

**Trustee Standards of Conduct Sanctions Process - Appendix A**

**Policy No. 101.2A**

Where a trustee believes that another trustee has failed to conduct themselves in accordance with *Policy 101.2 Trustee Standards of Conduct*, the process set out in this *Policy 101.2A Trustee Standards of Conduct Sanctions Process* shall apply. While information concerning or alleging a breach of *Policy 101.2 Trustee Standards of Conduct* may come from many sources, including a trustee's own observation or experience, or information received from third parties, the Trustee Standards of Conduct Sanctions Process may only be initiated by a complaint by a trustee, the superintendent or the secretary treasurer. This Policy sets out the process leading to the imposition of such sanctions.

Breaches of the Trustee Standards of Conduct will be addressed in a manner consistent with the principles of procedural fairness and that recognizes the importance of maintaining the trust and confidence of the public. The formal Trustee Standards of Conduct Sanctions Process is intended to address serious breaches of conduct expectations and not breaches that are minor, inadvertent or due to an error of judgment made in good faith.

#### Informal Measures

1. Wherever possible, concerns relating to minor or inadvertent breaches of the Trustee Standards of Conduct or other breaches that may be resolved without a formal process will be addressed in a respectful, informal, and cooperative fashion.
2. Where a trustee (the "Complaining Trustee") alleges that another trustee (the "Challenged Trustee") has breached the Trustee Standards of Conduct, the Complaining Trustee, or the Chair on their own initiative, may meet confidentially and informally with the Challenged Trustee to discuss the breach. The parties shall discuss the allegedly offending behaviour and seek to agree on measures to correct or redress it. Such measures may include, but are not limited to, a formal or informal warning, an apology, or another agreed-upon action such as the Challenged Trustee engaging in professional development or restorative action.

#### Formal Complaint Process

3. Where an allegation of a breach of the Trustee Standards of Conduct is not resolved informally, or where, by virtue of the nature of the alleged breach an informal process is not appropriate or possible, a trustee may initiate the Formal Complaint Process. Only serious and/or reoccurring breaches of the Trustee Standards of Conduct by a trustee should be considered under this process.
4. All complaints of trustee misconduct shall be treated as strictly confidential unless the Board, by motion, determines that information relating to the complaint or its resolution may be publicly disclosed. A breach of this confidentiality obligation shall be considered a breach of the Trustee Standards of Conduct.

*Related Legislation: School Act [RSBC 1996, Part 6, Division 1, Section 65 (2)]*

*First adopted: October 23, 2023*

*Revised/Adopted: \_\_\_\_\_*

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5. A trustee who wishes to commence a formal complaint shall, within 30 days of becoming aware of the conduct being complained of, make a complaint in writing directed to the Chair of the Board, or if the complaint concerns that Chair, the Vice-Chair. The complaint must:
  - 5.1. describe the specific conduct of which the trustee is complaining;
  - 5.2. attach any documents or other evidence relating to the offending conduct;
  - 5.3. identify the provision of the Trustee Standards of Conduct alleged to have been breached and describe how the complained of conduct breaches that provision; and
  - 5.4. describe the steps taken to informally resolve the complaint, if any.
6. The Chair or, as applicable, the Vice Chair, shall review the complaint and all accompanying material and shall consider whether the alleged conduct falls within the scope of a Trustee Standards of Conduct violation that may warrant any further action.
  - 6.1. If the Chair or, as applicable, the Vice Chair, considers that no further action is warranted, the Chair or Vice Chair shall report their conclusion to the Board and the Complaining Trustee. The Board shall consider the Chair or Vice Chair's conclusion, and unless the Board, by motion, disagrees with the Chair or Vice Chair's conclusion that no further action is warranted, the complaint shall be considered addressed with no action being taken.
  - 6.2. If the Chair or, as applicable, the Vice Chair, considers that further action may be warranted, the Chair or Vice Chair shall attempt to resolve the matter directly with the trustees involved. If resolution is achieved, the Chair or Vice Chair shall, if they consider it appropriate, report the complaint and its resolution to the Board at an *in-camera* meeting.
  - 6.3. If no resolution is achieved by the Chair or Vice Chair under section 6.2, the Chair or Vice Chair shall consider if there are factual issues in dispute requiring further investigation. If there are such factual issues, the Chair or Vice Chair shall refer the matter to a trustee or external investigator for investigation as appropriate. The Chair shall report the complaint and the appointment of an investigator to the Board.
  - 6.4. The investigator shall prepare a report outlining the conclusions of their investigation and provide the report to the Chair or Vice Chair.
  - 6.5. The Chair or Vice Chair shall then schedule an *in-camera* meeting to consider the complaint and the report. Reasonable notice will be provided to the Challenged Trustee that the Board will consider the investigation report and any oral or written submissions the Challenged Trustee wishes to make.

