



New  
Westminster  
Schools

## **BOARD POLICY HANDBOOK**

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**New Westminster School District No.40**

July 15, 2016 12:20 PM  
Revised: November 4, 2016  
January 11, 2017  
April 11, 2017

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This Board Policy Handbook has been developed to highlight and support the very important governance function of the Board. In addition to clearly defining the role of the Board, the role of the Superintendent and the delegation of authority from the Board to the Superintendent, it includes the following as policies:

1. Foundational statements which provide guidance and direction for all activities within the District;
2. Directions for how the Board itself is to function and how individual trustees are to conduct themselves; how Board committees and representatives are to function;
3. Statements as to how appeals and hearings will be conducted;
4. Non-delegable matters such as policy-making and school closures; and
5. Specific matters which the Board has chosen not to delegate to the Superintendent.

This Board Policy Handbook is intended to be supplemented by an Administrative Procedures Manual; the primary written document by which the Superintendent directs staff. The Administrative Procedures Manual must be entirely consistent with this Board Policy Handbook.

The development of two separate and distinct documents is meant to reinforce the distinction in this District between the Board's responsibility to govern and the Superintendent's executive or administrative duties.

It is to be noted that the electronic versions of the Board Policy Handbook and the Administrative Procedures Manual as well as any other handbooks/manuals referenced are always the most current documents available.

# TABLE OF CONTENTS

Page

---

Policy 1 – District Foundational Statements	
Policy 2 – Role of the Board	
Policy 2 – Appendix A– Board Annual Work Plan	
Policy 2 – Appendix B – Annual Facilitated Board Self Evaluation	
Policy 3 – Role of the Trustee	
Policy 4 – Trustee Code of Conduct	
Policy 4 – Appendix – Trustee Code of Conduct Sanctions	
Policy 5 – Role of the Board Chair	
Policy 6 – Role of the Vice-Chair	
Policy 7 – Board Operations	
Policy 7- Appendix - Trustee Elections Bylaw	
Policy 8 – Board Committees	
Policy 9 – Board Representatives	
Policy 10 – Policy Making	
Policy 11 – Board Delegation of Authority	
Policy 12 – Role of the Superintendent	
Policy 12 – Appendix A – Superintendent Evaluation Process, Criteria and Timelines	
Policy 12 – Appendix B – Superintendent Performance Assessment Guide	
Policy 12 – Appendix C- Interview Guide Superintendent Leadership Practices	
Policy 13 – Appeals Bylaw	
Policy 14 – Consolidation and/or Closure of Schools	
Policy 15 – Recruitment and Selection of Personnel	
Policy 16 – Acknowledging Traditional Territory	
Policy 17 – Gender and Sexual Diversity Inclusion Policy	
Policy 18 – Board of Education Election Protocol	
Policy 19 – Restricted and Non-Restricted Surplus Funds	
Policy 20 – Indemnification Bylaw	

## **DISTRICT FOUNDATIONAL STATEMENTS**

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## Policy 2

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### ROLE OF THE BOARD

As the corporate entity established by provincial legislation and given authority by the School Act and attendant Regulations and the corporate body elected by the electors that support New Westminister School District No. 40, the Board of Education shall provide overall direction and leadership to the District. It is accountable for the provision of appropriate educational programs and services to resident students of the District and those non-resident enrolled students to enable their success, in keeping with the requirements of government legislation and the values of the electorate.

The Board is therefore charged with the responsibility of providing an education system that is organized and operated in the best interests of the students it serves. It exercises this responsibility through setting of clear strategic direction and the wise use of resources. The Board has natural person powers in carrying out its role.

#### Specific Areas of Responsibility

##### 1. Accountability to Governments

The Board shall:

- 1.1 Act in accordance with all applicable requirements of federal and provincial legislation.
- 1.2 Perform Board functions required by governing legislation and existing Board policy.

##### 2. Accountability to and Engagement of Community

The Board shall:

- 2.1 Within available resources make decisions that address the needs and demands of the district.
- 2.2 Establish processes and provide opportunities for community engagement.
- 2.3 Report District outcomes to the community at least annually.
- 2.4 Develop procedures for and hear appeals as required by statute and/or Board policy.
- 2.5 Meet as deemed appropriate with municipal governments and other educational/public service or business governing authorities to achieve educational ends.
- 2.6 Model a culture of respect and integrity.

### 3. Strategic Planning

The Board shall:

- 3.1 Provide overall direction for the District by establishing foundational statements.
- 3.2 Annually approves District priorities and key results and the District's strategic directions.
- 3.3 Annually evaluate the effectiveness of the District in achieving established priorities and key results.

### 4. Policy

The Board shall:

- 4.1 Identify how the Board is to function.
- 4.2 Delegate authority to the Superintendent and define commensurate accountabilities.
- 4.3 Identify the purpose to be achieved and the criteria for any new policies.
- 4.4 Make the final decision as to the approval of all policy statements.
- 4.5 Develop/assess/revise policies as required to ensure intended results are being achieved and that policies are consistent with legislation.
- 4.6 Ensure motions which are intended to have continuing effect are integrated into existing or new policy statements.
- 4.7 Review all policies at least once in a term of office.

### 5. Board/Superintendent Relations

The Board shall:

- 5.1 Select the Superintendent.
- 5.2 Provide the Superintendent with clear corporate direction.
- 5.3 Delegate in writing, administrative authority and identify responsibility subject to the provisions and restrictions in provincial legislation and regulations.
- 5.4 Annually evaluate the Superintendent in accordance with a pre-established performance appraisal mechanism.
- 5.5 Annually review Superintendent compensation.
- 5.6 Respect the authority of the Superintendent to carry out executive action and support the Superintendent's actions which are exercised within the delegated discretionary powers of the position.

## 6. Political Advocacy

The Board shall:

- 6.1 Make decisions regarding British Columbia School Trustee Association and British Columbia Public Sector Employees' Association issues.
- 6.2 Advance District positions and priorities either directly or through relevant provincial organizations and associations.
- 6.3 Act as an advocate for public education and the District.
- 6.4 Develop an annual plan for advocacy including focus, key messages, relationships and mechanisms.
- 6.5 Promote regular meetings and maintain timely, frank and constructive communication with locally elected officials including representation on municipal committees.
- 6.6 Arrange meetings with elected provincial government officials to communicate and garner support for education.

## 7. Board Development

The Board shall:

- 7.1 Annually evaluate the Board's effectiveness as per Appendix B.
- 7.2 Annually develop a Board development plan aligned with District priorities.

## 8. Fiscal Accountability

The Board shall:

- 8.1 Approve budget process and timelines at the outset of the budget process.
- 8.2 In collaboration with the Superintendent, identify budget assumptions and draft priorities to be used in the creation of the annual operating budget.
- 8.3 Approve the annual budget and allocation of resources to achieve desired results.
- 8.4 Annually approve the District's updated Five Year Capital Plan.
- 8.5 Annually appoint or reappoint the auditor and approve the terms of engagement.
- 8.6 Review annually the audit report and management letter and specify those recommendations to be implemented by the Superintendent.
- 8.7 Approve the annual audited financial statements.
- 8.8 Make decisions regarding ratification of memoranda of agreement with bargaining units.
- 8.9 Approve the acquisition and disposition of District land and buildings.
- 8.10 Approve tender selection for contracts over two hundred and fifty thousand dollars (\$250,000).

- 8.11 Approve construction projects in excess of five hundred thousand dollars (\$500,000).
- 8.12 Approve annual amended budget
- 8.13 Monitor the fiscal management of the District through receipt of monthly financials and quarterly accountability reports including variance analyses and year-end projections.
- 8.14 Approve borrowing for capital expenditures within provincial restrictions.
- 8.15 Approve transfer of funds to/from reserves.
- 8.16 Acquire and dispose of land and buildings; ensure titles to or enforceable long-term interests in land are in place prior to capital project construction.
- 8.17 Annually approve signing authorities for the District.

### **Selected Responsibilities**

- 1. Approve annual district calendar in accordance with legislation and collective agreements February consultation and March approval.
- 2. Approve Board Authority Authorized Courses.
- 3. Approve the naming of educational facilities and land.
- 4. Recognize students, staff and community members.
- 5. Hear unresolved student or staff complaints of discrimination or harassment that cannot be heard by the Superintendent.
- 6. Approve parameters for negotiations after soliciting advice from the Superintendent and ratify Memoranda of Agreement with Bargaining units.
- 7. Annually Review and approve Board compensation and expense rates.
- 8. Approve catchment areas for schools and special programs.
- 9. Approval of and cessation of academies and programs of choice.
- 10. Approval of field trips outside of mainland North America.

Legal Reference: Sections 77, 85 School Act

## Policy 2- Appendix A

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### BOARD ANNUAL WORK PLAN

#### September

##### Regular Board Meeting Agenda Items

- Approve the audited financial statements for the prior year
- Appoint an auditor for the current year
- Approve Trustee school liaison assignments
- Approve Trustee appointments to committees and community liaison groups
- Approve Annual Board Work Plan
- Approve Annual Executive disclosure report
- \*Approve Capital Plan Bylaw
- Consider Motions to BCSTA

##### Events

- Orange Shirt day

#### October

##### Regular Board Meeting Agenda Items

- Review International Program Report
- Review Continuing Education Report
- Review Student Enrolment and Staffing Report (including ELL & Ed Numbers)
- Review/establish Strategic Direction

##### Events

- Represent Board at BCPSEA Symposium
- Represent Board at BCSTA Provincial Council Meeting
- Recognize World Teachers' Day

#### November

##### Regular Board Meeting Agenda Items

- Review Career Programs Report
- Review Community Schools/Community Link Report
- Review Board Policy Handbook
- Class Size Update

##### Events

- City Council Meeting
- Remembrance Day School Event

## December

### Regular Board Meeting Agenda Items

- Elect Chair/Vice-Chair
- Approve Statement of Financial Information (SOFI) Report
- Chairs Annual Report

### Events

- BCSTA Trustee Academy
- Winter Holiday Event

## January

### Regular Board Meeting Agenda Items

- Review Student Learning/Achievement Reports
- Approve Budget Consultation and Development Process
- Provide direction through Board representation to BCSTA Provincial Council Meeting regarding provincial policy matters

### Events

- BCPSEA AGM
- BCSTA Provincial Council

## February

### Regular Board Meeting Agenda Items

- Approve amended Budget for Current Fiscal Year
- Review policy positions for submission to BCSTA Annual General Meeting
- Review recommended District calendar
- Update on Aboriginal Enhancement Agreement

### Events

- BCSTA Provincial Council Meeting
- Pink Shirt Day

## March

### Regular Board Meeting Agenda Items

- Approve District calendar
- Approve calendar for upcoming year's Board and committee meetings
- Review budget assumptions and consultation feedback
  1. Including Ministry Budget Announcement

### Events

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## April

### Regular Board Meeting Agenda Items

- Review budget for the upcoming year

### Events

- Attend and participate in BCSTA AGM

## May

### Regular Board Meeting Agenda Items

- Complete CEO evaluation and Board evaluation
- Approve terms of engagement for auditor
- Review/Establish Strategic Direction
- Gender Diversity & Sexual Inclusion Policy Report

### Events

- City Council Meeting
- Attend May Day

## June

### Regular Board Meeting Agenda Items

- Review Fiscal accountability report
- \*Pass Annual Facilities Grant (AFG) Bylaw
- \*Approve 5 year Capital Plan submission to BC Ministry of Education

### Events

- Host employee Retirement Dinner Long Service/Retirement Recognition Awards Ceremony
- Attend Grad, Scholarship night
- Right to Passage Ceremony

## July/August

### Regular Board Meeting Agenda Items

- Scheduled as needed

## Ongoing

- Attend trustee development/orientation sessions
- Attend school functions (as invited)
- Hear appeals as needed
- Represent Board at BCSTA Metro Branch Meeting

Legal Reference: Sections 65, 74, 74.1, 75, 75.1, 76.1, 76.3, 76.4, 77, 79.2, 82, 82.1, 84, 85, 86, 96, 112, 112.1, 113, 145, 147, 158 School Act

## Appendix B (Policy 2)

### **FACILITATED BOARD SELF-EVALUATION PROCESS**

New Westminster School District No. 40

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## PROCESS

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The annual externally facilitated Board self-evaluation process shall be completed subsequent to the Superintendent evaluation process described in the appendixes to Policy 12 and entitled, *Superintendent/CEO Evaluation Process, Criteria and Timelines*. The two evaluation processes are complementary in nature.

## PURPOSE

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The purpose of the facilitated Board self-evaluation is to answer the following questions:

1. How well have we fulfilled each of our defined roles as a Board during the evaluation period?
2. How do we perceive our interpersonal working relationships?
3. How well do we receive input and how well do we communicate with those we represent?
4. How well do we perceive we are performing as a corporate entity in terms of fiduciary, strategic, generative and ethical governance?
5. How would we rate our Board-Superintendent relations?
6. How well have we adhered to our governance policies?
7. What have we accomplished this past year? How do we know?
8. What actions shall the Board take during the next year to become more effective?

The answers to these questions provide the data for the development of a positive path forward.

## EVALUATION PRINCIPLES

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The following principles form the basis for the Board self-evaluation process.

1. A learning organization is focused on the improvement of practice.
2. A commitment to continuous improvement is a sign of organizational health.
3. An effective evaluation process provides for growth and accountability.
4. The annual Board evaluation process shall model the Board's commitment to principles 1-3.
5. A pre-determined process for evaluation strengthens the governance function, builds credibility for the Board and fosters an excellent Board-Superintendent relationship.
6. An evidence-based approach provides objectivity to supplement the subjectivity involved in evaluation processes.

## CONTEXT

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The Board is a corporate entity created by provincial legislation and given authority by the School Act and the attendant Regulations. The Board exercises its authority through a democratic process.

The duty of the Board is to represent its electors and advocate for publicly funded education in a broader context.

The Board is charged with the responsibility of providing, for its students and their parents/guardians, an education system organized and operated in their best interests. It exercises this responsibility through setting of clear strategic direction and the wise use of resources.

## FACILITATED SELF-EVALUATION OF PERFORMANCE

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**Part 1:** The Act provides the Board with significant authority including the authority to delegate. The Board must decide the authority it wishes to delegate and the authority to be retained. The Board is the only body in the district which can hold the Board accountable for performing its legally defined role.

With reference to Policy 2 Role of the Board, Policy 2 Appendix A Annual Board Work Plan and the minutes from Regular, In-camera, and Special meetings held during the evaluation period trustees will assess the corporate Board's effectiveness relative to each role area. The objective is to identify areas of strength on which to build and specific changes the corporate Board is committed to make during the next evaluation period.

**Evaluation Tool:** Collect, collate and analyze responses to a Role of the Board questionnaire completed by all trustees.

**Part 2:** The Board functions as a corporate entity. Individual trustees have only the authority granted them by the corporate Board. Therefore the interpersonal working relationships between and among trustees is vital to the effective functioning of the Board.

**Evaluation Tool:** Collect, collate and analyze responses to a Board Interpersonal Working Relationships questionnaire completed by all trustees.

**Part 3:** The Board is elected for a four year term. One key role is to represent the electorate within the boundaries of the district and effectively communicate to the electorate between elections in a manner which creates accountability and builds confidence in the work of the Board.

**Evaluation Tool:** Collect, collate and analyze responses to a Communications/Representation questionnaire completed by all trustees.

**Part 4:** Boards have fiduciary, strategic and generative governance roles. All must be performed in an ethical manner.

**Evaluation Tool:** Collect, collate and analyze responses to a Readiness for Governance questionnaire completed by all trustees.

**Part 5:** With reference to the functioning of the First Team during the evaluation period Trustees will assess Board/Superintendent Relationships. In other words is the Board effectively performing its role to make the First Team effective?

