

## **TRUSTEE CODE OF CONDUCT SANCTIONS**

### **Informal Complaint Process**

1. Any person who identifies or witnesses behaviour or activity by a Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct is encouraged to attempt to address the prohibited behaviour or activity informally, where appropriate, by:
  - (a) advising the Member that the behaviour or activity appears to contravene this Code of Conduct;
  - (b) encouraging the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
  - (c) requesting the Chair to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Chair is the subject of, or is implicated in a complaint, request the assistance of the Vice Chair.
2. People are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or activity that they believe violates this Code of Conduct. However, a person is not required to complete this informal complaint process prior to pursuing the formal complaint process outlined below.

### **Formal Complaint Process**

3. Any person who identifies or witnesses behaviour or activity by a Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct may file a formal complaint in accordance with the following conditions:
  - (a) a complaint must be made in writing and include the complainant's name and contact information;
  - (b) a complaint must be addressed to the Board, attention of the Chair. In the event that the Chair is the subject of, or is implicated in a complaint, the complaint shall be addressed to the attention of the Vice Chair;
  - (c) a complaint must include the name of the Member(s) alleged to have contravened the Code of Conduct, the provision(s) of the Code of Conduct allegedly contravened and the facts surrounding the allegation, including any witnesses.
4. Upon receipt of a complaint, the Board will meet, in camera, excluding the Member(s) alleged to have contravened the Code of Conduct, and decide whether to proceed to investigate the complaint or not. If the Board is of the opinion that:
  - (a) a complaint is frivolous or vexatious or is not made in good faith,

(b) a complaint is outside the jurisdiction of the Board or is more appropriately dealt with by another applicable legislative appeal, complaint or court process, or

(c) there are no grounds or insufficient grounds for conducting an investigation,

The Board may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In such event, the complainant shall be advised of the Board's decision in writing, with reasons, and provided with information regarding other options to pursue the complaint, if applicable.

5. If the Board decides to investigate the complaint, it shall take such steps as it may consider appropriate in the circumstances having regard for the specific nature of the complaint, which may include, but is not limited to, proceeding to investigate on its own, appointing a committee of the Board to conduct the investigation, seeking legal advice and/or engaging a third party investigator.
6. Investigations will be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.
7. Prior to commencing an investigation, the complainant and the respondent Member(s) will be advised of the investigation, and the respondent Member(s) will receive a copy of the complaint.
8. During an investigation, a complainant or witness may be asked to provide additional information. Staff may also be requested to provide information, and any person conducting an investigation under this Code of Conduct may look at any record or thing belonging to or used by the School Division, and enter any School Division facility for the purpose of completing the investigation.
9. The respondent Member(s) is entitled to disclosure of all relevant information gathered during an investigation and must be given an opportunity to respond to the complaint before the Board deliberates and disposes of the complaint.
10. Upon conclusion of the investigation, the Board will convene at an in-camera meeting of the Board, excluding the Member(s) alleged to have contravened the Code of Conduct, to consider the results of the investigation and dispose of the complaint.
11. All complaints received under this Code of Conduct and all information and records received, reviewed or generated during the course of an investigation and disposition of a complaint, including interviews and investigation reports, are and shall remain strictly confidential, unless the Board directs otherwise.

Legal Reference: Sections 33, 34, 51, 52, 53, 64, 67, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96 Education Act