Policy 4 – Appendix A

TRUSTEE CODE OF CONDUCT SANCTIONS

1. 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 .

2. Trustees are encouraged to pursue conciliatory steps as a first means of resolution. However, Trustees are not required to do so prior to pursuing an official complaint. Conciliatory steps may include:

   2.1 a one on one meeting of the aggrieved and the offending Trustee;
   2.2 a meeting involving the Board Chair (Vice-Chair as per Policy 6), and the aggrieved and offending Trustee as per Policy 5
   2.3 a meeting involving a mediator the aggrieved and offending trustees if the use of such a mediator is approved by the Board.

3. A Trustee who wishes to commence an official complaint 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 provided 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.

4. When a Trustee files a letter of complaint, and a copy of that letter of complaint is provided 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.

5. 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 complaint being provided to all Trustees, a letter indicating support for having the complaint be heard at a Special Meeting of the Board (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.

6. Where no letter supporting a hearing is received by the Board Chair within the three (3) day period referred to in section 6 above, the complaint shall not be heard. The Board Chair shall notify all other Trustees in writing that no further action on the part of the Board shall occur.

Where a letter supporting a hearing is received by the Board Chair within the three (3) day period referred to in section 6 above, the Board Chair shall convene, as soon as is reasonable, a Code of Conduct Hearing to allow the complaining Trustee to present his/her views of the alleged violation of the Code of Conduct A Code of Conduct Hearing shall be convened and conducted in accordance with any process provided for in Board policy in relation to a Special Meeting of the Board.

7. At the commencement of the Code of Conduct Hearing, the presiding Chair shall indicate the nature of the business to be transacted and that the complaint shall be heard in an in-camera session.

   Without limiting what appears below, the presiding Chair shall ensure procedural fairness in dealing with the complaint including by adhering to the following procedures:

   7.1 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, or if such procedural matter arises during the course of the Code of Conduct Hearing, at any time the presiding Chair may deem appropriate.

   7.2 The sequence of the Code of Conduct Hearing shall be:

      7.2.1 The complaining Trustee shall provide a presentation which may be written or oral or both;

      7.2.2 The respondent Trustee shall provide a presentation which may be written or oral or both;

      7.2.3 The complaining Trustee shall then be given an opportunity to reply to the respondent trustee's presentation;

      7.2.4 The respondent Trustee shall then be provided a further opportunity to respond to the complaining Trustee's presentation and subsequent remarks;

      7.2.5 The remaining Trustees of the Board shall be given the opportunity to ask questions of both parties;

      7.2.6 The complaining Trustee shall be given the opportunity to make final comments; and

      7.2.7 The respondent Trustee shall be given the opportunity to make final comments.

   7.3 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.

   7.4 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.

7.5 In the case of an adjournment, no discussion by Trustees whatsoever of the matters heard at the Code of Conduct Hearing shall take place until the Code of Conduct Hearing is reconvened.

7.6 The remaining Trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.

7.7 The presiding Chair shall reconvene the parties and request a motion to move from the in-camera session to an open session of the Code of Conduct Hearing.

7.8 All documentation that is related to the Code of Conduct Hearing shall remain confidential and be returned to General Counsel immediately upon conclusion of the Code of Conduct Hearing.

8. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:

8.1 issuing a letter of reprimand addressed to the Trustee;

8.2 requesting the Trustee to issue a letter of apology

8.3 passing a motion of censure;

8.4 requiring the Trustee to attend training either at the personal expense of the Trustee or at the expense of the Board

8.5 suspending or removing the Trustee from membership on a committee

8.6 suspending or removing the Trustee from chairing a committee;

8.7 requiring the Trustee to reimburse the Board for funds or reimbursement received by the Trustee;

8.8 reducing or suspending remuneration paid to the Trustee in respect to the Trustee's services

8.9 requiring the Trustee to return Board or Division property or reimburse its value

8.10 restricting the Trustee's access to Board or Division facilities, property, equipment, services and/or supplies;

8.11 restricting the Trustee's travel and representations on behalf of the Board, including through social media;

8.12 restricting how documentation are provided to the Trustee;
disqualifying the Trustee from the Board;

9. The Board may, in its discretion, make public its findings at a Special Meeting or at a Regular Meeting of the Board 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.

10. In the event that the complainant or respondent Trustee incurs expenses for legal representation sought in the course of the Complaint process or Code of Conduct Hearing process and the issues directly arising therefrom, the complainant or respondent Trustee may

make representations to the Board regarding reimbursement of those legal expenses by the Board. After such representation, the complainant and respondent Trustees shall be required to leave the room, and the remaining Trustees shall in deliberation decide by way of majority vote as to whether such expenses, or a portion thereof, shall be reimbursed by the Board.

11. No Trustee shall:

    11.1 Undertake or threaten to undertake any act of reprisal against another Trustee or person involved the resolution of a matter through conciliatory measures, an official complaint or a Code of Conduct Hearing; or,
    11.2 Obstruct the Board, or any other person involved in the resolution of a matter through conciliatory measures, an official complaint or a Code of Conduct Hearing.

12. In the event that the Board disqualifies a Trustee pursuant to a Code of Conduct Hearing, or should be Trustee otherwise commit a disqualifying act pursuant to section 87 of the *Education Act,* the Trustee shall be disqualified and required to resign immediately.

Legal Reference: Education Act, Sections 51, 52, 53, 54, 77, 85, 86, 87, 88, 89, 90, 91
Board Procedures Regulation