**Evaluation Tool:** Collect, collate and analyze responses to a Board/Superintendent questionnaire completed by all trustees.

**Part 6:** The Board's Policy role is critical to provide direction for the district, to delegate to and hold staff accountable through the office of the Superintendent, and to promote and protect public education. Regular review of Board policies is required to ensure the currency and effectiveness of such policies.

**Evaluation Tool:** Review the schedule of policy review to ensure the entire Handbook is subjected to review and revision once per term of office, identify any lack of alignment of practice with policy (e.g. from review of minutes) and make revisions as required in policy or practice as deemed appropriate.

**Part 7:** Reviewing Board actions at least annually to determine perceived corporate Strengths, Weaknesses, Opportunities and Threats (SWOT) can assist in defining a positive path forward and avoid repetition of less effective functioning.

**Evaluation Tool:** Conduct a SWOT analysis in light of Board minutes and direct Board observations.

**Part 8:** Board approves of the directions to be taken during the next evaluation period to strengthen Board functioning.

**Part 9:** Board assesses success or lack thereof addressing the positive path forward (PPF) approved as a result of the last evaluation and includes any required actions in the current PPF.

**Part 10:** Board reviews the process tools and process structure and identifies any changes desired for the next evaluation period.

**Part 11:** Board approves the Positive Path Forward (PPF) by formal motion.

Note in the second and subsequent years the evaluation process will commence with an accountability review of the previous year's PPF to ensure actions were taken as required and desired results achieved

## Policy 3

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### ROLE OF THE TRUSTEE

Trustees are elected in accordance with the Local Government Act.

The role of the trustee is to contribute to the Board as it carries out its legislated mandate. The oath of office taken by each trustee when he or she assumes office binds that person to work diligently and faithfully in the cause of public education. A trustee must first and foremost be concerned with the interests of the school board.

The Board of Education is a corporation. The decisions of the Board in a properly constituted meeting are those of the corporation. The School Act gives no individual authority to trustees. As members of the corporate Board, trustees are accountable to the public for the collective decisions of the Board, and for the delivery and quality of educational services. A trustee must serve the community as an elected representative, but the trustee's primary task is to act as a member of a corporate Board. School board trustees collectively and individually have a public duty to carry out their responsibilities and the work of the school board in good faith and with reasonable diligence. Trustees have one overarching responsibility – a shared public duty to advance the work of the school board. A trustee's fiduciary duties are owed to the school board (not to themselves, their family or friends) which is, in turn, accountable to the electorate.

A trustee who is given corporate authority to act on behalf of the Board may carry out duties individually but only as an agent of the Board. In such cases, the actions of the trustee are those of the Board, which is then responsible for them. A trustee acting individually has only the authority and status of any other citizen of the District.

- The Board shall indemnify a trustee in accordance with Policy 20 Indemnification By-Law

#### Specific Responsibilities of Individual Trustees

The trustee shall:

1. Become familiar with District policies and procedures, meeting agendas and reports in order to participate in Board business.
2. Support a majority vote of the Board to advance the work of the board and monitor progress to ensure decisions are implemented.
3. Refer governance queries, issues and problems not covered by Board policy to the Board for corporate discussion and decision.
4. Refer administrative matters to the Superintendent.
5. The trustee, upon receiving a complaint or an inquiry from a parent, staff member or community member about operations, will refer the parent, staff member or

community member back to the teacher, Principal, or District Office personnel and will inform the Superintendent or designate of this action.

6. Keep the Board and the Superintendent informed in a timely manner of all matters coming to his/her attention that might affect the District.
7. Provide the Superintendent with counsel and advice, giving the benefit of the trustee's judgment, experience and familiarity with the community.
8. Attend meetings of the Board; participate in, and contribute to, the decisions of the Board in order to provide the best solutions possible for the education of children within the District.
9. Attend committee meetings or meetings as a Board representative, as assigned, and report to the Board in a timely manner.
10. When delegated responsibility, will exercise such authority within the defined terms of reference in a responsible and effective way.
11. Participate in Board/trustee development sessions so that the quality of leadership and service in the District can be enhanced.
12. Share the materials and ideas gained from a trustee development activity with fellow trustees at the next available opportunity.
13. Stay current with respect to provincial, national and international educational issues and trends.
14. Strive to develop a positive and respectful learning and working culture both within the Board and the District.
15. Attend District or school functions when invited and when possible.
16. Continue to carry out duties with integrity and responsibility during an election period.
17. Become familiar with, and adhere to, the Trustee Code of Conduct.

### **Orientation**

As a result of elections, the Board may experience changes in membership. To ensure continuity and facilitate a smooth transition from one Board to the next following an election, trustees must be adequately briefed concerning existing Board policy and practice, statutory requirements, initiatives and approved plans.

The Board believes an orientation program is necessary for effective trusteeship.

1. The District will offer an orientation program for all trustees following an election that provides information on:
  - 1.1 Role of the trustee and the Board;

- 1.2 Organizational structures and procedures of the District;
  - 1.3 Board policy, agendas and minutes;
  - 1.4 Existing District initiatives, annual reports, budgets, financial statements and long-range plans;
  - 1.5 District programs and services;
  - 1.6 Board's function as an appeal body;
  - 1.7 Statutory and regulatory requirements, including responsibilities with regard to conflict of interest; and
  - 1.8 Trustee remuneration and expenses.
2. The District will provide financial support for trustees to attend British Columbia School Trustees Association sponsored orientation seminars.
  3. The Board Chair and Superintendent are responsible for ensuring the development and implementation of the District's orientation program for trustees. The Superintendent shall ensure each trustee has access to the Board Policy Handbook and Administrative Procedures Manual at the organizational meeting following a general election or at the first regular meeting of the Board following a by-election.
  4. Incumbent trustees are encouraged to help newly elected trustees become informed about history, functions, policies and procedures.

Legal Reference: Sections 49, 50, 52, 65, 85 School Act  
Local Government Act

## Policy 4

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### TRUSTEE CODE OF CONDUCT

The Board commits itself and its members to conduct which meets the highest ethical standards. All personal interactions and relationships shall be characterized by mutual respect, which acknowledges the diversity, dignity and worth of each person.

#### Specifically

##### Trustees shall:

1. Carry out their responsibilities as detailed in Policy 3 – Role of the Trustee with reasonable diligence.
2. Keep confidential any personal, privileged or confidential information obtained in his or her capacity as a trustee and not disclose the information except when authorized by law or by the board to do so. Trustees shall not divulge the contents of closed (in-camera) meetings, recognizing that a disclosure could seriously harm the Board's ability to conduct its business.
3. Be fully conversant with Section 55 and 60 of the School Act. Disclose in open meeting prior to discussion of the subject matter which may place the trustee in conflict, the nature of any pecuniary interest, and may leave the room. In addition, such a trustee in conflict shall not discuss the matter outside the meeting with other trustees and shall not exert influence on the decision in which the trustee has a conflict of interest. The trustee is responsible for declaring himself/herself to be in possible conflict of interest, however, it is the fiduciary duty of all trustees, the Superintendent and the Secretary-Treasurer to protect the Board and they have a duty to point out apparent, potential or perceived conflict of interest when it appears. Additionally a trustee may request guidance from other trustees or the Board on this matter. Such declaration of conflict of interest shall be recorded in the minutes of the meeting and the trustee shall not in any way contact or discuss the associated topic at any time outside the Board table.
4. Not use their influence to obtain employment within the District for family members or friends and will not use their position for personal advantage or the advantage of friends and/or family.
5. Abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act, the Oath of Allegiance and the Oath of Office.
6. Respect and abide by the majority decisions made by the Board in legally constituted meetings.
7. Endeavour to work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion which may arise during debate.
8. Ensure fiduciary responsibility supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs,.

9. Represent the Board in all Board-related matters with proper decorum and respect for others.
10. Use discretion at all times to minimize the impression that the individual trustees' statements reflect the corporate opinion of the Board.
11. Ensure the use of electronic devices is for the purposes of the meeting.
12. Refrain from engaging in private communications while at Board meetings.
13. Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Policy 4 Appendix – Trustee Code of Conduct Sanctions.

Legal Reference: Sections 49, 50, 55, 56, 57, 58, 59, 62, 65, 85, 94, 95 School Act

## Policy 4 – Appendix

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### TRUSTEE CODE OF CONDUCT SANCTIONS

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.

#### Conciliatory Measures

2. Normally 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.
3. Conciliatory measures shall include:
  - 3.1 The trustee who believes a violation has occurred will engage in an individual private conversation with the trustee affected.
  - 3.2 Failing resolution through the private conversation the parties will engage the Board Chair, Vice-Chair or designate to gain resolution. If the concern is with the Board Chairperson, the concern should be raised with the Vice-Chairperson.
  - 3.3 The Chair and at the Chair's option the Chair and Vice Chair will attempt to resolve the matter to the satisfaction of the trustees involved.
4. It is recognized that a contravention of the Code may occur that is relatively minor, or committed inadvertently or due to an error of judgment made in good faith. In such instances the priority shall be to alert the offending Trustee to the breach and his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the official complaint procedure. Both the offending and offended trustee shall seek resolution in a conciliatory fashion marked by mutual respect, seeking to understand and an openness to growth and improvement.

#### Official Complaint Process

5. A trustee who wishes to commence an official complaint, under the Code of Conduct shall file a letter of complaint with the Board 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 Conduct that are alleged to have been violated by the trustee. The trustee who is alleged to have violated the Code of Conduct and all other trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where otherwise applicable in what follows, by the Vice-Chair, 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.

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 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.
7. To ensure that the complaint has merit to be considered and reviewed, at least one (1) 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 Code of Conduct hearing. 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.
8. 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.
9. 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 closed (in-camera) meeting of the Board to allow the complaining trustee to present his/her views of the alleged violation of the Code of Conduct.
10. At the closed (in-camera) meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted.

Procedural fairness and the rules of natural justice shall govern the formal inquiry. Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:

- 10.1 The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at a closed (in-camera) Board meeting convened for that purpose. All preliminary matters, including whether one (1) 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.
- 10.2 The sequence of the Code of Conduct hearing shall be:
  - 10.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
  - 10.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
  - 10.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;

- 10.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
  - 10.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
  - 10.2.6 The complaining trustee shall be given the opportunity to make final comments; and
  - 10.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 10.3 Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall 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(s).
- 10.4 If the remaining trustees in deliberation require further information or clarification, the parties shall 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.
- 10.5 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.
- 10.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
- 10.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.
- 10.8 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
- 10.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.
- 10.10 The presiding Chair shall declare the closed (in-camera) Board meeting adjourned.
11. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 11.1 Having the Board 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 closed (in-camera) meeting of the Board
  - 11.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the Board;

- 11.3 Having a motion to remove the offending trustee from one (1), 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 closed (in-camera) meeting of the Board.
12. The Board may, in its discretion, make public its findings 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.

Legal Reference: Sections 49, 50, 55, 56, 57, 58, 59, 62, 65, 70, 85, 94, 95 School Act

## Policy 5

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### ROLE OF THE BOARD CHAIR

At its Inaugural Meeting, and on the first meeting of each December thereafter, the Board shall elect one (1) of its members to serve as Board Chair, to hold office at the pleasure of the Board. In accordance with the School Act, a majority of the Board may elect a new Chair at any time. In the event of the office becoming vacant during the year, a new Board Chair shall be elected in a manner similar to that followed in the election of the Board Chair at the Inaugural Meeting.

The Board delegates to the Chair the following powers and duties:

1. Act as the official spokesperson for the Board, except for those instances where the Chair has delegated this role to another individual.
2. Preside over all Board meetings and ensure that such meetings are conducted in accordance with the School Act and the policies and procedures as established by the Board, and where those are silent, Robert's Rules of Order.
3. Prior to each Board meeting confer with the Superintendent, Vice Chair and Secretary Treasurer on the items to be included on the agenda, the order of these items and become thoroughly familiar with them.
4. Perform the following duties during Board meetings:
  - 4.1 Maintain the order and proper conduct and decorum of the meeting so that motions may be formally debated.
  - 4.2 Ensure that all issues before the Board are well-stated and clearly expressed.
  - 4.3 Display firmness, courtesy, tact, impartiality and willingness to give everyone an opportunity to speak on the subject under consideration in order that collective opinion can be developed and a corporate decision reached.
  - 4.4 Ensure that debate is relevant. The Chair, in keeping with his/her responsibility to ensure that debate must be relevant to the question, shall, when s/he is of the opinion that the discussion is not relevant to the question or is repetitive, remind members that they must speak to the question and provide new information.
  - 4.5 Decide questions of order and procedure, subject to an appeal to the rest of the Board. The Board Chair may speak to points of order in preference to other members and shall decide questions of order, subject to an appeal to the Board by any member duly moved.
  - 4.6 Submit motions or other proposals to the final decision of the meeting by a formal show of hands.
  - 4.7 Extend hospitality to trustees, officials of the Board, the media and members of the public.
5. Keep informed of significant developments within the District.

6. Assist with the Board's orientation program for new trustees.
7. Keep the Board and Superintendent informed in a timely manner of all matters coming to his/her attention that might affect the District.
8. Be in regular contact with all Trustees and the Superintendent to maintain a working knowledge of current issues and events.
9. Convey directly to the Superintendent such concerns as are related to him/her by trustees, parents, students or employees which may affect the administration of the District.
10. Manage the CEO contract on the Board's behalf by bringing any relevant matters to the Board's attention in a timely manner.
11. Bring to the Board all matters requiring a corporate decision of the Board.
12. Act as ex-officio non-voting member of all committees appointed by the Board.
13. Act as a signing officer for the District.
14. Represent the Board, or arrange alternative representation, at official meetings or other public functions.
15. Ensure that inappropriate trustee behavior is addressed by the chair or taken to the Board for resolution.
16. Ensure the Board engages in regular assessments of its effectiveness as a Board.

Legal Reference: Sections 65, 67, 69, 70, 85 School Act

## Policy 6

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### ROLE OF THE VICE-CHAIR

The Vice-Chair shall be elected at the Inaugural Meeting of the Board in December each year and shall take office immediately. The Vice-Chair shall hold office at the pleasure of the majority of the Board.

#### Specific Responsibilities

1. The Vice-Chair shall act on behalf of the Board Chair, in the latter's inability to act or absence and shall have all the duties and responsibilities of the Board Chair. The Board Chair may, on an as needed basis, delegate the presiding officer task to the Vice-Chair.
2. The Vice-Chair shall assist the Board Chair in ensuring that the Board operates in accordance with its own policies and procedures.
3. The Vice-Chair may be assigned other duties and responsibilities by the Board Chair.

Legal Reference: Sections 65, 67, 85 School Act

## Policy 7

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### BOARD OPERATIONS

The Board's ability to discharge its obligations in an efficient and effective manner is dependent upon the development and implementation of a sound organization design. In order to discharge its responsibilities to the electorate of the District, the Board shall hold meetings as often as necessary. A quorum, which is a simple majority of the number of trustees, must be present for every duly constituted meeting. If a quorum is not present within fifteen minutes of the time appointed for the meeting, then the meeting shall stand adjourned.

The Board has adopted policies so the business of the Board can be conducted in an orderly and efficient manner. All points of procedure not provided for in this Policy Handbook shall be decided in accordance with Robert's Rules of Order.

The Board's fundamental obligation is to preserve, if not enhance, the public trust in education, generally, and in the affairs of its operations in particular. Consistent with its objective to encourage the general public to contribute to the educational process, Board meetings will be open to the public. Towards this end, the Board believes its affairs must be conducted in public to the greatest extent possible.

There are times when public interest is best served by private discussion of specific issues in "in-camera" sessions. The Board believes it is necessary to protect individual privacy and the Board's own position in negotiating either collective agreements or contracts and therefore expects to go in-camera for issues dealing with individual students, individual employees, land, labour, litigation or negotiation.

