a trustee of the Board and does not resign as required under Section 85, the Board may by resolution declare the trustee to be disqualified from remaining a trustee or the Board may apply for originating notice to the Court of Queen’s Bench for an order
- 14.1 Determining whether the trustee is qualified to remain as a trustee, or
  - 14.2 Declaring the trustee to be disqualified from remaining as a trustee.

### **General**

15. Depending on the significance of the violation, the Board may omit steps in the process defined above or take alternate action if deemed more appropriate.
16. The Board may, in its discretion, make public its finding at the special meeting or at a regular meeting of the Board where the Board has not upheld the complaint alleging a violation of the Board of Ethics 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.
17. The Board, in its sole discretion, may record the in-camera session by electronic means. Where recording will take place, the complaining trustee and respondent trustee shall be advised by presiding chair at the commencement of the meeting or hearing.
18. All documentation, including any recording by electronic meaning, that is related to the hearing shall be returned to the superintendent or designate immediately upon conclusion of the hearing and shall be retained in accordance with legal requirements.

Legal Reference: Section 60, 61, 68, 72, 80, 81, 82, 83, 84, 85, 86, 246 School Act