- 6.6. The notice to the Challenged Trustee shall include:
- 6.6.1. the complaint;
  - 6.6.2. the investigation report and any attached documents;
  - 6.6.3. any applicable policies;
  - 6.6.4. a statement that the Challenged Trustee may provide a written and oral response to the complaint and investigation report; and
  - 6.6.5. a general statement as to the range of sanctions that may be considered which are responsive to the nature of the complained of conduct.
7. At the commencement of the *in-camera* meeting of the Board, the Chair or Vice Chair shall indicate the nature of the business to be transacted. The meeting shall be conducted in accordance with the principles of procedural fairness and natural justice. At the meeting:
- 7.1. The Chair shall summarize the complaint and the findings of the investigation;
  - 7.2. The Chair or Vice Chair shall ask trustees if they have any conflict of interest in considering the matter. A conflict of interest may arise if the complained of conduct was conduct that was directed at that trustee. If a conflict of interest arises, the trustee in conflict shall be excused from the meeting.
  - 7.3. The Challenged Trustee shall be provided an opportunity to respond to the allegations against them and to make representations with respect to any potential sanctions;
  - 7.4. The other trustees may ask questions of clarification of the Challenged Trustee.
  - 7.5. The Challenged Trustee shall be excused from the meeting and the remaining trustees not in conflict shall deliberate on (1) whether the conduct complained of occurred; (2) if the conduct complained of occurred, whether the conduct constitutes misconduct warranting sanction; and (3) if so, what that sanction should be.
  - 7.6. Unless the Board determines otherwise, the Superintendent and Secretary-Treasurer may remain with the Board during the meeting and deliberations.
  - 7.7. The Board may call upon the Board's legal advisors to assist them in the process of deliberations and to advise them on points of law and the drafting of a possible resolution(s) and reasons for decisions.
  - 7.8. The Board shall resolve the complaint by motion, and, if misconduct is established, determine the sanction(s) to be applied, if any.
  - 7.9. All documentation relating to the complaint and the Trustee Standards of Conduct meeting shall be returned to the Secretary-Treasurer or Designate immediately upon conclusion of the meeting and shall be retained in accordance with any applicable legal requirements.

- 7.10. The Chair or, as applicable, the Vice Chair shall adjourn the meeting.
8. A violation of the Trustee Standards of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 8.1. confidentially writing to the offending trustee expressing the Board’s disapproval of the trustee’s conduct and warning of possible consequences from future breaches;
  - 8.2. passing a motion of censure;
  - 8.3. removing the offending trustee from Board committees or trustee liaison responsibilities;
  - 8.4. restricting the offending trustee’s attendance at Board events, schools or other Board facilities;
  - 8.5. suspending for a period of time the offending trustee’s attendance at closed (*in camera*) meetings of the Board and from receiving material to be considered at such meetings;
  - 8.6. requiring the offending trustee to attend Board or Committee meetings electronically and not in person;
  - 8.7. making public the Board’s decision and reasons for it, including any sanctions imposed; and
  - 8.8. any other sanction legally available to the Board.

The Board shall report out to the public as required by section 72(3) of the *School Act* providing a general statement of the matters discussed at the closed (*in camera*) meeting and the general nature of the decisions reached, or such further information as the Board determines.