The Board further believes public interest can be enhanced by having members of the public participate at Board meetings.

In order to carry out its responsibilities effectively, the Board will hold periodic meetings of several types. Formal meetings, at which all formal and legal business of the Board as a corporate body shall be done, may be designated as Inaugural, regular, special, or closed (in-camera). The Board may also hold informal meetings from time to time for the purposes of general discussion, meeting with other individuals or groups, or for information gathering and sharing.

The Board has adopted specific policy governing the conduct of its formal meetings.

#### 1. Board Composition and Elections

As indicated in Trustee Elections By-law No. 1-93 attached as Appendix A seven trustees are elected at large to the Board of Education for a four year term. The one electoral area for the district is the Municipality of New Westminster. Therefore all trustees are elected at large.

#### 2. Inaugural Meeting and Subsequent Annual Meeting

##### 2.1 Inaugural Meeting

- 2.1.1 An Inaugural Meeting of the Board of Education shall be convened by the Secretary Treasurer or designate on the first Tuesday after December following Trustee elections, or as soon thereafter as it is convenient. The order of business shall include:
  - 2.1.1.1 Report of Retiring Chairperson
  - 2.1.1.2 Statement of the Returning Officer;
  - 2.1.1.3 To make a prescribed oath of office, by oath or solemn affirmation;
    - 2.1.1.3.1 Each trustee will take the oath of office immediately following the call to order of the inaugural meeting after a general election. Special provisions will be made for a trustee taking office following a by-election.
  - 2.1.1.4 Election of Chairperson and Vice Chairperson;
  - 2.1.1.5 Election of BCSTA Provincial Council delegate and alternate delegate;
  - 2.1.1.6 Election of BCPSEA representative and alternate.

*(Elections shall be by ballot vote. Should an election vote end in a tie, up to two further votes shall be taken to break the tie. After the third vote, if a tie continues, the Board shall recess and reconvene at a time of its choosing in order to conduct a fourth vote.*

## 2.2 Annual Meeting

- 2.2.1 Each year thereafter during the term of office the Board of Education shall hold a meeting on the first Tuesday of December, or as soon thereafter as it is convenient. The order of business shall include:
  - 2.2.1.1 Report of Retiring Chairperson
  - 2.2.1.2 Election of Chairperson and Vice Chairperson;
  - 2.2.1.3 Election of BCSTA Provincial Council delegate and alternate delegate;
  - 2.2.1.4 Election of BCPSEA representative and alternate.

*(Elections shall be by ballot vote. Should an election vote end in a tie, up to two further votes shall be taken to break the tie. After the third vote, if a tie continues, the Board shall recess and reconvene at a time of its choosing in order to conduct a fourth vote.*

## 3. Regular Meetings

- 3.1 The purpose of the regular Board meeting is for the Board to conduct its business. Meetings will be open to the public and representatives of the press.
- 3.2 Regular meetings of the Board shall be held on the fourth Tuesday of each month at 7:30 p.m. at the Board Office (811 Ontario St.), except where the Chairperson has indicated in the notice of meeting that the meeting shall be held in some other place or at some other time. Schedules for Board meetings are available on the District website.

- 3.3 All trustees, staff, and members of the public are expected and required to conduct the business of the Board with proper decorum and in a respectful manner.
  - 3.4 No business shall be conducted by the Board unless upon a motion of a Trustee, seconded by another Trustee.
4. Special Meetings
- 4.1 Meetings other than regular meetings will be termed "special" meetings, including special in-camera meetings.
  - 4.2 A special meeting of the Board may be called by the Chairperson or, where the Chairperson is not available, by the Vice-Chairperson.
  - 4.3 A special meeting of the Board will be called at the request of 2/3 of the trustees in office.
  - 4.4 No business shall be conducted at a special meeting other than that for which the meeting is called without the consent of two-thirds of the sitting Trustees.
5. In-camera Meetings
- 5.1 In-Camera meetings of the Board may be held with the public and others excluded as provided for in the School Act, and only the following matters may be considered at such meetings:
    - 5.1.1 Salary claims and adjustments and the consideration of requests of employees and Board Officers with respect to collective bargaining procedures;
    - 5.1.2 Accident claims and other matters where Board liability may arise;
    - 5.1.3 Legal opinions respecting the liability or interest of the Board;
    - 5.1.4 The conduct, efficiency, discipline, suspension, termination or retirement of employees;
    - 5.1.5 Medical Examiner's examinations and medical reports;
    - 5.1.6 Matters pertaining to individual pupils including the conduct, discipline, transfers, resignations, promotions and demotions;
    - 5.1.7 Staff changes including appointments, transfers, resignations, promotions and demotions;
    - 5.1.8 Purchase of real property including the designation of new sites, consideration of appraisal reports, consideration of accounts claimed by owners, determination of Board offers and expropriation procedures;
    - 5.1.9 Lease, sale or exchange of real property prior to finalization thereof;
    - 5.1.10 Matters pertaining to the safety, security or protection of Board property;
    - 5.1.11 Such other matters where the Board, by motion, decides that the public interest so requires.
  - 5.2 Regular In-Camera meetings of the Board shall be held prior to regular Open meeting of the Board on the fourth Tuesday (if necessary) of each month and

prior to Committee Meetings, if required, from 6:30 - 7:30 pm or such other time as noted in the agenda.

- 5.3 In-Camera meetings may be called at other times by following the notice of procedures set out in this Policy.
  - 5.4 The Board may, by motion, recess a regular meeting in progress for the purpose of meeting in closed session.
  - 5.5 The Board shall, as the last item of business at each In-Camera meeting, consider a motion to make public such information that it deems to be no longer in the public interest to exclude from the public purview.
  - 5.6 The Board Chair and Superintendent shall establish items on the agenda for each in-camera meeting. The agenda shall generally follow the order outlined below.
    - 5.6.1 Adoption of the Agenda
    - 5.6.2 Minutes for Approval
    - 5.6.3 Reports from Senior Management
    - 5.6.4 Other Business
    - 5.6.5 Items to be Reported out at Open Meeting
    - 5.6.6 Notice of Meetings
    - 5.6.7 Adjournment
6. Notice and Agendas
- 6.1 Forty-eight hours' notice in writing shall be emailed to all Trustees for any meeting of the Board, except the regularly scheduled Board meetings, unless there is unanimous agreement of trustees to waive such notice.
  - 6.2 Prior to each meeting, Administration, in consultation with the Chairperson and Vice-Chairperson, shall prepare an agenda for all business to be brought before the Board and the Board shall proceed with the business in the order set out unless that agenda is altered by resolution.
  - 6.3 The Board Chair and Superintendent shall establish items on the agenda for each regular meeting. The agenda shall generally follow the order outlined below:
    - 6.3.1 Adoption of Agenda;
    - 6.3.2 Approval of Minutes
    - 6.3.3 District Presentations
    - 6.3.4 Student Presentations
    - 6.3.5 Delegations
    - 6.3.6 Community Presentations (10 minutes per presentation)  
*Must be scheduled in advance through the Office of the Secretary  
Treasurer.*
    - 6.3.7 Comment and Question Period From Visitors

- 6.3.8 Board Committee Reports
  - 6.3.8.1 Education Policy and Planning Committee
  - 6.3.8.2 Operations Policy and Planning Committee
- 6.3.9 Reports Senior Management
- 6.3.10 Trustee Reports
- 6.3.11 Question Period (15 minutes)
- 6.3.12 Notice Of Meetings
- 6.3.13 Reporting Out From In-Camera Meeting
- 6.3.14 Adjournment
- 6.4 Agenda items for Board meetings may originate from:
  - 6.4.1 Board Annual Work Plan
  - 6.4.2 Business arising from previous meetings;
  - 6.4.3 Business from committee-of-the whole meetings;
  - 6.4.4 Business from sub-committee meetings;
  - 6.4.5 Superintendent of Schools;
  - 6.4.6 Individual Trustees;
- 6.5 The Superintendent, or designate, will be responsible for the preparation of the agenda. Items for the agenda are to be submitted to the Superintendent or designate by the close of business of the Monday of the week, preceding the date of the Board meeting.
- 6.6 The agenda and supporting material for each regular Open and In-Camera Board meeting will be provided electronically to all Trustees on the Thursday, preceding the date of the Board meeting;
- 6.7 The agenda and supporting material for each regular Open Board meeting will be made available to the public on the School District web site on the Friday preceding the date of the Board meeting.
- 6.8 All supporting material for Special Open and In-Camera Board meetings will be emailed to Trustees at least 24 hours prior to the time of the Board Meeting.
- 6.9 Where material or motions are introduced at a Board meeting which has not been made available to Trustees in accordance with section 6.6 and 6.8, a Trustee may call notice on any motion arising from such material and that motion accordingly shall be considered on the agenda of the next Board meeting.
- 6.10 Items proposing board action shall be accompanied with an action request form briefly outlining the issue, pertinent information and a recommendation.

## 7. Minutes

The Board shall maintain and preserve by means of minutes a record of its proceedings and resolutions.

- 7.1 The minutes shall record:
  - 7.1.1 Date, time and place of meeting;
  - 7.1.2 Type of meeting (Inaugural, regular or special);
  - 7.1.3 Name of presiding officer;
  - 7.1.4 Names of those trustees and administration in attendance;
  - 7.1.5 Approval of preceding minutes;
  - 7.1.6 Only motions will be recorded in the minutes. Preamble, rationale, or discussions will not be recorded in the minutes, unless directed by the Board through resolution.
  - 7.1.7 Points of order;
  - 7.1.8 Appointments;
  - 7.1.9 Recommended motions proposed by Committees;
  - 7.1.10 Trustee declaration pursuant to Section 56, 57 or 58 of the School Act.
- 7.2 The minutes shall:
  - 7.2.1 Be prepared as directed by the Superintendent;
  - 7.2.2 Be considered an unofficial record of proceedings until such time as adopted by a resolution of the Board; and
  - 7.2.3 Upon adoption by the Board, be deemed to be the official and sole record of the Board's business.
- 7.3 The Superintendent shall ensure that, upon acceptance by the Board, appropriate initials are appended to each page of the minutes, and that appropriate signatures and the corporate seal of the District are affixed to the concluding page of the minutes.
- 7.4 The Superintendent shall establish a codification system for resolutions which will:
  - 7.4.1 Provide for ready identification as to the meeting at which it was considered;
  - 7.4.2 Provide for cross-referencing with resolutions of similar nature adopted by the Board at previous meetings; and
  - 7.4.3 Establish and maintain a file of all Board minutes.
- 7.5 All Committees of the Board, unless otherwise directed, shall prepare and submit minutes or a report including any recommendations to the Board.
- 7.6 As part of its ongoing effort to keep staff and the public fully informed concerning its affairs and actions, the Board directs the Superintendent to institute and maintain effective and appropriate procedures for the prompt dissemination of information about decisions made at all Board meetings.
- 7.7 The approved minutes of a regular or special meeting shall be posted to the website as soon as possible following approval. The Superintendent or designate is responsible to distribute and post the approved minutes.

- 7.8 Upon adoption by the Board, the minutes of meetings other than in-camera meetings shall be open to public scrutiny.

## 8. Motions

- 8.1 No decision shall be made by the Board unless upon a motion of a Trustee, seconded by another Trustee and approved by majority vote.
- 8.2 A motion to vary the agenda to advance an item on the agenda so that it may be dealt with immediately following delegations concerning that item shall be in order.
- 8.3 A Trustee shall not speak other than on the motion under debate. A Trustee shall only speak once on the same motion without the leave of the Board except to explain a part of his or her remarks which may have been misunderstood, or to raise a point of information or clarification.
- The mover of the motion, however, may speak again to close debate. Trustees shall not speak to any motion for a period of longer than ten minutes without the leave of the Board.
- 8.4 Every Trustee present at a meeting of the Board has the right and duty to vote except where the Trustees has disqualified himself or herself from the proceedings because of a declared conflict of interest, which shall be recorded. This vote shall either be in the affirmative or the negative. Trustees not voting will be deemed to have voted in the affirmative.
- 8.5 When a motion under consideration entertains several propositions, the vote upon each proposition shall be taken separately, if so requested by any Trustee present.
- 8.6 After the Board has taken a vote on any motion, the Board shall not vote on that motion again at the same meeting.
- 8.7 A reconsideration motion can only be proposed by a trustee who voted with the majority at a previous meeting.
- 8.8 The Chair shall have the same voting rights as any other member
- 8.9 Where the number of votes on a motion is equal, the motion is defeated and the Chair shall so indicate.
- 8.10 All Trustee votes shall be recorded on all votes, except where a secret ballot has been held for election purposes.
- 8.11 The Chairperson or other presiding officer shall determine all points of procedure except that any ruling may be challenged by any Trustee and decided by a majority vote of the Trustees present. Where a ruling of the chair is challenged, a motion to sustain the chair shall be made and a vote shall be taken forthwith without debate.

## 9. Public Participation

The Board welcomes and provides for a variety of forms of public participation by members of the community. Public participation may be through presentations by a delegation, through formal question/comment periods in regular Board meetings or in the form of written communications. Such opportunities shall not be used to address matters which must be dealt with in in-camera meetings as noted elsewhere in this policy.

## Delegations

- 9.1 The Chair shall rule on the propriety of all presentations and questions and may decline to have a matter heard from a delegation or terminate any presentation or question or refer it to an "in camera" meeting of the Board if that is deemed to be appropriate by the Chair.
- 9.2 A person or group wishing to address the Board on an item not otherwise on the agenda shall provide written notification and a written outline of the presentation to the Secretary-Treasurer by close of business on the Monday of the week preceding the date of the regular Board meeting. The presentation will be listed as a "Delegation" on the agenda of the Regular Board meeting providing the matter is one that is appropriately considered in a public meeting.
- 9.3 Delegations shall have 10 minutes to present to the Board.
- 9.4 The Board shall formally respond by motion to a presentation or delegation only with unanimous consent of the Board.

## Comment and Question Periods

Each public meeting agenda shall provide for two comment/question periods, one during the meeting and one at the end of the meeting.

- 9.5 There shall be a "Comment and Question" period on each regular Board meeting agenda during which members of the public may address the Board on any item on the agenda by so advising the Chair at that time. The time limit for such presentations shall be five minutes excluding any responses to questions from Trustees but this time may be extended by resolution of the Board.
- 9.6 During the "Comment and Question" period, questions also may be asked of the Board about items not on the agenda, without notification, but the time limit for putting such questions by any individual shall be two minutes, excluding responses from the Board, unless the Board by resolution consents to an extension of that time.
- 9.7 Any questions asked during the "Comment and Question" period may be responded to at that meeting or an undertaking will be given to provide a response at a future regular meeting. No motions or action will be considered by the Board at the time of presentation: matters requiring action will be referred to a Committee meeting for consideration.
- 9.8 There shall be a Question Period of up to 15 minutes at the end of every regularly scheduled Board meeting, where members of the public may ask a question on matters that arose during that Board meeting. Questions will be directed to the Chair who will respond on behalf of the Board. The Chair may refer the question to staff for an immediate response or a response may be provided at the next regular board meeting.

### *Correspondence*

Correspondence is at times sent to the Board and at other times to individual trustees. Even when correspondence is addressed to an individual trustee the contents may be more appropriately addressed by the corporate Board. Where correspondence is addressed to the Board or its contents are more appropriately addressed by the corporate Board the following processes shall be adhered to.

The intended outcomes of these processes are: to ensure Board correspondence is acknowledged in a timely fashion, the corporate Board is aware of the public input provided and where required, a corporate response is provided in a timely manner.

9.9 Where non-routine correspondence is received that appears to require a formal Board response, that correspondence shall be placed on the agenda of the next regular Board meeting together with whatever recommendation for Board action the Superintendent deems appropriate. This correspondence will be noted on the agenda as "Correspondence for Action".

