

CODE OF CONDUCT SANCTIONS

Background

The Good Spirit School Division Code of Conduct Board Policy 4 requires that the GSSD Board of Education collectively and as individual members, always commit to ethical and appropriate conduct. Failure by a board member to operate in compliance with the GSSD Code of Conduct Policy may result in Board-initiated sanctions.

1. Confidentiality Regarding Issues of a Sensitive Nature

The Conduct Policy requires that board members respect confidentiality relating to issues of a sensitive nature. Failure to comply with this requirement constitutes a security breach. An individual board member may bring a suspected security breach to the attention of the Board in a closed meeting. If the Board agrees that a security breach has occurred, this shall be recorded.

2. Procedures for Dealing with Breaches of Confidentiality

Where the Board determines that a breach of confidentiality has occurred, the following procedures shall apply:

- 2.1. Following the Board's approval in the form of a motion, the Board Chair [Vice-Chair or Designate in the case of a breach involving the Board or Vice Chair] shall request that the Director of Education/CEO or designate (as the "head" of the local authority pursuant to the *Local Authority Freedom of Information and Protection of Privacy Act*) appoint an independent investigator to review the matter.
- 2.2. The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair [Vice-Chair or Designate in the case of a breach involving the Board or Vice Chair] and Director of Education/CEO.
- 2.3. The Board Chair [Vice-Chair or Designate in the case of a breach involving the Board or Vice Chair] shall present the report of the independent investigator at a closed meeting.
- 2.4. The board member in question shall have the opportunity to present any additional information of relevance at this time.
- 2.5. If the Board determines that a willful violation of security has occurred:
 - 2.5.1. **First Occurrence**
 - 2.5.1.1. A motion to write a letter of censure marked "Personal and Confidential" shall be discussed and agreed upon by a majority of board members present at a closed meeting of the Board.

2.5.1.2. If the motion passes, the decision will require immediate approval by a majority vote of the board members at a public Board meeting.

2.5.2. Subsequent Occurrences

2.5.2.1. For subsequent occurrences, a motion of censure against the board member in question may be brought directly to a public Board meeting. This motion requires approval by a majority vote of the board members present at the meeting.

3. Other Violations of the Code of Conduct

A Board member who believes that a fellow board member has violated any sections of the Conduct Policy, excluding the confidentiality section (i.e., section b of the Conduct Policy), may seek a resolution of the matter through appropriate conciliatory measures prior to proceeding through the official measures outlined below in section 5.

4. Procedures for Dealing with Other Violations of the Code of Conduct

In the steps that follow, the Board Chair and the Vice-Chair will receive the complaint and manage the steps of the process. In the event that the complaint is against the Board Chair, the Vice-Chair solely will receive the complaint and manage the steps outlined herein. In the event that the complaint is against the Vice-Chair, the Board Chair solely will receive the complaint and manage the steps outlined herein.

- 4.1. A board member who wishes to commence an official complaint, under the Code of Conduct, shall file a letter of complaint with the Board Chair and 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 Conduct Policy that are alleged to have been violated by the board member.
- 4.2. The board member who is alleged to have violated the Conduct Policy, and all other board members, shall be forwarded a copy of the letter of complaint by the Board Chair and Vice-Chair within five (5) days of receipt by the Board Chair and Vice-Chair of the letter of complaint. The filing, notification, content, and nature of the letter of complaint shall be deemed to be strictly confidential, the public disclosure of which shall be deemed to be a gross violation of the Conduct Policy. 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.
- 4.3. To ensure that the complaint has merit to be considered and reviewed, at least one (1) other board member must provide a letter indicating support for having the complaint heard at a hearing. This letter of support must be provided to the Board Chair and Vice-Chair within three (3) days of the notice in writing of the letter of complaint having been forwarded to the board members. Any board member that provides such a letter of support shall not be disqualified from attending a hearing convened to hear the matter or from deliberating upon the complaint at the hearing solely for having provided such a letter.

- 4.4. Where no letter supporting a hearing is forthcoming, the complaint shall not be heard. The Board Chair and Vice-Chair shall notify the board members in writing that no further action of the Board shall occur.
- 4.5. Where a letter supporting a hearing is forthcoming, the Board Chair and Vice-Chair shall add the item to a meeting of the Board as soon as is reasonable.
- 4.6. Upon conclusion of a hearing held pursuant to this section, a violation of Conduct Policy shall result in the following sanction(s):
 - 4.6.1. The Board Chair [Vice-Chair in the case of a breach involving the Board Chair] shall write a letter of censure marked "Personal and Confidential" to the violating board member in question. This occurs only after having such action discussed and agreed upon by a majority vote of Board members present at a closed meeting of the Board. A majority of Board members at a public meeting of the Board shall immediately approve this decision.
 - 4.6.2. For a subsequent occurrence, a motion of censure shall be presented against the violating board member in question at a public meeting of the Board.
 - 4.6.3. For a further subsequent occurrence, a motion to remove the board member in question from one or more Board appointments may be presented at a public meeting of the Board.

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