

Appendix 1 – Trustee Code of Ethics Sanctions

Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Ethics, Policy 6. Violations of the Code of Ethics may result in the Board of Education instituting sanctions. To assist the Board of Education in self-governance, Trustees who wish to report an infraction under the Trustee Code of Ethics may follow the processes below.

A Trustee who believes that a fellow Trustee has violated the Code is encouraged to seek resolution of the matter through the Informal Complaint Process when possible, prior to commencing an official complaint under the Code.

1. Filing a Complaint

1.1 It is recognized that a contravention of the Code may occur that is relatively minor or committed inadvertently or due to an error of judgment made in good faith. In such instances the priority shall be to alert the offending trustee to the violation and his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code by a trustee should be investigated following the official complaint process. Both the offending and offended trustee shall seek resolution in an informal, cooperative fashion marked by mutual respect, seeking to understand with an openness to growth and improvement.

2. Informal Complaint Process

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, Vice-Chair or designate 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.

If resolution through the Informal Complaint Process is not possible, the Official Complaint Process will be followed.

3. Official Complaint Process

3.1 A trustee who wishes to commence an official complaint, alleging a breach of the Code 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 that are alleged to have been violated by the trustee.

- 3.2 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.
- 3.3 The trustee who is alleged to have violated the Code 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.
- 3.4 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. 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 Ethics hearing.
4. Preliminary Determination
- 4.1 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.
- 4.2 At this meeting, held pursuant to Section 69 *BC School Act* and sections 1.4 and 1.5 of Board Policy 7 *Board Governance and Operations*, the Board will conduct a preliminary review of the complaint and shall determine whether to:
- 4.2.1 Dismiss the complaint,
 - 4.2.2 Adjourn the meeting and refer the complaint for further investigation, or
 - 4.2.3 Refer the matter to a formal Code of Ethics hearing.
- 4.3 In making its preliminary determination, the Board will consider, without limitation:
- 4.3.1 Whether there is any factual basis for the complaint.
 - 4.3.2 Whether a formal Code of Ethics hearing is necessary on the basis that the trustee's alleged conduct threatens the integrity and proper functioning of the corporate board.
 - 4.3.3 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).
 - 4.3.4 In the event the Board determines that no further action is required, the complaint shall be dismissed, and the matter will be considered closed.

5. Investigation

- 5.1 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.
- 5.2 The Board shall appoint an independent third party to conduct the investigation.
- 5.3 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.

6. Code of Ethics Hearing

- 6.1 In the event the Board determines that a formal Code of Ethics hearing is warranted, a closed (In-Camera) meeting of the Board shall be convened. This meeting, will be held pursuant to Section 69 *BC School Act* and sections 1.4 and 1.5 of Board Policy 7 *Board Governance and Operations*.
- 6.2 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.
- 6.3 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.
- 6.4 A conflict of interest is as defined in Board Policy 7, Section 11 and as may be determined by an individual or a majority of those trustees present at a Code of Ethics hearing. A conflict of interest is ordinarily raised only in circumstances where a trustee has a personal interest in the outcome. It would not typically be raised in circumstances where a trustee has been a witness to conduct that is the subject matter of a complaint since it is expected that all trustees will conduct themselves in accordance with the code and in the interests of the school district. If it is determined that a trustee is in a conflict of interest, the trustee shall not participate in deliberations or vote in respect of any resolution however the trustee shall be present as required in order to maintain quorum of the Board of Education.
- 6.5 The sequence of the Code of Ethics hearing shall be:
 - 6.5.1 The respondent trustee shall provide a presentation which may be written or oral or both.
 - 6.5.2 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties.
 - 6.5.3 The respondent trustee shall be given the opportunity to make final comments.
 - 6.5.4 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.
- 6.5.5 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 Ethics hearing to a later date to enable the gathering of further information.
- 6.5.6 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.
- 6.5.7 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
- 6.5.8 The presiding Chair shall call for a resolution(s) to be placed before the Board. The Board will vote on the resolution(s).
- 6.5.9 The presiding Chair shall declare the closed (In-Camera) Board meeting adjourned.
- 6.5.10 All documentation that is related to the Code of Ethics hearing shall be returned to the Secretary-Treasurer immediately upon conclusion of the Code of Ethics hearing and shall be retained in accordance with legal requirements.
- 6.6 In the event the Board concludes that the Code of Ethics 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:
- 6.6.1 Having the presiding 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.
- 6.6.2 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.
- 6.6.3 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) meeting of the Board.
- 6.6.4 Temporary or indefinite suspension of the trustee from attendance at In-Camera meetings including receipt of materials pertaining to In-Camera meetings.
- 6.7 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 Ethics, 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 finding 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*.