9.10 Where non-routine correspondence is received that does not appear to require a formal Board response, that correspondence, together with any response issued by the Superintendent, shall be circulated to the Trustees.

This correspondence will be noted on the agenda as "Correspondence for Information".

9.11 Where an individual trustee receives correspondence that in the trustee's judgement is more appropriately a corporate Board matter, the correspondence will be directed to the Secretary Treasurer who will acknowledge the correspondence, and act in accordance with 9.8 or 9.9 above.

## 10. Trustee Remuneration and Expenses

### 10.1 Annual Remuneration

10.1.1 Under Section 71 of the School Act, a Board may authorize the payment of remuneration to be paid to trustees by annual resolution of the Board of Education. The Income Tax Act allows part of this remuneration to be declared as a tax-free expense allowance.

10.1.2 Trustee remuneration shall be adjusted on an annual basis based on the most recent five-year rolling average of Vancouver's Consumer Price Index, effective January 1<sup>st</sup> of each year.

### 10.2 Expenses

10.2.1 Trustees are expected to exercise discretion in incurring expenses within the limit of the annual budget appropriation.

#### Conference and Travel Expenses

10.2.2 Effective execution of Board responsibilities requires that trustees represent the Board at various meetings and conferences, and that they remain informed through attendance at periodic seminars, conventions and workshops related to their responsibilities. The Board encourages such attendance, and shall include funds in the annual budget to cover expenses.

10.2.3 The Board of Education of School District No. 40 (New Westminster) supports Trustees attending conferences, conventions, seminars and courses of an education nature, within the budget limitations established by the Board.

10.2.4 The Board does not expect that such attendance should be at the personal expense of the Trustee. Actual reasonable costs for meals and costs incurred, while on Board business, may be claimed. Receipts are to be provided along with the purpose of the business or meeting.

- 10.2.5 Trustees may claim, while on Board business:
- 10.2.5.1 Long distance toll charges and cellular phone charge for School Board business telephone calls;
  - 10.2.5.2 Other reasonable requests may be considered at the discretion of the Board.
- 10.2.6 Trustees will inform the Board, in advance, of their intention to attend a conference/seminar or travel on Board business and shall obtain prior approval of the Board for such attendance. Trustees shall book registrations, travel and accommodations in consultation with the Superintendent's office.
- 10.2.7 For travel by private automobile, Trustees may claim the District rate in effect at the time. The maximum amount claimable is limited to the cost of economy airfare between points travelled, when air transportation is available and practical.
- 10.2.8 Cost of airfare is limited to the cost of economy airfare.
- 10.2.9 Travel costs outside of British Columbia must receive prior approval of the Board.
- 10.2.10 Trustees may claim amounts for taxis, parking fees, local mileage, etc. Receipts are to be provided.
- 10.2.11 Lodging
- Trustees may claim the government or conference rate of the hotel/motel, less any personal items charged. Receipts are to be provided. If staying with a friend or relative, \$20.00/night may be claimed without a receipt.
- 10.2.12 Meals
- Trustees may claim actual reasonable costs. Receipts are to be provided. District practice requires that an actual receipt is provided detailing the purpose of the meeting and who was in attendance.
- There shall be no reimbursement for alcoholic beverages.
- 10.3 Payment of Expenses
- 10.3.1 Expenses must be submitted on a timely basis to the Secretary Treasurer at least once a month.
  - 10.3.2 For inaugural functions and one spousal meal per conference, spousal expenses may be claimed.
  - 10.3.3 Trustees may seek an advance, the amount of which is determined by Board resolution for out-of-town business engagements of two or more days.
  - 10.3.4 The Secretary-Treasurer and Chair of the Board shall review Trustee expenses. Concerns about Trustee expenses shall be referred to the Board by the Chair. Quarterly print-outs will be provided to all Board members regarding Trustee expenses.

Legal Reference: Sections 50, 56, 57, 58, 59, 66, 67, 68, 69, 70, 71, 71(1), 72 School Act  
Financial Disclosure Act  
Income Tax Act

## Policy 7 – Appendix

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# TRUSTEE ELECTIONS BYLAW

BYLAW NO. \_\_\_\_\_

## TRUSTEE ELECTIONS

BOARD OF EDUCATION OF SCHOOL DISTRICT # 40(New Westminister)

A bylaw to provide for the determination of various procedures for the conduct of general school elections and other trustee elections.

### **Preamble:**

Under the *School Act*, the board of education may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections.

In School District #40 (New Westminister), seven trustees are elected from a single electoral area, namely, the Municipality of New Westminister.

The board of education wishes to establish various procedures and requirements under the authority of the *School Act* for trustee elections.

The board of education, in an open meeting of the board, enacts as follows:

### **1. Definitions**

The terms used shall have the meanings assigned by the *School Act*, the *Local Government Act*, and the *Local Elections Campaign Financing Act* except as the context indicates otherwise.

“Board” or “school board” means the Board of Education of School District #40 (New Westminister).

“By-election” means a trustee election to fill a vacancy on the school board in any of the circumstances described in section 36 of the *School Act*.

“Election” means a trustee election.

“General Voting Day” means the date on which general voting for a trustee election is to take place, whether part of the general school elections or a by-election.

“Minister” means the Minister of Education

### **2. Application**

- (a) This bylaw applies to both general school elections and by-elections, except as otherwise indicated.

### 3. **Order of Names on the Ballot (optional)**

The order of names of candidates on the ballot will be alphabetical.

### 4. **Resolution of Tie Vote after Judicial Recount**

In the event of a tie vote after a judicial recount, the tie vote will be resolved by lot in accordance with the *Local Government Act*.

### 5. **Website Access to Candidate Nomination Documents and Campaign Financing Disclosure Statements**

- 5.1 The Board authorizes public access, during the regular office hours at the Board's office, to nomination documents of trustee candidates by internet or other electronic means until 30 days after declaration of the election results.
- 5.2 The Board will make available to the public for inspection during the regular office hours of the Board's head office, the trustee candidates' campaign financing disclosure statements and supplementary reports until 5 years after general voting day either by providing
- (a) Access by internet, or
  - (b) A copy of that information for inspection
- 5.3 The Board will, on request, provide a copy or other record of trustee candidates' campaign financing disclosure statements and supplementary reports for as long as they are required to be available to the public under section 8.2 for a fee of \$.50 per page.
- 5.4 Before providing the services under section 8, the Board, requires the person requesting the service to
- (a) Satisfy the Board that any purpose for which personal information is to be used is permitted by section 63 of the Local Elections Campaign Financing Act and
  - (b) Provide a signed statement that
    - (i) The individual, and
    - (ii) If applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other recordwill not use personal information included in the copy or other record except for a purpose permitted under the *Local Elections Campaign Financing Act*.

### 6. **Title**

This bylaw may be cited as 'School District No. 40 (New Westminister) Trustee Elections Bylaw No. #.'

## 7. Repeal

School District 40 New Westminster Trustee Elections Bylaw No 1-93 is hereby repealed.

Date of first reading: \_\_\_\_\_

Date of second reading: \_\_\_\_\_

Date of third reading and adoption: \_\_\_\_\_

\_\_\_\_\_  
Chairperson of the board

(Corporate seal)

\_\_\_\_\_  
Secretary-Treasurer

Legal Reference: Sections 36, 37(1), 38(4)-(5), 45(1)(5)(7)(8)-(10), 46(1)(4) School Act  
Sections 71(2), 72.1, 73(6)(7), 96, 97(2), 97(3), 99, 100, 103, 107, 110, 141 Local  
Government Act  
Sections 58, 59 Local Elections Campaign Financing Act

## Policy 8

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### BOARD COMMITTEES

The Board recognizes its obligations to establish committees as provided for in the CUPE and NWTU collective Agreements. These include two committees identified in the CUPE Collective Agreement, The CUPE Labour/ Management committee and the Personnel committee. One additional committee is identified in the NWTU Agreement, namely the NWTU Grievance Management (Step 3) committee. The purpose, powers and duties and membership are articulated in these collective agreements.

The Board shall be guided by the following principles when establishing committees outside the provisions articulated in collective agreements:

- The Board's decision-making role can be exercised only by the Board as a whole, not by an individual trustee or committee;
- The Board's function is primarily governance, rather than administration or operations;
- Responsibilities placed on trustees are to be closely related to the Board's central role as per Policy 2.

The Board may, consistent with the above principles, designate committees for the consideration of particular problems or issues, with subsequent advice or recommendations to the Board. Committees established by the Board are to assist the Board in doing Board work.

Committee members or representatives shall be named by the Board, normally at the inaugural or first meeting of the year.

#### Standing Committees

Standing Committees are established to assist the Board with work of an on-going or recurring nature.

There shall be two standing committees of the whole: the Education Policy and Planning Committee of the Whole and the Operations Policy and Planning Committee of the Whole.

1. A quorum of the Committee of the Whole shall be the same as a quorum for the Board.
2. A meeting of the Committee of the Whole shall have the same notice requirement as a Board meeting except that during any meeting of the Board, the Board may resolve itself into Committee of the Whole to consider specific matters.
3. The Chairperson may preside in the "Committee of the Whole" or appoint another Trustee to chair the meeting. In the absence of the Chairperson, the same procedures shall be followed as apply when the Chairperson is not present at a Board meeting.

4. The rules of procedure set for regular Board meetings shall be observed in “Committee of the Whole” so far as may be applicable, except that:
  - 4.1 The number of speeches by Trustees to any question shall not be limited; however no Trustee shall speak for longer than a total time of ten minutes on any question without permission of the Committee;
  - 4.2 The Chair may speak to motions without vacating the Chair;
  - 4.3 Members of the public are welcome to fully participate in discussion, without the right to move or second a motion or to vote, and are subject to the same rules of order and procedure as Trustees;
  - 4.4 Minutes shall be kept of the Committee Business and those minutes shall be presented to the Board for approval at the next Board meeting.
  - 4.5 All motions adopted by the Committee of the Whole or any Sub-Committee shall be presented to the Board. This may be effected by a single motion, but any Trustee may request any specific motion to be dealt with separately. The usual rules of the Board shall apply.
5. The Chair of the Committee of the Board will be responsible for setting and maintaining the agenda and reporting recommendations to the Board, in writing, prior to the meetings. In addition the chair is responsible for ensuring annual work plan items within areas of the committee’s responsibility are addressed in a timely manner to facilitate Board action.
6. The agenda and supporting material for each Committee of the Board meeting will be provided electronically to all Trustees on the Thursday preceding the meeting.
7. The meeting and support material for each Open Committee of the Board meeting will be available to the public on the school district website on the Friday preceding the meeting.
8. Public Participation in Committee Meetings

The Board welcomes and provides for public participation by delegations at open committee meetings. Such presentations shall not be used to address matters which must be dealt with in in-camera meetings as noted in Policy 7 section 5. In addition, structures have been defined in legislation and collective agreements to deal with labour management issues. The public participation opportunities at committee meetings are not to be used to deal with such matters. The Board respects and honours employee groups’ contracts and official representatives and will therefore deal with labour management issues through defined legislated and collective agreement processes.

  - 8.1 The Chair shall rule on the propriety of all presentations and questions and may decline to have a matter heard from a delegation or terminate any presentation or question or refer it to an "in camera" meeting if that is deemed to be appropriate by the Chair.
  - 8.2 A person or group wishing to address the Committee on an item not otherwise on the agenda shall provide written notification and a written outline of the presentation to the Secretary-Treasurer by close of business on the Monday of the week preceding the date of the committee meeting. The presentation will be listed as a "Delegation" on the agenda of the committee meeting providing the matter is

one that is appropriately considered in a public meeting.

8.3 Delegations shall have 10 minutes to present to the Committee.

## 9. Education Policy and Planning Committee of the Whole

### 9.1 Purpose

9.1.1 To allow the Board to explore education matters in much greater depth than can be accomplished in a scheduled regular meeting of the Board.

9.1.2 To solicit and receive information from the Superintendent and/or designates relevant to the development of various system activities and plans.

9.1.3 To assist the Board with work of an on-going or recurring nature.

### 9.2 Powers and duties

9.2.1 Make recommendations for agenda items for subsequent Board meetings.

9.2.2 Make recommendations to the Board for action.

### 9.3 Membership

9.3.1 The Board chair, in consultation with the Board of Education shall appoint one of the trustees to be the chair of the committee of the board for a one year term, commencing in January of each year.

### 9.4 Meetings

9.4.1 Monthly, (the first Tuesday of the month. Committee In-Camera meetings will be convened prior to open committee meetings, as required. In-Camera topics are as defined in policy 7 section 5.1.

## 10. Operations Policy and Planning Committee of the Whole

### 10.1 Purpose

10.1.1 To allow the Board to explore operations matters in much greater depth than can be accomplished in a scheduled regular meeting of the Board.

10.1.2 To solicit and receive information from the Superintendent and/or designates relevant to the development of various system activities and plans.

10.1.3 To assist the Board with work of an on-going or recurring nature.

### 10.2 Powers and duties

10.2.1 Make recommendations for agenda items for subsequent Board meetings.

10.2.2 Make recommendations to the Board for action.

### 10.3 Membership

10.3.1 The Board chair, in consultation with the Board of Education shall appoint one of the trustees to be the chair of the committee of the board for a one year term, commencing in January of each year.

### 10.4 Meetings

10.4.1 Monthly, the second Tuesday of the month. Committee In-Camera meetings will be convened prior to open committee meetings, as required. In-Camera topics are as defined in policy 7 section 5.1.

### **Special Committees**

Special committees are established to assist the Board on a specific project or a particular purpose. The terms of reference for each special committee will be established at the time of formation.

### **Resource Personnel**

The Superintendent may appoint resource personnel to work with committees, and shall determine the roles, responsibilities and reporting requirements of the resource personnel.

Legal Reference: Sections 65, 85 School Act

## Policy 9

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### BOARD REPRESENTATIVES

In response to requests from external organizations or agencies, the Board will give consideration to naming representatives to various external committees, agencies and organizations. Such representation is established at the discretion of the Board to facilitate the exchange of information on matters of mutual concern and/or to discuss possible agreements between the District and other organizations.

The Board will determine the terms of reference for each representative. The Board shall be guided by the following principles when naming representatives to other organizations:

- The Board's decision-making role can be exercised only by the Board as a whole, not by an individual trustee or committee;
- The Board's function is primarily governance, rather than administration;
- Responsibilities placed on trustees are to be closely related to the Board's central role as per Policy 2.

The Superintendent may appoint resource personnel to work with the representative and shall determine the roles, responsibilities and reporting requirements of resource personnel.

The following organizations/committees will have Board representation as identified normally at the annual Inaugural Meeting or alternatively at a subsequent meeting of the Board.

#### External Committees

1. British Columbia School Trustees Association (BCSTA) Provincial Council
  - 1.1 Purpose of the Provincial Council
    - 1.1.1 Act as a forum for discussion of relevant, timely and emerging issues identified from individual boards, BCSTA Board of Directors, Ministry of Education and other sources.
    - 1.1.2 Discuss, and/or develop, policy issues for submission at the Annual General Meeting.
    - 1.1.3 Establish interim policies of the Association between general meetings.
    - 1.1.4 Address matters as outlined in BCSTA bylaws, including Association budget approval.
    - 1.1.5 Act on action requests from BCSTA Board of Directors.
  - 1.2 Powers and Duties of the Board Representative
    - 1.2.1 Attend Provincial Council meetings.
    - 1.2.2 Represent the Board's positions and interests at the provincial level.
    - 1.2.3 Communicate to the Board the work of the Provincial Council.

