

Appendix Name: B. Trustee Code of Conduct Identification, Investigation and Resolution Sanctions

Policy Section: Appendices

Effective Date: November 23, 2023

Revised Date:

Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Policy Trustee Code of Conduct. The failure by Trustees to conduct themselves in compliance with this policy may result in the Board instituting the following sanctions.

Breach of Security

- 1) Failure of a Trustee to respect the confidentiality of issues of a sensitive nature as deemed by the Board constitutes a failure of security.
 - a) Identification
 - i) A Trustee may bring a suspected breach of security to the attention of the Board at a closed meeting of the Board. If by majority vote, at a public meeting of the Board, the Board agrees that a failure has occurred, the following procedures shall be invoked.
 - ii) The Board Chair shall request that the Director or designate (as head of the Division under *The Local Authority Freedom of Information and Protection Privacy Act*), appoint an independent investigator to review this matter.
 - b) Investigation
 - i) The independent investigator shall conduct an investigation and submit a report of finding and recommendations to the Board Chair and the Director.
 - ii) 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.
 - c) Resolution and Sanction
 - i) If it is determined by a majority vote of the Board that a willful 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 a closed meeting of the Board. This decision requires immediate approval by a majority vote and Trustees at a public meeting of the Board. Alternatively, the Board may choose to send a letter of clarification or letter of redirection (see 2(b)(ii)).
 - ii) For a subsequent occurrence, 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.

Breach of Code of Conduct

2) For all other violations of sections of the Code of Conduct, corrective measures may include:

a) Identification and Investigation

- i) Trustee to Trustee – A Trustee concerned about a potential breach of Code of Conduct may have a conversation with the Trustee who may be in breach to seek resolution if the matter is between those Trustees. In many instances, an act of questionable conduct on the part of a Trustee can be effectively addressed by the concerned Trustee meeting privately with the other Trustee with a spirit of learning and resolution. If satisfactory resolution is not achieved, the Director or designate, Chair (or Vice Chair if the Chair is the offender) may be asked to assist in achieving resolution.
- ii) Chair to Trustee – If a potential breach of Code of Conduct is identified by a Trustee or other stakeholder that impacts the integrity of the Board or Division, or if unsatisfactory resolution is not achieved in 2(a)(i) above, the Chair will meet with the offending Trustee in a private meeting to seek resolution following a meeting between the Trustees. The Chair may choose to seek assistance of the Vice Chair in such a meeting.
- iii) Chair to Board - If resolution is not found, the entire Board shall address the alleged contravention in a closed session. Should the conduct be of a more serious nature, the initial steps (2(a)(i) and (ii) above) may be omitted, and the matter brought directly to the Board.

b) Resolution and Sanctions

- i) If the Board deems a contravention has occurred and the issue is unresolved, the Board will authorize the Chair, after the closed session among Trustees, to send a letter of clarification or direction to the Trustee through a written communication letter of censure marked “Personal and Confidential”. The written communication will outline the corrective course of action agreed to by the Board and Trustee in violation of policy. This occurs only after having such action discussed and agreed upon by a majority vote of Trustees present at a closed meeting of the Board. A majority of Trustees at a public meeting of the Board shall immediately approve this decision.
- ii) Depending on the severity of the breach, sanctions outlined in a letter of censure may include:
 - (1) A warning that continuation of the behaviour may bring further sanctions.
 - (2) Requiring of the Trustee to issue an apology to the appropriate individual(s).
 - (3) Requiring the Trustee to engage in the successful completion of professional development training.
 - (4) Disallowing the person to stand for the position of Chair or Vice Chair of the Board or a committee of the Board.

(5) Barring the Trustee from attending all or part of a meeting of the Board or a Committee of the Board.

(6) Suspending the Trustee from the Board, including suspending all the Trustee's rights, duties, and privileges as a member of the Board for up to three (3) months.

Any agreed upon remedial measures must include a timeframe.

iii) For a subsequent occurrence, at a public meeting of the Board, a second motion of censure shall be presented against the Trustee in question; and/or

iv) For a third and subsequent occurrences of any violations, at a public meeting of the Board, a motion to remove the Trustee in question from one or more of all Board appointments may be presented.

3) Vacancy of Trustee Office

a) The office of a Trustee shall be declared vacant by the Board and the Minister of Education shall be so advised when one of the following applies to a Trustee:

i) Is convicted of an indictable offence.

ii) Is absent for three (3) or more consecutive meetings of the Board without Board authorization (by resolution).

iii) Is declared ineligible as defined by *The Local Government Election Act*.

iv) Becomes an employee of the Division.

v) Acquires a direct interest in a contract for goods or services with the Division, with the following exceptions outlined below in 3(b).

b) A Trustee may enter into a contract with the Division for the sale of a school site.

i) A Trustee may receive up to Two Hundred Dollars (\$200) in one (1) year for labour authorized by or supplied to the Division.

ii) A Trustee may sell to the Division utilities, services, or merchandise provided the amount does not exceed Five Hundred Dollars (\$500) in one (1) year.

iii) A Trustee may receive compensation for transportation of their own children to and from school.

iv) A Trustee may be a shareholder or employee of a corporation that has dealings or contracts with the Division.

- v) The above noted dollar limits may be exceeded provided the goods and services are not readily obtainable from some other person in the Division, the prices are reasonable, and every Trustee at the meeting votes in favour of the contract.