

## TRUSTEE CODE OF ETHICS AND BOARD SANCTIONS

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with Policy 4 - Trustee Code of Ethics. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.
2. In particular, the Trustee Code of Ethics requires that trustees shall respect the confidentiality appropriate to issues of a sensitive nature.

### BREACH OF CONFIDENTIALITY

3. 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 where applicable, to the Vice-Chair. If unresolved, the suspected breach of security will go to an in-camera meeting of the Board, the failure shall be recorded by the Board and the following procedure shall be invoked:
  - 3.1. The Board Chair shall request the Superintendent or designate (as Head of the Division under the Freedom of Information and Protection of Privacy Act), appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at an in-camera meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
  - 3.2. The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.
  - 3.3. 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.
  - 3.4. 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 an in-camera meeting of the Board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.
  - 3.5. For subsequent occurrences, 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. In addition, at a public meeting of the Board, a motion to remove the trustee from one (1) or more Board appointments may be presented.

### ALL OTHER BREACHES OF THE CODE OF ETHICS

4. A trustee who believes that a fellow trustee has violated the Code of Ethics 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 Ethics.
5. A trustee who wishes to commence an official complaint under the Code of Ethics shall file a letter of complaint with the Board Chair, or where otherwise applicable, Vice-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 of Ethics that are alleged to have been violated by the trustee. The trustee who is alleged to have violated the Code of Ethics and all other trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where applicable, by the Vice-Chair, within five (5) days of receipt by the Board Chair of the letter of complaint.
6. 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, the public disclosure of which shall be deemed to be a violation of the Code of Ethics. Public disclosure of the complaint and any resulting decision taken 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 hearing.
7. To ensure that the complaint has merit to be considered and reviewed, at least one other trustee must provide to the Board Chair, within three (3) days of the notice in writing of the complaint being forwarded to all trustees, a letter indicating support for having the complaint heard at a hearing. Any trustee who forwards such a letter of support shall not be disqualified from attending at and

- deliberating upon, the complaint at a hearing convened to hear the matter, solely for having issued such a letter.
8. Where no letter supporting a hearing is forthcoming, the complaint shall not be heard. The Board Chair shall notify all other trustees in writing that no further action of the Board shall occur.
  9. Where a letter supporting a hearing is forthcoming, the Board Chair shall add the item to a meeting of the Board as soon as is reasonable.
  10. A violation of any sections of the Code of Ethics, other than matters of confidentiality, shall result in:
    - 10.1. The Board Chair writing a letter of censure marked "Personal and Confidential" to the trustee in question. This occurs only after having such action discussed and agreed upon by a majority vote of trustees present at an in-camera meeting of the Board. A majority of trustees at a public meeting of the Board shall immediately approve this decision.
    - 10.2. For subsequent occurrences, 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. In addition, at a public meeting of the Board, a motion to remove the trustee from one (1) or more board appointments may be present.
  11. If a trustee is disqualified under Section 87 or 88 of the Education Act from remaining as a trustee of the Board and does not resign as required under Section 91, the Board may by resolution declare the trustee to be disqualified from remaining a trustee or the Board may apply for originating notice to the Court of King's Bench for an order:
    - 11.1. Determining whether the trustee is qualified to remain as a trustee, or
    - 11.2. Declaring the trustee to be disqualified from remaining as a trustee.
  12. Depending on the significance of the violation, the Board may omit steps in the process defined above or take alternate action.

**Legal Reference**

*Education Act, Section 52, 53, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 112*

**Approval Date**

*December 2016, 2019, May 2023*

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