- 1.2.4 Bring recommendations to the Board as and when necessary.
- 1.2.5 Build positive relationships.
- 1.3 Membership
  - 1.3.1 One (1) trustee; one (1) alternate.
- 1.4 Meetings
  - 1.4.1 As called by Provincial Council. (Usually 4 per year, one at the AGM)
- 2. British Columbia Public School Employers' Association (BCPSEA)
  - 2.1 Purpose of the BCPSEA
    - 2.1.1 Act as the accredited bargaining agent for the BCSTA's members.
    - 2.1.2 Assist in carrying out any objectives and strategic directions established by the Public Sector Employers' Council.
    - 2.1.3 Coordinate collective bargaining objectives, benefit administration, human resource practices and out-of-scope compensation matters amongst members.
  - 2.2 Powers and Duties of the Board Representative
    - 2.2.1 Attend the BCPSEA meetings as required.
    - 2.2.2 Represent the Board's positions and interests at BCPSEA meetings.
    - 2.2.3 Communicate to the Board the work of BCPSEA.
    - 2.2.4 Bring recommendations to the Board as and when necessary.
    - 2.2.5 Build positive relationships.
  - 2.3 Membership
    - 2.3.1 One (1) trustee; one (1) alternate.
  - 2.4 Meetings
    - 2.4.1 As called by BCPSEA.

### **Civic and Community Committee Representatives**

The Board seeks to have a mutually beneficial relationship with the New Westminster City Council and to that end welcomes invitations from the council to have District representation on civic committees.

1. When an invitation is received for District membership on a civic or community committee, the Board shall determine if the terms of reference for the committee requires Board representation. Normally if there is such a need the Board corporate will seek a meeting with the Municipal Council to determine the issues to be addressed and the most appropriate means of addressing these issues of mutual interest to the two governing bodies. Major facility construction, for example has resulted in a Task Force being established.

2. Should the Board determine that a trustee representative shall be appointed to a committee, after reviewing the terms of reference including the purpose of the committee, the Board will determine the powers and duties of the trustee representative.
3. If a staff member representing the District identifies any governance issue as defined as an area of responsibility retained by the Board in the Board Policy Handbook, the issue shall be referred to the Board for its consideration and disposition.

### **School Liaison Trustee Role**

School liaison responsibilities shall not:

- Inhibit or circumvent administrative authority or responsibility
- Include any decision making authority

Parent Advisory Councils as per section 8 of the School Act may advise the Board and the principal and staff of a school. Therefore, the role of school liaison trustee does not include attendance at Parent Advisory Council meetings. If the Council wishes to advise the Board corporate, that advice is to be sent to the Board.

The role of liaison trustee is to represent the Board of Education and to provide visual support for school activities including but not limited to athletic competitions, fine arts performances and displays, school celebrations, and recognition events. The role allows trustees to become knowledgeable of public school events while keeping manageable the time demands should there not be some limiting of expectations for Board or Trustee attendance at such public events.

### **Internal Committee Representation**

In exceptional circumstances the Board may select Board representation to an internal district committee when the committee's mandate requires decision making authority that have been retained by the Board in its Board Policy Handbook.

#### **1. Neighborhood Learning Centers Committee**

##### **1.1 Purpose:**

To facilitate the effective implementation of the Neighborhood Learning Center concept promoted by the Ministry of Education in order to optimize the use of community and school facilities including the possible use of joint use agreements, facilitate innovative integration of the regular school day programs and community programs, form partnerships to meet specific community needs, expand funding sources and complementary human resources, The Board deems this committee to be an ad hoc committee and shall reconsider the future purpose and role including Board representation once the centers have been completed and programs established.

##### **1.2 Powers and Duties of Board Representative**

- 1.2.1 Provide visible Board support for advancing the above purposes for the mutual benefit of the District and community agencies and organizations.
- 1.2.2 Act as the Board's eyes and ears relative to the matters being discussed and bring to the Board's attention those issues which fall within areas of

Board retained authority as per the Board Policy Handbook for the Board's consideration and disposition.

- 1.2.3 The representative has no decision making authority. The representative shall bring recommendations to the Board for the Boards consideration and decision.

### 1.3 Membership

The committee structure will be determined by the Superintendent with the proviso one Board member is included on the committee.

### 1.4 Meetings

At the call of the Chair.

## 2. Aboriginal Education

### 2.1 Purpose

To reduce and eliminate the Aboriginal achievement gap through the continued improvement of academic achievement by Aboriginal students.

### 2.2 Powers and Duties of Board Representative

2.2.1 Provide visible Board support for advancing the above purpose

2.2.2 Act as the Board's eyes and ears relative to the matters being discussed and bring to the Board's attention those issues which fall within areas of Board retained authority as per the Board Policy Handbook for the Board's consideration and disposition.

2.2.3 The representative has no decision making authority. The representative shall bring recommendations to the Board for the Boards consideration and decision.

### 2.3 Membership

The committee structure will be determined by the Superintendent with the proviso one Board member is included on the committee.

### 2.4 Meetings

At the call of the Chair.

Legal Reference: Sections 8.4, 8.5, 22, 65, 74, 85 School Act  
Ministry of Education website

## Policy 10

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### POLICY MAKING

Policy development is a key responsibility of the Board. Policies constitute the will of the Board in determining how the District will be operated and communicate the Board's values, beliefs and expectations. Policies provide effective direction and guidelines for the action of the Board, Superintendent, staff, students, electors and other agencies. Policies also serve as sources of information and guidelines to all who may be interested in or connected with the operation of the District. Adoption of new Board policies or revision of existing policies is solely the responsibility of the Board.

The Board shall be guided in its approach to policy making by ensuring adherence to the requirements necessary to provide public education and compliance with the School Act and provincial as well as federal legislation.

Board policies shall provide an appropriate balance between the responsibility of the Board to develop the broad guidelines to guide the District and the opportunity for the Superintendent to exercise professional judgment in the administration of the District.

The Board believes in the establishment and review of policy which reflects its values and perspectives.

The Board shall adhere to the following stages in its approach to policy making:

1. Planning

The Board, in cooperation with the Superintendent, shall assess the need for a policy, as a result of its own monitoring activities or on the suggestion of others, and identify the critical attributes of each policy to be developed.

2. Development

The Board may develop the policy itself or delegate the responsibility for its development to Superintendent.

3. Implementation

The Board is responsible for the implementation of policies governing its own processes. The Board and Superintendent share the responsibility for implementation of policies relating to the Board-Superintendent relationship. The Superintendent is responsible for the implementation of the other policies.

4. Evaluation

The Board, in cooperation with the Superintendent, shall evaluate each policy in a timely manner in order to determine if it is meeting its intended purpose.

## Specifically

1. Any trustee, employee group, taxpayer, parent, student or School Council of the District may make suggestions regarding the possible development of a policy or the need for policy revisions on any matter by presenting a proposal for a policy or revisions, in writing, to the Superintendent. The proposal shall contain a brief statement of purpose or rationale.
2. The Superintendent will inform the Board of the request for policy development/revision. The Board will determine the action to be taken.
3. If necessary, the Superintendent or designate will draft amendments to an existing policy or a new policy as the case may be.
4. When appropriate, the Superintendent shall seek legal advice on the intent and the wording of the policy.
5. The policy draft is then brought by the Superintendent to the Board for review.
6. After the Board has determined that a policy is necessary it will direct the Superintendent or designate to prepare a draft policy for its consideration. The Board acknowledges that in certain circumstances, stakeholders affected by a proposed policy may be involved in policy development.
7. Once a draft policy has been considered by the Board it may direct that the document be circulated to stakeholders with an invitation to study the draft and to suggest modifications.
8. The Superintendent or designate will receive feedback to the draft policy and will advise the Board if a further draft is necessary.
9. Once stakeholder comments have been taken into account, the policy will be recommended to the Board for final approval.
10. Only those policies which are adopted and recorded in the minutes constitute the official policies of the Board.
11. In the absence of existing policy, the Board may make decisions, by resolution, on matters affecting the administration, management and operation of the District. Such decisions carry the weight of policy until such time as specific written policy is developed. Those which have continuing applicability shall become part of an existing policy or become a free standing policy as directed by Board motion.
12. The Board may direct the Superintendent to change an administrative procedure to a draft Board policy and will provide the rationale for same.
13. The Superintendent shall develop administrative procedures as specified in Policy 11 – Board Delegation of Authority and may develop such other procedures as deemed necessary for the effective operation of the District. These must be in accordance with Board policies.

14. The Board may also delete a policy and subsequently delegate the Superintendent authority over this area. The Superintendent may choose to then develop an administrative procedure relative to this matter.
15. The Superintendent must inform the Board of any changes to administrative procedures. The AP number and title shall be referenced as an information item in a Board agenda. Tacked changes shall be made accessible on line to trustees for a period of one month following such a change.
16. The Superintendent shall arrange for all Board policies and administrative procedures and subsequent revisions to be posted on the District's website, in a timely manner, for staff and public access.
17. The Board shall review and revise its policies on a rotational basis which provides for all policies being reviewed at least once per term of office.

Legal Reference: Sections 65, 74, 85 School Act

## Policy 11

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### BOARD DELEGATION OF AUTHORITY

The School Act allows for the Board to delegate certain of its responsibilities and powers to others.

The Board authorizes the Superintendent to do any act or thing or to exercise any power that the Board may do, or is required to do, or may exercise, except those matters which, in accordance with provincial legislation, cannot be delegated. This delegation of authority to the Superintendent specifically:

- Includes any authority or responsibility set out in the School Act and regulations as well as authority or responsibility set out in other legislation or regulations;
- Includes the ability to enact Administrative Procedures required to carry out this authority; and also
- Includes the ability to sub-delegate this authority and responsibility as required.

Notwithstanding the above, the Board reserves to itself the authority to make decisions on specific matters requiring Board approval. This reserved authority of the Board is set out in Board policies, as amended from time to time.

Further, the Board requires that any significant new provincial, regional or local initiatives must be initially brought to the Board for discussion and determination of decision-making authority.

#### Specifically

1. The Board expressly delegates to the Superintendent and, at his/her discretion, a designate, the authority to discipline, suspend or dismiss an employee, subject to the limitations of legislation, collective or contractual agreements and Board policy. Any suspensions or dismissals shall be reported to the Board as soon as practicable.
2. The Superintendent is directed to develop an Administrative Procedure to fulfill Board obligations created by any federal or provincial legislation.

Legal Reference: Sections 22, 65(2)c, 74, 85 School Act

## Policy 12

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# ROLE OF THE SUPERINTENDENT

### Background

The Superintendent is the Chief Executive Officer of the District. The Superintendent reports directly to the corporate Board and is accountable to the Board of Education for the conduct and operation of the District. All Board authority delegated to the staff of the District is delegated through the Superintendent.

### Specific Areas of Responsibility

1. Student Learning
  - 1.1 Provides leadership in all matters relating to education in the District.
  - 1.2 Support instructional strategies, assessment and resources that reflect mission, vision and values.
  - 1.3 Implements directions established by the Minister.
  - 1.4 Ensures that learning environments contribute to the development of skills and habits necessary for the world of work, post-secondary studies, life-long learning and positive citizenship.
  - 1.5 Reports annually on student results achieved.
2. Student Welfare
  - 2.1 Ensures that students are provided with a safe and caring environment that encourages respectful and responsible behaviour.
  - 2.2 Ensures the safety and welfare of students while participating in school programs or while being transported to or from school programs on transportation provided or approved by the District.
  - 2.3 Ensures the facilities safely accommodate District students.
3. Fiscal Responsibility
  - 3.1 Ensures the fiscal management of the District is in accordance with the terms or conditions of any funding received by the Board under the School Act or any other Act or regulation.
  - 3.2 Ensures the District operates in a fiscally responsible manner, including adherence to recognized accounting procedures.
  - 3.3 Prepares and presents the budget which reflects Board priorities.
  - 3.4 Ensures the Board has current and relevant financial information.

4. Personnel Management
  - 4.1 Has overall authority and responsibility for all personnel-related matters, except the mandates for collective bargaining and those personnel matters precluded by legislation, collective agreements or Board policy.
5. Policy/Administrative Procedures
  - 5.1 Provides support to the Board regarding the planning, development, implementation and evaluation of Board policies.
  - 5.2 Develops and keeps current an Administrative Procedures Manual that is consistent with Board policy and provincial policies, regulations and procedures.
6. Superintendent/Board Relations (“The First Team”)
  - 6.1 Respects and honours the Board’s role and responsibilities and facilitates the implementation of that role as defined in Board policy.
  - 6.2 Provides the information and counsel which the Board requires to perform its role.
  - 6.3 Attends all Board meetings and makes recommendations on matters requiring Board action by providing accurate information and reports as are needed to ensure the making of informed decisions.
7. Strategic Planning and Reporting
  - 7.1 Leads the development and implementation of the strategic planning process.
  - 7.2 Involves the Board appropriately (Board identification of priorities and key results, and final Board approval of the plan in conjunction with the annual budget).
  - 7.3 Reports at least annually on results achieved.
8. Organizational Leadership and Management
  - 8.1 Promote at all times a high standard of collaborative professional leadership, effective human relations, and a spirit of education innovation and advancement throughout the district.
  - 8.2 Demonstrates effective organizational skills
  - 8.3 Reports to the Minister with respect to matters identified in and required by the School Act and provincial legislation.
  - 8.4 Reviews, modifies and maintains an organizational chart which accurately delineates lines of authority and responsibility.
  - 8.5 Acts as or assigns the head of the organization for the purposes of the Freedom of Information and Protection of Privacy (FOIP) Act and adopt the schedule of fees in the FOIPP Regulation as permitted under Section 75(1) of the Act..
9. Communications and Community Relations
  - 9.1 Takes appropriate actions to ensure open, transparent, positive internal and external communications are developed and maintained.
  - 9.2 Takes appropriate actions to ensure parents have a high level of satisfaction with the services provided and the responsiveness of the District within policy and budgetary constraints

- 9.3 Maintains effective relationships within the District and the community served.
- 9.4 Keeps the Board informed through the provision of appropriate accountability reports.

#### 10. Leadership Practices

- 10.1 Practices leadership in manner that is viewed positively and has the support of those with whom the Superintendent works most directly in carrying out the directives of the Board and the Minister.

Legal Reference: Section 22, 85 School Act

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## Policy 12 – Appendix A

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# SUPERINTENDENT EVALUATION PROCESS CRITERIA AND TIMELINES

### Evaluation Process

Provides for both accountability and growth, and the strengthening of the relationship between the Board and the Superintendent. The written evaluation report will affirm specific accomplishments and identify growth areas where applicable. Some growth goals may address areas of weakness while others will identify areas where greater emphasis is required due to changes in the environment.

1. Provides for an annual written evaluation of the Superintendent's performance.
2. Highlights the key role of the Superintendent as the Chief Education Officer for the District to enhance student learning and success for all children.
3. Recognizes that the Superintendent is the Chief Executive Officer. The Superintendent is held accountable for work performed primarily by other senior administrators, e.g., fiscal management.
4. Emphasizes the need for and requires the use of evidence for evaluation purposes. Evaluations are most helpful when the evaluator provides concrete evidence of strengths and/or weaknesses. The Performance Assessment Guide identifies quality indicators (QI), which describe expectations in regard to each assigned role expectation (RE).
5. Is aligned with and based upon the Superintendent's roles and responsibilities. The Board policy (Policy 12) is consistent with this evaluation document.
6. Is linked to the District's Strategic Plan and the key results contained therein.
7. Sets out standards of performance. The quality indicators (QI) in the Performance Assessment Guide set out initial standards. When growth goals are identified, additional standards will need to be set to provide clarity of expectations and a means of assessing performance.
8. Is also a performance-based assessment system. Such an evaluation focuses on improvement over time. The second and subsequent evaluations include an assessment of the Superintendent's success in addressing growth areas identified in the previous evaluation.
9. Uses multiple data sources. Objective data such as audit reports, accountability reports, and student achievement data are augmented with more subjective data.
10. Elicits evidence to support subjective assessments. This must be the case when the Board provides feedback regarding Board agendas, committee and Board meetings, etc.

