

POLICY 130

TRUSTEE CODE OF CONDUCT

APPENDIX A: VIOLATIONS TO THE TRUSTEE CODE OF CONDUCT

The Trustee Code of Conduct requires each Trustee to commit to the highest ethical standards of conduct in their dealings with fellow Trustees, members of the school communities, and citizens of the Cariboo Chilcotin School District. The Board expects each member to adhere to the Code of Conduct in carrying out their role as Trustee. The Board recognizes that violations of the Code of Conduct can vary in severity and therefore, informal, or formal procedures may be utilized to address alleged breaches, as appropriate.

Only serious and/or recurring breaches of the code(s) will be handled by the following official complaint procedure. A breach or violation is defined as something spoken, written, or actioned that violates SD27 documented Codes of Conduct, SD27 mission, vision, values, policies, and legal requirements.

The informal procedure may be used for non-serious breaches or an offence(s). A non-serious breach is defined as relatively minor or committed inadvertently or due to an error in judgement made in good faith.

Informal resolve will be done through a conciliation process between Trustee to Trustee and/or Administration leadership to Trustee. If resolution fails, the Board Chairperson or Vice Chairperson is consulted, and it is determined if the Board Chairperson attempts to gain resolution or if the formal process is to be taken.

PROCEDURES

1.0 Receiving Alleged Code of Conduct Breaches

It is imperative to establish and maintain clear, consistent, and effective procedures in order to receive any allegation of breach of the Trustee Code of Conduct from complainants.

Those procedures include:

- 1.1 Any alleged breach must be brought forward in writing to the Board Chairperson, designate or the Secretary-Treasurer within 30 days of the alleged breach occurring. There may be exceptional circumstances which could allow an extension of this timeline. If an allegation is made against the Board Chairperson, the alleged breach shall be managed by the Secretary-Treasurer. The written complaint must include:
 - the name of the Trustee who is alleged to have committed the breach;
 - the specific allegation(s);
 - information regarding when the breach came to the complainant's attention;
 - the complainant's grounds that a breach of the Code of Conduct has occurred;
 - the name and contact information of the complainant, as well as any witnesses to the matter, or any other persons who have relevant information regarding the alleged breach.

- 1.2 Once received, all Trustees, including the subject of the alleged complaint, must be provided with a copy of the complaint within seven (7) days of receiving it.

2.0 Complaint Resolution Options

It is imperative to establish and maintain clear, consistent, and effective procedures in order to respond to any allegation of breach of the Trustee Code of Conduct. Options to complaint resolution include:

- 2.1 A recommendation by the Board Chairperson, or the Secretary-Treasurer if the alleged breach is by the Chairperson, not to proceed with the complaint.
- 2.2 An agreement that an informal resolution is appropriate.
- 2.3 Undertaking an investigation process, conducted with procedural fairness, concluding with the preparation and presentation of a report of the investigation's findings in a timely manner in a closed (in-camera) meeting for the board's consideration.
 - 2.3.1 Based on the results of the investigation, the Board (excluding the alleged offending Trustee) shall by motion decide whether the Trustee has breached the Code of Conduct and impose sanctions appropriate to the severity of the breach.
- 2.4 Undertake a Board Hearing process in a closed (in-camera) meeting to determine by motion (excluding the allegedly offending Trustee) whether the Trustee has breached the Code of Conduct and impose sanctions appropriate to the severity of the breach. The hearing must provide a fair opportunity for all parties to be heard, but parties are not obligated to make submissions or respond to questions. The procedures of a Board Hearing are as follows:
 - 2.4.1 A quorum must be established for this meeting of the Board including the Superintendent and Secretary-Treasurer, and any Trustee conflicts must be declared. Minutes are to be taken by the Board's confidential Secretary, and legal counsel may be present at the discretion of the Trustee or the Board.
 - 2.4.2 If present, the complainant may provide a presentation which may be written, oral or both. Alternatively, the submitted written complaint is shared.
 - 2.4.3 The allegedly offending Trustee responds with a presentation to the Board which may be written, oral or both.
 - 2.4.4 The complainant, if present, and the Board Chairperson may reply to the respondent Trustee's presentation.
 - 2.4.5 The respondent Trustee may reply to the complainant's presentation and subsequent remarks.
 - 2.4.6 The remaining Board of Education Trustees may ask questions.
 - 2.4.7 The complainant, if present, may make final comments.

- 2.4.8 The allegedly offending Trustee may make final comments.
- 2.4.9 The full Board, excluding the allegedly offending Trustee, engages in private deliberation. Should clarification or more information be required, this may be obtained from the parties, or the hearing may recess or be adjourned until a later date.
- 2.4.10 Following deliberation, the Board Chairperson calls for a resolution to be placed before the Board. The resolution may indicate what action, if any, may be taken. A vote is conducted, requiring a two-thirds vote to pass.

3.0 Sanctions for Breach of Code of Ethics

Where the Board determines that a Trustee has breached the Code of Conduct, the Board may censure the Trustee or enforce specific sanctions.

- 3.1 Upon the Board determining that a Trustee has breached the Code of Conduct, sanctions shall be applied. Possible sanctions include but are not limited to:
 - 3.1.1 The Offending Trustee writes a letter of apology.
 - 3.1.2 Offending Trustees participate in a restorative justice process.
 - 3.1.3 Offending Trustee participates in specific training, coaching, or counselling as directed by the Board of Education.
 - 3.1.4 The Board Chairperson writes a censure letter marked “personal and confidential” to the offending Trustee, on the approval of a majority of the Voting Trustees at the closed meeting of the Board.
 - 3.1.5 Having a motion of censure passed by a majority of the Voting Trustees at the closed (in camera) meeting of the Board.
 - 3.1.6 Having a motion to remove the offending Trustee from one, some or all Board committees or other appointments of the Board passed by a majority of the Voting Trustees at the closed meeting of the Board.
 - 3.1.7 The Board of Education may, in its discretion and by resolution of all voting Trustees, make public any outcome of the Official Complaint Process if it is considered reasonable and appropriate to indicate publicly its disposition of the complaint.
 - 3.1.8 The Board may bar the Trustee from attending all or part of a meeting of the Board or a committee of the Board. With this absence authorized by the Board, the Trustee shall not receive any materials that relate to the meeting that are not available to the public. This sanction is appropriate when the infraction includes the failure to maintain the necessary confidentiality of information.

- 3.2 Sanctions shall be applied as follows:
- 3.2.1 The Board shall give the Trustee written notice of the determination and any possible sanctions in a timely manner;
 - 3.2.2 The Board shall provide the Trustee with 14 days to provide a written response regarding the determination and/or sanctions;
 - 3.2.3 After considering the submission, the Board shall confirm or revoke the determination and/or sanctions within 14 days of receiving the written submission;
 - 3.2.4 If the determination is revoked, the sanctions are revoked; and
 - 3.2.5 If the determination is confirmed, the Board may confirm, vary, or revoke the sanctions. Where a breach of the Trustee Code of Conduct has occurred, sanctions of a Trustee shall be undertaken by the Chair by writing a letter of censure to the Trustee in question. This action shall be reported at the next Regular Meeting of the Board.
- 3.3 For a second occurrence of a breach, a motion of censure shall be presented against the Trustee in question, at a Regular Meeting of the Board, unless to do so would require a disclosure of confidential information other than a previous letter of censure.
- 3.4 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 a Regular Meeting of the Board.

4.0 Appeals

Trustees who have been sanctioned or have had other measures imposed upon them by the Board of Education under this policy can appeal those decisions at their own expense through the legal system.