



Appendix 4-A

Trustee Code of Conduct Sanctions

Trustees shall conduct themselves in an ethical and prudent manner in compliance with Policy 4, *Trustee Code of Conduct*. The failure by trustees to conduct themselves in compliance with this policy, including respecting matters of confidentiality and of a sensitive nature, may result in the Board instituting sanctions.

Breach of Confidentiality

1. Failure to comply with this requirement constitutes a failure of security. An individual trustee may bring a suspected breach of security to the attention of the Board Chair (or Vice Chair if the Chair is the suspected trustee) and request that the matter be discussed at an *in camera* meeting of the Board. If the Board agrees that a failure may have occurred, the following procedure shall be invoked:
 - 1.1 By resolution, the Board shall request that the Superintendent or designate (as Head of the Division under the *Freedom of Information and Protection of Privacy Act*), appoint an internal or external independent party to review the matter.
 - 1.2 The appointed party shall conduct an investigation and submit a report of findings as well as recommendations to the Board Chair and Superintendent. The Board Chair shall present the report *in camera*. At this time, the trustee in question shall have an opportunity to present any additional, relevant information.
 - 1.3 By resolution, the Board shall determine if a violation of security, whether wilful or careless, has occurred. If the Board agrees that a violation has occurred, the Board, *in camera*, will consider the appropriate sanction from writing a letter of censure marked "Personal and Confidential" to removing the trustee from one or more Board appointments.
 - 1.4 By resolution, the Board shall determine the degree of sanction and duration.

All Other Breaches of the Code of Conduct

2. A trustee who believes that a fellow trustee has violated the Code of Conduct 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 Conduct.
3. A trustee who wishes to commence an official complaint under the Code of Conduct shall file a letter of complaint with the Board Chair within thirty (30) days of learning of the alleged event and indicate the nature of the complaint and the section or sections of the Code of Conduct that may have been violated by the trustee.
4. All trustees shall be forwarded a copy of the letter of complaint by the Board Chair within five (5) business days of the Board Chair receiving the letter of complaint. The matter will be discussed *in camera* by the Board.
5. 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.



Appendix 4-A

Trustee Code of Conduct Sanctions

6. If the Board agrees that a violation of the Code of Conduct has occurred, public disclosure of the complaint and/or the resulting decision(s) of the Board will be disclosed by way of Board motion(s).
7. A violation of any section of the Code of Conduct, other than matters of confidentiality, shall, by resolution of the Board, result in the Chair sending a letter of censure marked "Personal and Confidential" to the trustee in question and/or removal of the trustee from one or more Board appointments for a specified duration and/or disqualifications of the Trustee.
8. If a trustee is disqualified in accordance with the *Education Act* s.87 *Disqualification of trustees*, and/or at s.88 *Disclosure of pecuniary interest*, from remaining as a trustee of the Board and does not resign as per s.91, *Refusal to resign on disqualification*, the Board may by resolution declare the trustee to be disqualified from remaining a trustee or the Board may apply to the Court of Queen's Bench for an order to determine whether the trustee is qualified to remain as a trustee, or declare the trustee to be disqualified.

Legal Reference:

- Education Act S. 60, 68, 72, 80, 87, 88, 91