11. Ensures Board feedback is provided regularly. Such feedback will be timely, provided annually, supported by specific examples and will focus on areas over which the Superintendent has authority. The Superintendent cannot be held accountable for areas over which he has not been given authority.

The Superintendent will maintain an electronic evidence binder which will be provided to the Board approximately one week prior to the evaluation workshop. The purpose of the evidence binder is to provide evidence that the quality indicators identified in Appendix B have been achieved. Therefore, evidence will be organized in regard to the quality indicators.

The Board and the Superintendent will be present during the facilitated evaluation session. The Superintendent will be invited to ensure the Board has full information and may choose to enter into discussion to ensure the evidence provided has been understood. The Superintendent will only be absent from the room just prior to the evaluation and for the period when the Board constructs the conclusion section. The evidence examined will be in the form of internal reports or external reports. An external report is one from an external source such as an auditor or the consultant who would conduct Leadership Practices interviews. An internal report is one that comes through the Superintendent. A prime example would be a personnel Management accountability report. The Board will review the indicated evidence and determine whether, or to what extent, the quality indicators have been achieved. In addition, the corporate Board will supplement the evidence contained in the evidence portfolio with agreed-upon direct Board observations. For example, this would be most evident in the section Superintendent/Board Relations.

During the evaluation workshop, a written evaluation report will be facilitated by the external consultant, which will document:

- The evaluation process;
- Evaluation context;
- Assessments relative to the criteria (quality indicators) noted in Appendix B;
- An examination of progress made relative to any growth goals or redirections identified in the previous year's evaluation;
- Identification of any growth goals if deemed appropriate for the coming year; and
- A "conclusion" section, followed by appropriate signatures and dates.

The assessments contained in the evaluation report will reflect only the corporate Board position. This report will be approved by Board motion. The actual report is a confidential document. A signed copy will be provided to the Superintendent and a second signed copy will be placed in the Superintendent's personnel file held by the District.

### **Evaluation Criteria**

The criteria for the first evaluation will be those set out in Appendix B: the Performance Assessment Guide. In subsequent evaluations, the criteria will be those defined by the Performance Assessment Guide as listed or revised after each evaluation, plus any growth goals provided by the Board in previous written evaluation report(s). Such growth goals may be areas requiring remediation or actions which must be taken to address

trends, issues, or external realities. For the Role Expectation “Leadership Practices”, an external consultant will collect data relative to leadership practices by interviewing all principals and all “direct reports”. “Direct reports” are defined to be those individuals who report directly to the Superintendent on the District’s organizational chart.

Appendix B is the Performance Assessment Guide, which is intended to clarify for the Superintendent the performance expectations held by the corporate Board. This guide is also intended to be used by the Board to evaluate the performance of the Superintendent in regard to each job expectation. The Board will review the indicated evidence and will determine whether, or to what extent, the quality indicators have been achieved.

### **Timelines for Evaluations**

Evaluations will be conducted annually, however the Leadership Practices interviews will be conducted every second year commencing with the 2016-2017 year.

Legal Reference: Section 22, 85 School Act

## Policy 12 – Appendix B

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### SUPERINTENDENT PERFORMANCE ASSESSMENT GUIDE

#### 1. Student Learning

##### Role Expectations:

- RE 1.1 Provides leadership in all matters relating to education in the District.
- RE 1.2 Implements directions established by the Minister.
- RE 1.3 Ensures that learning environments contribute to the development of skills and habits necessary for the world of work, post-secondary studies, life-long learning and citizenship.
- RE 1.4 Reports annually on student results achieved.

##### Quality Indicators relative to Student Learning:

- QI 1.1 Conducts an analysis of student success and ensures school principals develop action plans to address concerns.
- QI 1.2 Identifies trends and issues related to student achievement to inform the strategic planning process, including the implementation of innovative means to improve measurable student achievement.
- QI 1.3 There is measurable improved student achievement over time.
- QI 1.4 Ensures the District's academic results are published.

#### 2. Student Welfare

##### Role Expectations:

- RE 2.1 Ensures that students are provided with a safe and caring environment that encourages respectful and responsible behaviour.
- RE 2.2 Ensures the safety and welfare of students while participating in school programs or while being transported to or from school programs on transportation provided or approved by the District.
- RE 2.3 Ensures the facilities safely accommodate District students.

##### Quality Indicators relative to Student Welfare:

- QI 2.1 Develops measurements and monitors progress relative to providing a safe, inclusive and caring environment.
- QI 2.2 Provides an annual student welfare accountability report.

### 3. Fiscal Responsibility

#### Role Expectations:

- RE 3.1 Ensures the fiscal management of the District is in accordance with the terms or conditions of any funding received by the Board under the School Act or any other Act.
- RE 3.2 Ensures the District operates in a fiscally responsible manner, including adherence to recognized accounting procedures.
- RE 3.3 Prepares and presents the budget which reflects Board priorities.
- RE 3.4 Ensures the Board has current and relevant financial information.

#### Quality Indicators relative to Fiscal Responsibility:

- QI 3.1 Ensures accepted (PSAB) accounting principles are being followed.
- QI 3.2 Ensures all deficiencies identified in the previous audit report and management letter have been remediated to the satisfaction of the auditor.
- QI 3.3 Ensures adequate internal financial controls exist and are being followed.
- QI 3.4 Ensures all collective agreements and contracts are being administered and interpreted so staff and contracted personnel are being paid appropriately and appropriate deductions are being made.
- QI 3.5 Ensures an internal audit process is developed and implemented in regard to school based funds and an annual report provided to the Board.
- QI 3.6 Provides the Board with at least quarterly financial accountability reports
- QI 3.7 Ensures the Board is informed immediately regarding pending litigation.

### 4. Personnel Management

#### Role Expectations:

- RE 4.1 Has overall authority and responsibility for all personnel-related matters, except setting the mandates for collective bargaining and those personnel matters precluded by legislation, collective agreements or Board policy.

#### Quality Indicators relative to Personnel Management:

- QI 4.1 Develops and effectively implements quality recruitment, orientation, staff development, disciplinary, evaluation and supervisory processes.
- QI 4.2 Models commitment to personal and professional growth.
- QI 4.3 Fosters high standards of instruction and professional improvement
- QI 4.4 Provides for training of administrators and the development of leadership capacity within the District.

## 5. Policy/Administrative Procedures

### Role Expectations:

- RE 5.1 Provides support to the Board regarding the planning, development, implementation and evaluation of Board policies.
- RE 5.2 Develops and keeps current an Administrative Procedures Manual that is consistent with Board policy and provincial policies, Regulations and procedures.

### Quality Indicators relative to Policy/Administrative Procedures:

- QI 5.1 Appropriately involves individuals and groups in the administrative procedures development process.
- QI 5.2 Takes leadership in bringing policies to the Board for review.
- QI 5.3 Ensures system adherence to policies and administrative procedures.
- QI 5.4 Demonstrates a knowledge of and respect for the role of the Board in policy processes.

## 6. Superintendent/Board Relations (“The First Team”)

### Role Expectations:

- RE 6.1 Respects and honours the Board’s role and responsibilities and facilitates the implementation of that role as defined in Board policy.
- RE 6.2 Provides the information and counsel which the Board requires to perform its role.
- RE 6.3 Attends all Board meetings and makes recommendations on matters requiring Board action by providing accurate information and reports as are needed to ensure the making of informed decisions.

### Quality Indicators relative to Superintendent/Board Relations (“The First Team”):

- QI 6.1 Implements Board decisions with integrity in a timely fashion.
- QI 6.2 Interacts with the Board in an open, honest, proactive and professional manner.
- QI 6.3 Provides the Board with balanced, sufficient, concise information and clear recommendations in agendas.
- QI 6.4 Ensures Board agendas are prepared and distributed to trustees in sufficient time to allow for appropriate trustee preparation for the meeting.
- QI 6.5 Keeps the Board informed on sensitive issues in a timely manner.
- QI 6.6 Ensures high-quality management services are provided to the Board.
- QI 6.7 Acts in accordance with all provisions of the Board-Superintendent/CEO contract

## 7. Strategic Planning and Reporting

### Role Expectations:

- RE 7.1 Leads the development and implementation of the Strategic planning process.
- RE 7.2 Involves the Board appropriately (Board identification of priorities and key results, and final Board approval of the plan in conjunction with the annual budget).
- RE 7.3 Reports at least annually on results achieved.

### Quality Indicators relative to Strategic Planning and Reporting:

- QI 7.1 Ensures key results identified by the Board are achieved.
- QI 7.2 Ensures the strategic planning process involves opportunity for stakeholder input.
- QI 7.3 Ensures facility project budgets and construction schedules are followed or timely variance reports are provided to the Board.

## 8. Organizational Management

### Role Expectations:

- RE 8.1 Demonstrates effective organizational skills
- RE 8.2 Reports to the Minister with respect to matters identified in and required by the School Act and provincial legislation.
- RE 8.3 Reviews, modifies and maintains an organizational chart which accurately delineates lines of authority and responsibility.
- RE 8.4 Acts as or delegates the head of the District for the purposes of the Freedom of Information and Protection of Privacy (FOIP) Act and adopt the schedule of fees in the FOIPP Regulation as permitted under Section 75(1) of the Act.

### Quality Indicators relative to Organizational Management:

- QI 8.1 Ensures District compliance with all Ministry mandates (timelines and quality).
- QI 8.2 Identifies trends and issues related to organizational effectiveness and makes recommendations for the implementation of innovative means to improve effectiveness.

## 9. Communications and Community Relations

### Role Expectations:

- RE 9.1 Takes appropriate actions to ensure open, transparent, positive internal and external communications are developed and maintained.
- RE 9.2 Takes appropriate actions to ensure parents have a high level of satisfaction with the services provided and the responsiveness of the District within policy and budgetary constraints

RE 9.3 Maintains effective relationships within the District and the community served.

RE 9.4 Keeps the Board informed through the provision of appropriate accountability reports.

Quality Indicators relative to Communications and Community Relations:

QI 9.1 Facilitates effective home-school relations.

QI 9.2 Manages conflict effectively.

QI 9.3 Ensures information is disseminated to inform appropriate publics.

QI 9.4 Works cooperatively with the media to represent the Board's views/positions.

QI 9.5 Promotes positive public engagement in the District.

QI 9.6 Represents the District in a positive, professional manner.

#### 10. Leadership Practices (Every second Year commencing with 2016-2017)

Role Expectations:

RE 10.1 Practices leadership in manner that is viewed positively and has the support of those with whom the Superintendent works most directly in carrying out the directives of the Board and the Minister.

Quality Indicators relative to Leadership Practices:

QI 10.1 Provides clear direction.

QI 10.2 Provides effective educational leadership.

QI 10.3 Establishes and maintains positive, professional working relationships with staff.

QI 10.4 Unites people toward common goals

QI 10.5 Demonstrates a high commitment to meeting student needs.

QI 10.6 I trust the Superintendent.

QI 10.7 Empowers others.

QI 10.8 Effectively solves problems.

Legal Reference: Section 22, 85 School Act ,  
Section 75(1) and 77 Freedom of Information Protection of Privacy Act,  
Freedom of Information Protection of Privacy Regulation.

## **INTERVIEW GUIDE SUPERINTENDENT LEADERSHIP PRACTICES**

Perceptions of Principals and Superintendent “Direct Reports”

1. What evidence can you cite to support or refute the following:
  - 1.1 The Superintendent provides clear direction?
  - 1.2 The Superintendent provides effective educational leadership?
  - 1.3 The Superintendent establishes and maintains positive, professional working relationships with staff?
  - 1.4 The Superintendent unites people toward common goals.
  - 1.5 The Superintendent demonstrates a high commitment to meeting student needs?
  - 1.6 I trust the Superintendent?
  - 1.7 The Superintendent empowers others?
  - 1.8 The Superintendent effectively solves problems?
2. What does the Superintendent do, if anything, that helps you do your job effectively?
3. What does the Superintendent do, if anything, that makes doing your job more difficult to do effectively?

## Policy 13

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### **APPEALS BYLAW** **(A bylaw to establish the procedure for appeals under** **Section 11 of the School Act)**

The right of appeal under Section 11 of the School Act extends to decisions, which significantly affect the education, health or safety of a student. This Section requires that Boards establish a procedure, which, by law, enables a student and/or parents or guardians of a student to appeal a decision made by an employee of the Board which significantly affects the education, health or safety of a student. It also provides for decisions made by Boards under Section 11 to be appealed to Superintendents of Achievement.

The failure of an employee(s) to make a decision shall be deemed a decision for the purpose of initiating an appeal.

In the spirit of administrative fairness, the New Westminster Board of Education welcomes members of its educational community to express their questions, complaints or concerns to the appropriate authority.

It is the position of the New Westminster Board of Education that, in most cases, an appeal should be preceded by an appropriate consultative and problem-solving sequence, but that such procedures should in no way constitute a barrier to an appeal or a final recourse to the New Westminster Board of Education. The Board generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises. The normal channel shall be from complainant to employee to the employee's immediate supervisor, to the appropriate District Office administrator, and thence through the Superintendent to the Board.

1. The following decisions shall be deemed to significantly affect the education, health or safety of a student:
  - 1.1 Disciplinary suspension from school for a period in excess of five (5) consecutive days;
  - 1.2 Exclusion from school for a health condition;
  - 1.3 Placement in an educational program (this does not refer to classroom or teacher preference);
  - 1.4 Grade promotion or graduation;
  - 1.5 Refusal to offer an educational program to a non-graduated student sixteen (16) years of age or older; and,
  - 1.6 Any other decision that significantly impacts the present or future educational program of the student.

If the Superintendent denies the appellant the right of appeal, reasons for the decision denying the right of appeal must be given to the appellant in writing. The Superintendent will inform the appellant of the role of the Ombudsperson.

## 2. Written Notice of Appeal

Every appeal to the New Westminister Board of Education (Step 6) must be initiated by a written *Notice of Appeal* form. This form may be obtained from the school or school board office or from the district website, [www.sd40.bc.ca](http://www.sd40.bc.ca) It must be completed in full and submitted to the Superintendent. Assistance required in filling out this form is available upon request from the Superintendent's office.

## 3 The Appeal Process

Upon receipt of the *Notice of Appeal* form (Step 6), the Superintendent will inform the appellant in writing of the steps in the appeal process.

All steps in the appeal process must proceed in a timely manner.

Throughout the appeals process, the appellant and the employee(s) whose decision is being appealed must receive all documentation and appropriate information generated at each step within a reasonable length of time and be informed of the progress of the appeal at each step.

*NOTE: The appellant may choose to be accompanied by a support person of their choice throughout the entire appeals process and the employee(s) may choose to bring union representation where applicable. Where language may be a barrier, interpretation services may be provided upon request.*

### 3.1 STEP ONE:

3.1.1 The appellant shall meet with the employee(s) involved with the decision.

***If there is no resolution, go to STEP TWO.***

### 3.2 STEP TWO:

3.2.1 The appellant shall meet with the principal or designate and the employee(s) whose decision is being appealed. This meeting shall include the following:

3.2.1.1 A report by the employee(s) indicating the decision and the rationale for the decision will be reviewed.

3.2.1.2 Other District personnel and/or outside agency personnel may be requested to attend the meeting for consultation purposes.

3.2.1.3 If there is no resolution, the principal or designate will notify the Assistant Superintendent or the Director of Instruction and will forward all available documentation

3.2.1.4 The principal or designate will review with the appellant all steps in the appeals process as set forth by this Bylaw.

3.2.1.5 The principal or designate will ensure the appellant receives a copy of all documentation and appropriate information that is being forwarded to the Assistant Superintendent or Director of Instruction.

