

### **2.3.2P Enforcement of the Trustee Code of Conduct Procedure**

The Trustee Code of Conduct requires that each Trustee commit to the highest ethical standards in their dealings with fellow Trustees, the school community and all citizens of the District. The Board expects each Trustee to adhere to the Code of Conduct in carrying out the role of Trustee. The Board recognizes that Code of Conduct infractions vary in their intent and severity and has established both informal and formal enforcement procedures.

#### **1.0 Notification of an Alleged Breach of the Code of Conduct**

- 1.1 A Trustee or the Superintendent or, in the case of a breach of confidentiality the Secretary-Treasurer, shall in confidence bring the alleged breach of the Code to the attention of the Board by notifying the Chair or, in the absence of the Chair or if the alleged breach has been made by or about the Chair, the Vice Chair who in such instances shall undertake the responsibilities of the Board Chair.
- 1.2 Notification of the Board Chair shall be made in writing and within 7 days of the Trustee or Superintendent first becoming aware that the alleged breach has occurred. The notification shall include: the name of the Trustee who is alleged to have breached the Code; the alleged breach or breaches of the Code; information as to when the breach came to the individual's attention; the grounds for the belief of the individual that a breach of the Code has occurred; the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach; and, the signature of the individual alleging the breach of the Code.

#### **2.0 Informal Code of Conduct Enforcement Procedures**

- 2.1 The Chair, on his/her own initiative, or at the request of the Trustee, Superintendent or Secretary-Treasurer, who alleges a breach of the Code has occurred, may meet confidentially and informally with the Trustee who is alleged to have breached the Code, to discuss the breach. The Chair shall bring the allegation of the breach to the attention of the Trustee and discuss sanctions to address the breach as an infraction and/or measures to correct the offending behaviour.
- 2.2 The sanctions or measures to address the alleged breach as an infraction may include a warning, an apology, or an agreed-upon consequence which may include that the Trustee engage in professional development.
- 2.3 The agreement of the Trustee that the infraction of the Code occurred and with the sanctions or measures imposed shall be reported to a Closed Meeting or Closed Session of the Board and no further action in respect to the infraction shall be taken.
- 2.4 Refusal of the Trustee to agree that the infraction occurred or with the suggested sanctions or measures may result in the allegation of a breach of the Code being elevated by the Chair or the Board to the Formal Code of Conduct Enforcement Procedures.

3.0 Formal Code of Conduct Enforcement Procedures

- 3.1 In the absence of informal resolution of the alleged breach and within 14 days of receiving the notification of the alleged breach, the Chair shall compile the information obtained in the originating notification of the alleged breach and any actions the Chair may have taken to address the allegation, and make a confidential report to the Board in a Closed Meeting or Closed Session. The Chair's report to the Board shall include the Chair's recommendation in respect to the merits of the Board conducting an investigation into the alleged breach of the Code.
- 3.2 The Board, by motion, shall within 14 days of receiving the report of the Chair, confirm or reject the recommendation of the Chair to conduct an investigation of the alleged breach of the Code.
- 3.3 Where the Board determines that an investigation should be made into the alleged breach of the Code, within 28 days of receiving notification from the Chair of the alleged breach, the Board shall by any appropriate means, including engagement of an independent investigator by the Superintendent, make inquiries into the alleged breach. On the basis of the results of the inquiry, the Board shall by motion decide whether the Trustee has breached the Code and impose sanctions appropriate to the severity of the breach.
- 3.4 The Trustee alleged to have breached the Code shall not vote in respect to a motion to undertake an investigation of the alleged breach nor vote in respect to a motion to confirm the alleged breach or impose sanctions.

4.0 Sanctions for Breach of the Code of Conduct

Where the Board determines that a Trustee has breached the Code, the Board may censure the Trustee or, where the infraction includes the failure to maintain the necessary confidentiality of information, bar the Trustee from attending all or part of a Meeting of the Board or a Committee of the Board and the Trustee shall not receive any materials that relate to that meeting that are not available to the public. These sanctions are not intended to limit any other response, action or remedy that the Board may decide to take or pursue.

- 4.1 Upon the Board determining that a Trustee has breached the Code and any sanctions to be imposed:
  - 4.1.1 The Board shall give the Trustee written notice of the determination and sanctions;
  - 4.1.2 Provide the Trustee with 14 days to make written submissions to the Board regarding the determination and/or sanctions;

- 4.1.3 After considering the submissions, the Board shall confirm or revoke a determination within 14 days of receiving the submissions;
- 4.1.4 If the determination is revoked, the sanctions are revoked; and
- 4.1.5 If the determination is confirmed, the Board shall confirm, vary or revoke the sanctions.
  
- 4.2 Where a breach of Sections 1 to 14 inclusive of the Code has occurred, sanction of a Trustee shall be undertaken by the Chair writing a letter of censure marked “personal and confidential” to the Trustee in question. This action shall be reported at the next Open Meeting of the Board.
- 4.3 For a second occurrence, a motion of censure shall be presented against the Trustee in question, at an Open Meeting of the Board, unless to do so would require a disclosure of confidential information other than a previous letter of censure.
- 4.4 For a third and subsequent occurrence, a motion to remove the trustee in question from one, or more, or all Board appointments shall be presented at an Open Meeting of the Board.
- 4.5 Where there has been a failure to maintain the confidentiality of information and a breach of Section 15 of the Code has occurred, in addition to the above sanctions, the Board may bar a Trustee from attending all or part of a Meeting of the Board or a Committee of the Board. When a sanction has been imposed that bars a Trustee from attendance at a Meeting of the Board it is considered to be an absence authorized by the Board.

**Legal References:**

**Monitoring Method:** *Internal Reports/Board and Superintendent*

**Monitoring Frequency:** *Annual*

**Adopted:** *2012.12.10*



## SECTION 1 – BOARD GOVERNANCE

---