



FORT VERMILION SCHOOL DIVISION

BOARD POLICIES

2.0 GOVERNANCE AND MANAGEMENT

2.7 TRUSTEE CODE OF CONDUCT SANCTIONS

- 2.7.1 Trustees must conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 2.6. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.
- 2.7.2 A trustee who believes that a fellow trustee has violated the Code of Conduct is encouraged to seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
- 2.7.3 A trustee who wishes to commence an official complaint under the Code of Conduct must file a letter of complaint with the Board Chair within thirty (30) days of the alleged event occurring. The letter must indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the trustee. The Board Chair or, where otherwise applicable in what follows, the Vice-Chair must forward a copy of the letter of complaint to the trustee who is alleged to have violated the Code of Conduct and all other trustees within five (5) days of receipt by the Board Chair of the letter of complaint. If the complaint is with respect to the conduct of the Board Chair, the letter of complaint shall be filed with the Vice-Chair.
- 2.7.4 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 is strictly confidential. Any public disclosure of the complaint is a violation of the Code of Conduct. 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 Code of Conduct hearing.



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- 2.7.5 To ensure that the complaint has merit to be considered and reviewed, at least one other trustee must provide a letter indicating support for having the complaint heard at a Code of Conduct hearing. This letter must be received within three (3) days of the original complaint being forwarded to all trustees. Any trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.
- 2.7.6 Where no letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, 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.
- 2.7.7 Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, the Board Chair shall convene, as soon as is reasonable, a special meeting of the Board to allow the complaining trustee to present his or her views of the alleged violation of the Code of Conduct.
- 2.7.8 At the special meeting of the Board, the Board Chair must indicate at the beginning of the meeting the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting.

Without limiting what appears below, the Board Chair must provide for fairness in dealing with the complaint by adhering to the following procedures.

- 2.7.8.1 The Code of Conduct complaint process must be conducted at an in-camera, Code of Conduct hearing, during a special meeting of the Board convened for that purpose. All preliminary matters, including whether one 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 on behalf of the complaining trustee.



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2.7.8.2 The sequence of the Code of Conduct hearing must be:

2.7.8.2.1 The complaining trustee must provide a presentation which may be written or oral or both;

2.7.8.2.2 The respondent trustee must provide a presentation which may be written or oral or both;

2.7.8.2.3 The complaining trustee must then be given an opportunity to reply to the respondent trustee's presentation;

2.7.8.2.4 The respondent trustee must then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;

2.7.8.2.5 The remaining trustees of the Board must be given the opportunity to ask questions of both parties;

2.7.8.2.6 The complaining trustee must be given the opportunity to make final comments; and

2.7.8.2.7 The respondent trustee must be given the opportunity to make final comments.

2.7.8.3 Following the presentation of the respective positions of the parties, trustees must deliberate in private, without assistance from administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution.



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2.7.8.4 If the remaining trustees in deliberation require further information or clarification, the parties must be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.

2.7.8.5 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.

2.7.8.6 The remaining trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent trustee.

2.7.8.7 The presiding Chair must reconvene the parties to the Code of Conduct hearing and request a motion to revert to the open meeting in order to pass the resolution.

2.7.8.8 All documentation related to the Code of Conduct hearing must be returned to the Superintendent/CEO or designate immediately upon conclusion of the Code of Conduct hearing and must be retained in accordance with legal requirements.

2.7.8.9 The presiding Chair shall declare the special meeting of the Board adjourned.

2.7.9 A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions

2.7.9.1 Having the presiding 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 special meeting of the Board.



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2.7.9.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the special meeting of the Board.

2.7.9.3 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 those trustees present and allowed to vote at the special meeting of the Board, for a time not to exceed the trustee's term as trustee.

2.7.9.4 Having a motion to disqualify a trustee as a Board member with respect to issues involving pecuniary interests.

2.7.10 The Board may, in its discretion, make public its findings at the special meeting or at a regular meeting of the Board where the Board has not upheld the complaint alleging a violation of the Board's Code of Conduct or 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.

Note: All letters in 2.7 Trustee Code of Conduct Sanctions require a signature. Letters may be handwritten or typed and delivered personally or by electronic means.