### 3.3 **OPTIONAL STEP THREE: Appeal Sub-Committee:**

- 3.3.1 As an alternative to the Steps Four and Step Five in the appeals process, the Superintendent or designate, with agreement from the appellant, may refer the matter to an Appeal Sub-Committee consisting of: One (1) Assistant Superintendent or Director of Instruction and two (2) Principals and/or Vice-Principals
- 3.3.2 When an appeal is referred to the Appeal Sub-Committee, the Secretary-Treasurer shall set a time, date and place for this purpose and shall give notice in writing to the appellant and the employee(s) whose decision is being appealed. With this notice, the appellant and employee(s) whose decision is being appealed must receive copies of all documentation and appropriate information.
- 3.3.3 The Appeal Sub-Committee may invite oral or written submissions from the appellant and the employee(s) whose decision is being appealed. The appellant may choose to be accompanied by a support person of their choice and the employee(s) may choose to bring union representation where applicable. Where language may be a barrier, interpretation services may be provided upon request.
- 3.3.4 The Appeals Sub-Committee will recommend a decision on the appeal to the Superintendent.
- 3.3.5 The Superintendent shall promptly notify the appellant in writing of the Appeal Sub-Committee's recommendations and the reasons for the recommendations.
- 3.3.6 ***If the issue is not resolved by the Appeals Sub-Committee, then the issue may be taken to Step Six.***

### 3.4 **STEP FOUR:**

- 3.4.1 The appellant shall meet with the Assistant Superintendent or Director of Instruction who will review all the information relevant to the decision on the matter. At this meeting, the Assistant Superintendent or Director of Instruction:
  - 3.4.1.1 May request the presence of other staff or outside personnel as consultants. The appellant must be notified in writing and in advance of the meeting of the names of the people to be in attendance at the meeting.
  - 3.4.1.2 Will strive for a resolution of the appeal based on the review of the information available.
  - 3.4.1.3 Will document the proceedings of the meeting.
  - 3.4.1.4 Communicate the resolution and the reasons for it in writing to the appellant and to the employee(s) whose decision is being appealed.
  - 3.4.1.5 If there is no resolution, the Assistant Superintendent or Director of Instruction will forward all documentation to the Superintendent of Schools

- 3.4.1.6 The Assistant Superintendent or Director of Instruction will ensure that the appellant receives a copy of documentation and appropriate information that is being forwarded to the Superintendent of schools.

### 3.5 **STEP FIVE:**

- 3.5.1 The Superintendent of schools will gather all information relevant to the appeal and will meet with the appellant to resolve the appeal. If there is no resolution, the Superintendent of schools will notify the Board Chair that the appellant requests to take the appeal to the Board of Education.

### 3.6 **STEP SIX:**

- 3.6.1 The Board of Education will receive and review information pertaining to the appeal as follows:
  - 3.6.1.1 The Superintendent shall provide the Board of Education with all documentation and appropriate information with an explanation of the steps in the appeals process undertaken.
  - 3.6.1.2 The Board of Education, after reviewing the pertinent information and documents surrounding the decision, shall decide if an appeal hearing is appropriate.
  - 3.6.1.3 If an appeal hearing is deemed not to be appropriate, the Board of Education or designate will notify in writing the appellant and the employee(s) whose decision is being appealed of the reasons for that decision.
  - 3.6.1.4 If an appeal hearing is granted, the Board of Education will notify in writing the appellant and the employee(s) whose decision is being appealed of the time and date that it is to take place. In the case of a hearing, reasonable time limits must be given to both the appellant and the employee(s) whose decision is being appealed. Opportunity must be given to the appellant to have his/her story heard and to ensure that all relevant information has been considered.
  - 3.6.1.5 As in all previous steps in the appeals process, the appellant may be accompanied by a support person of their choice and the employee(s) whose decision is being appealed may bring union representation where applicable. Where language may be a barrier, interpretation services may be provided upon request.
  - 3.6.1.6 The Board of Education must confine its deliberations to the decision being appealed.
  - 3.6.1.7 The Board of Education shall make a decision and that decision shall be deemed the final decision of the Board.
- 3.6.2 In considering appeals of employee decisions, the Board shall consider:
  - 3.6.2.1 Whether the decision appealed is in accordance with legislation, Board policies and procedures;

3.6.2.2 Whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;

3.6.2.3 Whether the decision is reasonable in the circumstances in that the evidence presented is capable of supporting the decision ;  
and

3.6.2.4 Whether there are special circumstances that would warrant making an exception to a Board policy.

3.6.3 The Board of Education shall notify the appellant in writing of the decision. At the same time, the decision and reasons for the decision shall be communicated in writing to the appellant and the employee(s) whose decision led to the appeal.

#### 4 Protection from Reprisals

The Board of Education will not tolerate any direct or indirect form of reprisal as a result of the initiation or outcome of an appeal. Where there is evidence of reprisal, the Superintendent shall take immediate steps to remedy the situation.

#### 5 Review Process

Each appellant and each employee(s) whose decision has been appealed will be given the opportunity to provide feedback on their experience with the appeal process. This feedback will be used when reviewing this Bylaw and when developing new procedures to ensure that the appeals process remains balanced and fair.

#### 6 Avenues Beyond the Appeals Process

If the appellant wishes to appeal the Board's decision, the appellant may contact the Superintendent of Achievement under Section 11.1 of the *School Act: Appeals to the Superintendent of Achievement*. Copies of Section 11 (including 11.1 to 11.7) of the *School Act* will be made available to the appellant upon request or may be found at [www.bced.gov.bc.ca/student\\_appeals](http://www.bced.gov.bc.ca/student_appeals)

Legal Reference: Sections 6, 11, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 22, 26, 68, 85, 91 School Act  
Regulation 24/08 – Appeals Regulation  
Administrative Tribunals Act  
Collective Agreement

## Policy 14

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### CONSOLIDATION AND/OR CLOSURE OF SCHOOLS

The Board of Education of School District No. 40 (New Westminister) recognizes that, from time to time, circumstances may necessitate consideration of consolidation and/or closure of schools. The intent of any proposed consolidation and/or closure of facilities is to ensure that Board facilities are used as cost effectively as possible in order that educational resources are focused on programs and services that directly support students.

The Board of Education also recognizes that the number and location of schools must reflect a balance between education program needs and operational efficiency and must be considered within the available resources.

The Board will receive data pertinent to the educational and economic impact of declining and/or shifting enrollment on the organization of the schools. Should the data indicate an area to be studied for reorganization, the Board will initiate a process of discussion and consultation with parents, staff and the community in accordance with this policy. The Board will then make a decision on the reorganization of schools based on the preceding process so that any school closure or grade reconfiguration necessary would be effective June 30 of a particular year.

#### Specifically

1. The Superintendent may recommend to the Board at a meeting in October, consideration of schools for closure or grade reconfiguration.

The Superintendent, in making a recommendation for consideration for closure or grade reconfiguration will assess the following factors:

- 1.1 Breadth of programing possible;
- 1.2 Safety of access for students;
- 1.3 Class size;
- 1.4 Accommodation and suitability of program offerings available in nearby schools;
- 1.5 Decline in student enrollment projections;
- 1.6 Age, operation and maintenance costs of the facility, including the need for seismic upgrades;
- 1.7 Funding formula considerations;
- 1.8 Alternate potential uses of a facility that could create additional revenue for the District or could improve community services; and,
- 1.9 Parental and community support for the school.

In making its decision, the Board shall consider the aforementioned factors.

2. The Board will consider the information and recommendation provided by the Superintendent and either:
  - 2.1 Conclude that no action or further study is required, or
  - 2.2 Forward the information to the Operations Policy and Planning Committee.
3. The Operations Policy and Planning Committee shall review the materials and provide its recommendations to the Board no later than January 15 of the following calendar year.
4. The Board will review the recommendations from the Operations Policy and Planning Committee and either
  - 4.1 Conclude that no action or further study is required, or
  - 4.2 Initiate discussion and consultation with parents, staff and the community.

#### Public Consultation Process

Community awareness of possible school consolidations and/or closures is a priority of the Board.

5. Discussion and consultation must be initiated by February 1 and concluded not later than April 1 and will include the following provisions:
  - 5.1 As per Ministerial Order 194/08 (M194/08) , the public consultation process shall include:
    - 5.1.1 A fair consideration of the community's input and adequate opportunity for the community to respond to a board's proposal to close the school permanently;
    - 5.1.2 Consideration of future enrolment growth in the district of persons of school age, persons of less than school age and adults; and
    - 5.1.3 Consideration of possible alternative community use for all or part of the school.
  - 5.2 The Board shall forward information initially provided by the Superintendent and an invitation to the NWTU and CUPE 409, the Parents' Advisory Council(s), and the New Westminister city council for their input.
  - 5.3 The Board shall inform the public through parent newsletters and notices, meetings with employees, notice to rental groups, notices in local newspapers, and information posted on the school district website. The school(s) being considered for consolidation and/or closure and the proposed effective date shall be specified.

The proposed consolidation and/or closure will be addressed and discussed in a public meeting involving the affected communities. The time and location of the public meeting shall be widely advertised to notify affected persons or groups in the community. This will mean written notification to parents of students currently attending and registered to attend the school, a notice in the local newspaper, notices to neighboring schools, Parent Advisory Councils, DPAC, Board Committees, employee groups and information posted on the School District website.

- 5.4 The Board will make available, in writing, the rationale for the proposed school consolidation and/or closure, including, but not limited to, the pertinent facts and information with respect to the following factors:
  - 5.4.1 The number of students who would be affected at both the school to be consolidated and/or closed and the surrounding schools;
  - 5.4.2 Enrolment trends and utilization for the school and surrounding area;
  - 5.4.3 Availability of space at receiving schools;
  - 5.4.4 Proximity to potential receiving schools and the routes to schools;
  - 5.4.5 Educational program/course implications for the affected students;
  - 5.4.6 Financial considerations including anticipated cost savings and/or revenue generation, not excluding the possibility of sale or lease and
  - 5.4.7 Impact on the School District's annual five-year capital plan submitted to the Ministry of Education.
- 5.5 Minutes will be kept of the public meeting to record concerns or options raised regarding the proposed consolidation and/or closure. The Board shall provide an opportunity for affected persons to submit written responses to the Board regarding the proposed consolidation and/or closure. Following the public meetings and receipt of written submissions, the Board will give consideration to all input prior to making its final decision with respect to the school consolidation and/or closure, including:
  - A fair consideration of the community's input;
  - Consideration of future enrolment growth in the district of persons of school age, persons of less than school age and adults and
  - Consideration of possible alternative use for all or part of the school.
6. The final decision on a school consolidation and/or closure will be made through the first, second and third (final) reading of a School Consolidation and/or Closure Bylaw at a public Board meeting.
7. If a board decides to permanently close a school under section 73 of the *School Act*, the board must, without delay, provide the Minister with written notification of the decision containing the following information:

- The schools' name,
  - The school's facility number,
  - The school's address and
  - The date on which the school will close.
8. The consolidation and/or closure of a school will normally take place in preparation for the commencement of the new school year.
9. By April 30, the Board will consider the information received and decide if a facility is to be closed or reorganized on June 30 for the following September.

Legal Reference: Sections 22, 65, 73, 85, 96, 100 School Act  
Section 23 Ombudsman Act  
School Opening and Closure Order M320-02  
Disposal of Land or Improvement Order M233/07

## Policy 15

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### RECRUITMENT AND SELECTION OF PERSONNEL

The Board is committed to providing equal employment opportunity for all individuals in every aspect of personnel practice including recruitment, selection and promotion, and to establishing an educational work force (administrative, professional and support) that is reflective of both the ethnic and gender make-up of the New Westminster community.

The Board reserves the sole authority to recruit and select an individual for the position of Superintendent. Further the Board has designated the Superintendent of Schools as Chief Executive Officer for the District. The Superintendent of Schools/CEO has sole authority for recruiting and selecting all other staff within existing legislation, budget allocations and collective agreements.

#### Specifically

1. The Superintendent will make reasonable effort to ensure that all current District employees are made aware of administrative vacancies.
2. Vacant positions carrying administrative or District leadership responsibility shall be advertised within and outside the District, except where the position is filled by transfer or re-assignment in which case the Superintendent shall inform the Board prior to finalizing the transfer or reassignment.
3. The Superintendent shall ensure current job descriptions are in place for each member of the senior administrative team and that appropriate performance evaluations are completed in a timely manner.
4. Appropriate placement and transfer practices for principals/vice-principals are to enhance effective utilization and skills and abilities and the professional growth of individuals. These objectives can best be achieved through the provision of some variety of school assignment over a period of years, and the best possible matching of known administrator strengths to identified current needs of a particular school.
5. In the event of an unexpected or short-term vacancy, the Superintendent may appoint an 'Acting Principal' or 'Acting Vice-Principal' or acting central office assignment without going through a formal selection process.
6. All offers of employment shall be conditional on the successful applicant providing a criminal records check through the Criminal Records Review Program (Ministry of Public Safety and Solicitor General).

Legal Reference: Sections 15, 19, 20, 21, 22, 23, 24, 65, 85 School Act

## Policy 16

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### **ACKNOWLEDGING TRADITIONAL TERRITORY**

The Board of Education of School District No. 40 (New Westminister) believes that Acknowledging Traditional Territory is a way to honour and show respect to the original inhabitants of this land. This practice enables the wider school and district community to share in Aboriginal cultures, and leads to better relationships and understandings. Observing this practice connects participants with the traditional territory, and provides a welcoming atmosphere to the land where people are gathering.

Any school district staff may Acknowledge the Traditional Territory. It is not necessary to have an Aboriginal person from the territory do the acknowledgement. However, the only people who would “Welcome” guests to the territory are the First Nations people who are traditionally/originally from the territory.

Acknowledging Traditional Territory is performed at graduation and other large celebrations, such as assemblies, Board meetings and facility openings. For some of these events, staff may consider inviting a member of the local First Nation to perform a Welcome instead of an Acknowledgement of the Traditional Territory.

The Acknowledgement of Traditional Territory or Welcome would usually be the first item on the agenda. :

"The New Westminister School District recognizes and acknowledges the Qayqayt First Nation, as well as all Coast Salish peoples, on whose traditional and unceded territories we live, we learn, we play and we do our work".

Legal Reference: Section 85 School Act

## Policy 17

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# GENDER AND SEXUAL DIVERSITY INCLUSION POLICY

### Rationale

A responsive and safe school environment is necessary for students to learn and achieve high academic standards. Discrimination is not part of such an environment. As students learn by example, all members of the school community shall model respectful conduct regardless of perceived differences and should refuse to tolerate any form of discrimination.

### Acceptance

Acceptance means the recognition and approval of groups or individuals regardless of race, religion, colour, ethnicity, place of origin, language, age, disability, social-economic status, gender identity, gender expression and sexual orientation.

Acceptance means the exclusion of harassment, including any negative or adverse conduct, comment, gesture or contact and systemic barriers based on the above grounds. This conduct is harmful and can create a working or learning environment that is intimidating, humiliating or uncomfortable. Any behaviour that is known, or reasonably should be known, to be offensive must never be tolerated.

### Action

1. The Board of Education is committed to creating and maintaining an environment free from all forms of discrimination. The Board of Education does not and shall not tolerate any conduct of discrimination toward any individual or group including students, employees, trustees, parents, guardians and volunteers.
2. The Board of Education is committed to creating and maintaining an environment which promotes respect for human rights, ensures equality of opportunity and actively supports diversity.
3. The Board of Education will create and maintain a special committee to make recommendations to the board to ensure the policy is relevant, meaningful, and remains current.

### Policy Statement

1. School and District Culture

To create a school and district culture which supports diversity, including a welcoming learning and working environment for everyone, regardless of sexual orientation and gender identity:

- 1.1 The Board of Education expects all staff to model respectful, tolerant conduct, regardless of perceived differences.
  - 1.2 The Board of Education and District Administration shall take a leadership role in promoting an awareness of the scope and impact of discrimination.
  - 1.3 Schools shall encourage and support activities promoting respect for human rights and the celebration of diversity.
  - 1.4 Principals, Vice-principals, teachers and other staff and student leaders should consult with all students (inclusive of all sexual orientations and gender identities) and their designated support groups and take concrete actions to make schools more welcoming, inclusive and safer places.
  - 1.5 School rules and Codes of Conduct shall include expectations for student behaviour that shall include anti-discrimination language.
  - 1.6 Upon hearing any discriminatory language or witnessing any discriminatory behaviour, school staff shall take appropriate action.
  - 1.7 Students and parents shall be informed that all discriminatory acts must be reported to staff and those reports will be treated respectfully and seriously.
  - 1.8 Where it is determined that a student has committed a discriminatory act, the principal shall be informed and undertake disciplinary action. This action will include an educational component focused on the impact of discrimination.
  - 1.9 Where it is determined that a Board employee has committed a discriminatory act, the employee's immediate supervisor shall take disciplinary action in accordance with the employee's collective agreement. Additionally, the disciplinary action will include an educational component which focuses on understanding the impact of discrimination.
  - 1.10 Where it is determined that a student or staff member has been the victim of discrimination, the principal and parents (where appropriate) shall be informed and support will be offered.
  - 1.11 The Board of Education and the Superintendent of Schools shall ensure that all members of the school and district community are aware of this policy and regulation.
2. Learning and Curriculum Resources
- 2.1 Whenever possible, learning and curriculum resources shall emphasize universal human themes that acknowledge human diversity as an essential and enriching element of our society.
  - 2.2 The learning and curriculum resources shall, when appropriate, provide students with opportunities to become familiar with diversity.

- 2.3 An awareness of the scope and impact of discrimination and the expectation that students will treat each other respectfully despite differences shall, whenever appropriate, be integrated into the curriculum.
  - 2.4 Librarians shall review materials prior to use in our libraries to identify areas of bias.
  - 2.5 The Board of Education and District Administration, when appropriate, shall promote opportunities for staff to increase their knowledge and skills in promoting respect for human rights, sexual orientation and gender identities in supporting diversity.
  - 2.6 Principals and Vice-principals, whenever possible and permitted by law, shall allow requests made by a parent/guardian to change a student's official record to reflect the preferred name and/or gender identity on class lists.
  - 2.7 Principals and Vice-principals shall allow students to dress in a manner consistent with their gender and identity.
3. Safety Issues for All Sexual Orientations and Gender Identities
- 3.1 The Board of Education shall create and maintain a committee to explore and make recommendations to the Board of Education regarding safety issues for sexual minorities.
  - 3.2 The committee shall include members of the Board of Education, district and school administration, teaching and support staff, parents and students.
  - 3.3 The committee will be charged with looking at all aspects of safety, in relation to sexual orientations and gender identities, of students in schools.
  - 3.4 The Board of Education recognizes and values the diversity found within its school communities and believes that each individual contributes to the strength of the district's culture.
  - 3.5 The Board of Education recognizes that some of our students (inclusive of all sexual orientations and gender identities) may face challenges within our schools and communities. Individuals who are, or are perceived to be, gender variant or questioning their sexual orientation, as well as their families, are frequently the targets of homophobic, transphobic or heterosexist behaviours. This often results in a struggle with a variety of profound social consequences including discrimination, harassment, physical and sexual violence, social and emotional isolation, substance abuse, homelessness, school truancy and dropping-out, self-harm and suicide.
4. Education
- 4.1 That the Board of Education and District Administration shall promote opportunities for staff to increase their awareness of the scope and impact of discrimination against students due to their sexual orientation/gender identity.
  - 4.2 That the Board of Education and District Administration shall promote opportunities for staff to increase their knowledge and skills in developing respect for, as well as

eliminating discrimination against students due to their sexual orientation/gender identity.

- 4.3 That schools will be expected to support age-appropriate activities which promote respect and strive to reduce discrimination in our schools and communities.
- 4.4 That the Board of Education and School Administrations work through PACs and DPAC to increase parental awareness of topics stemming from sexual orientations/gender identities.

## 5. Safety

- 5.1 That every school staff actively continues to take steps to eliminate language and conduct which discriminates against all persons.
- 5.2 That all schools have student Codes of Conduct which clearly state that discrimination on the basis of gender identity, gender expression or sexual orientation is prohibited.
- 5.3 That schools document incidents of violence or discrimination against students in their schools and submit monthly reports to the Superintendent of Schools.

## 6. Support

- 6.1 That the use of washrooms and change rooms shall be assessed on a case-by-case basis ensuring the student's safety and comfort.
- 6.2 That students shall have the opportunity to create support systems in their schools to address sexual orientation and gender identity issues.
- 6.3 That the Board of Education issues an annual public statement promoting and supporting school clubs such as Social Justice or Gay/Straight Alliance Clubs for all youth.
- 6.4 That schools be encouraged to promote and support school clubs such as Social Justice or Gay/Straight Alliance Clubs for their youth.
- 6.5 That community resources for students of all sexual orientations and gender identities be displayed in schools.

Legal Reference: Section 85 School Act

## Policy 18

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### **BOARD OF EDUCATION ELECTION PROTOCOL**

Trustees and Trustee Candidates shall not use students, schools or school district property in any manner in their campaign for election to the Board of Education.

Trustees and Trustee Candidates shall not campaign on School District property.

#### School Visits by Candidates

Requests by Trustee Candidates to visit schools for the purpose of campaigning are not permitted. When a member of the Board of Education attends a school event, he/she shall be introduced as a Trustee but no comments may be voiced regarding the election campaign. Should a Candidate choose to attend a school event, the candidate may be introduced by name only without reference to the trustee election.

#### All Candidates Meetings

While recognizing the value of All Candidates Meetings anyone organizing an All Candidates Meeting in a building owned by the District must book the space through the School District's facility rentals in order to host such an event.

#### Distribution of Board of Education Election Campaign Materials

No trustee election campaign ads or materials may be distributed via school mail, school websites, or school social media. Campaign materials must not be displayed on school property nor distributed to students, parents or employees via schools, school mail, district e-mail or e-mail lists created for educational purposes.

It is recognized that neither the District nor its individual schools have control over what happens off school property.

Distribution of information about the election in general is permissible – for example, information regarding the date of the election and where the polling booths will be located.

Legal Reference: Section 85 School Act

## Policy 19

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### **RESTRICTED AND NON-RESTRICTED SURPLUS FUNDS**

The long term financial health of the District is critical to ensure that a strong educational system is maintained for the students in the District. The Board will establish appropriate reserves to provide for ongoing operational needs and long term planning.

The Board is responsible for ensuring the district is protected financially from extraordinary circumstances which would negatively impact the education of students. To discharge this responsibility, the Board shall build and maintain an unrestricted accumulated surplus of 2 to 3 percent of operating expenses. Further, the Board shall designate within its accumulated surplus funds those which are restricted and those which are non-restricted. Restricted funds are those the Board has designated for a specific purpose by Board motion. Non-restricted surplus funds are those which have not been designated or appropriated for a specific purpose. These non-restricted funds can therefore be used to mitigate any negative impact unforeseen circumstances might otherwise cause, at the direction of the Board.

#### **Procedure**

##### **1. Non-Restricted Surplus Funds**

- 1.1 The Board may by majority vote allocate any portion of the non-restricted surplus funds to current or future operational needs, however the Board will normally consider such allocations as part of the budget development and approval process. Such funds shall only be expended with express authorization of the Board by Board motion or within the budget approval process.
- 1.2 The Board shall normally expend non-restricted surplus funds prior to considering the re-appropriation of restricted surplus funds.

##### **2. Restricted Surplus Funds**

- 2.1 Normally restricted surplus funds will be expended for the purpose identified when these funds were restricted by Board motion.
- 2.2 In extreme situations the Board may re-appropriate restricted funds.
- 2.3 Normally, the Board will restrict such funds for a designated purpose during the budget approval process.
- 2.4 Restricting or re-appropriating restricted funds may only be done by specific Board motion.
- 2.5 The Board shall maintain within the restricted surplus funds an allocation for contingencies equal to \$500,000. These funds can only be expended by a two thirds majority vote and only for the following purposes.

- 2.5.1 The incurring of new cost pressures in a fiscal year that were not known at the time of budget development that are in excess of \$150,000;
- 2.5.2 The payment of severance (wages and benefits) in excess of \$75,000 upon termination of a non- union employee without cause;
- 2.5.3 The settlement of any legal action that is not covered by the School Protection Program;
- 2.5.4 Initial one-time cost outlays for new educational programs;
- 2.5.5 Extraordinary unknown utilities cost pressures;
- 2.5.6 To cover monies owed as identified by the Deficit Elimination Plan.

Legal Reference: Section 85 School Act

## Policy 20

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### INDEMNIFICATION BYLAW

A bylaw to provide that the Board shall indemnify a trustee, an officer or an employee of the Board against a claim for damages arising out of the performance of his/her duties; and for an inquiry or proceeding involving the administration and conduct of the business of the District; and will pay legal costs incurred in a court proceeding arising out of the claim or the legal costs arising from such inquiries or proceedings.

WHEREAS the School Act, Section 95 provides that the Board may by bylaw provide that the Board will indemnify a trustee, an officer or an employee of the Board against a claim for damages against a trustee, officer or employee of the Board arising out of performance of his or her duties and, in addition, pay legal costs incurred in a court proceeding arising out of the claim;

AND WHEREAS the School Act, Section 95 also provides that the Board may, by bylaw, indemnify a trustee, an officer or an employee of the Board where an inquiry under Part 2 of the Inquiry Act or other proceedings involves the administration and conduct of the business of the District, and also pay legal costs incurred in such inquiries or proceedings;

NOW THEREFORE The Board of Education of School District No. 40 (New Westminster) in open meeting assembled enacts as follows:

#### Interpretation

1. In this bylaw:

- 1.1 "Board" means The Board of Education of School District No. 40 (New Westminster);
- 1.2 "Trustee" means a member of The Board of Education of School District No. 40 (New Westminster);
- 1.3 "Officer" means a Superintendent, Assistant Superintendent, Director, Secretary Treasurer, or administrative officer of the Board;
- 1.4 "Employee" means all Board teaching and non-teaching personnel other than officers;
- 1.5 Wherever the singular or masculine or neuter is used in this bylaw, the same shall be construed as meaning the plural, the feminine or the body corporate whenever the context so requires.

2. Indemnification

- 2.1 The Board shall indemnify a trustee, an officer or an employee of the Board against a claim for damages against the trustee, officer or employee arising out of the performance of his/her duties, and, in addition, pay the reasonable costs incurred by

the trustee, officer or employee in a court proceeding arising out of the claim except as otherwise provided for in this bylaw.

- 2.2 The Board shall indemnify a trustee, an officer or an employee where an inquiry under the Inquiry Act or other proceedings involving the administration and conduct of the business of the District, and also pay reasonable legal costs incurred in such inquiries or proceedings, except as otherwise provided in this bylaw.
- 2.3 Sections 2.1 and 2.2 apply in respect of a person who was formerly a trustee, an officer or an employee of the Board at the time he/she performed the duties out of which the claim inquiry or other proceeding arise, whether or not he/she is a trustee, an officer or an employee at the time the claim for damages, inquiry or other proceeding arises, or any legal action arising out of the claim inquiry or other proceeding is commenced or concluded except as otherwise provided in this bylaw.
- 2.4 This bylaw applies to:
  - 2.4.1 The performance of duties by current or former trustees, officers or employees; and
  - 2.4.2 Inquiries or proceedings arising out of the administration and conduct of the business of the District.

### 3. Administration of Medication

Without limiting the generality of Section 2, the Board's indemnification of officers and employees against claims for damages as set out in Section 2.1 hereof, shall include, but is not limited to, claims arising from Board authorized administration of medication to students, supervision of self-administration of medication by students, and performance of physical procedures relating to the medical needs of students.

### 4. Contracts

This bylaw refers to officer and employee employment contracts, including collective agreements, now in force or in force in the future.

### 5. Exclusions

In the event that insurance coverage is available with respect to the liability of the trustee, officer or employee, the Board shall not indemnify the trustee, officer or employee as the case may be.

### 6. The Board shall not indemnify a trustee, officer or employee against:

- 6.1 Legal fees and/or liability resulting from an action or any other proceeding taken by the Board against the trustee, officer or employee, or as a result of an action or proceeding taken by the trustee, officer or employee against the Board;
- 6.2 A fine, penalty or order imposed as a result of a conviction for an offence;

- 6.3 Legal fees incurred as a result of prosecution where the trustee, officer or employee is convicted of an offence or obtains a conditional or absolute discharge;
- 6.4 Liability and/or legal fees resulting from proceedings initiated pursuant to the Teaching Profession Act unless the Board agrees to the contrary, by an affirmative vote of a majority of its members;
- 6.5 Legal fees incurred in an appeal of any conviction, sentence, judgment or order unless the Board agrees to the contrary, by an affirmative vote of a majority of its members;
- 6.6 Liability and/or legal fees incurred by a trustee where there has been a determination by a Court that the trustee knowingly contravened Section 58 of the School Act;
- 6.7 Liability and/or legal fees incurred by a trustee, officer or employee where there is a determination by a Court that the trustee, officer or employee knowingly permitted and/or authorized an expenditure not otherwise authorized by an enactment;
- 6.8 Liability incurred by a trustee resulting from any restitution ordered pursuant to Section 63(1)(b) of the School Act;
- 6.9 Those matters for which the Board, pursuant to its authority under Section 95(3) of the School Act, may seek indemnity from an employee.

## 7. Legal Counsel

For those matters provided in Sections 2 and 3 of this bylaw, and not excluded by Section 5 and 6, the trustee, officer or employee may either:

- 7.1 Retain legal counsel appointed by the Board, in which case legal counsel shall be paid for and directed by the Board;
- 7.2 Retain legal counsel chosen by the trustee, officer or employee, in which case the Board shall have the right to:
  - 7.2.1 Approve, in advance, any agreement for legal fees and disbursements;
  - 7.2.2 Pay all or part of the legal fees and disbursements and to set a maximum for legal fees and disbursements;
  - 7.2.3 Direct the defense and to settle or compromise the claim or action;
  - 7.2.4 Review the account of the legal counsel pursuant to the Legal Profession Act and the trustee, officer or employee shall include such a term in an agreement with his/her legal counsel; and
  - 7.2.5 Determine whether or not the trustee, officer or employee will be reimbursed by the Board for legal fees or any portion of the legal fees that have been paid by the trustee, officer or employee prior to the approval of the Board.

## 8. Amounts Payable

Any amount that may be payable by the Board shall be reduced by any court costs awarded to the trustee, officer or employee.

#### 9. Advancing Legal Costs

The Board may give consideration to advancing legal costs to the trustee, officer or employee prior to the final resolution of a claim or action in order to prevent undue hardship. When the Board advances such costs to a trustee, officer or employee, the trustee, officer or employee shall provide written authorization for the Board to deduct an amount equivalent to the costs advanced from future funds payable to the trustee, officer or employee by the Board. The authorization shall only be used by the Board if it is determined at a later date that the trustee, officer or employee is not entitled to be indemnified pursuant to the terms of this bylaw.

#### 10. Severability

If any section or lesser portion of this bylaw is held invalid, the invalidity shall not affect the validity of the remaining portions of this bylaw.

#### 11. Citation

This bylaw may be cited for all purposes as the "Indemnification Bylaw".

Legal Reference: Sections 58, 63, 65, 85, 95 School Act  
Inquiry Act  
Legal Profession Act  
Teaching Profession Act