



Board Policy Handbook

Cowichan Valley School District

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 both 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

POLICY 1 - FOUNDATIONAL STATEMENTS	3
POLICY 2 - ROLE OF THE BOARD	4
POLICY 2 - APPENDIX A - BOARD ANNUAL WORK PLAN	8
POLICY 2 - APPENDIX B - FORMATIVE BOARD SELF-EVALUATION PROCESS	12
POLICY 3 - ROLE OF THE TRUSTEE	15
POLICY 4 - TRUSTEE CODE OF CONDUCT	18
POLICY 4 - APPENDIX - TRUSTEE CODE OF CONDUCT SANCTIONS	20
POLICY 5 - ROLE OF THE BOARD CHAIR	24
POLICY 6 - ROLE OF THE VICE-CHAIR	26
POLICY 7 - BOARD OPERATIONS	27
POLICY 8 - BOARD COMMITTEES	42
POLICY 9 - BOARD REPRESENTATIVES	54
POLICY 10 - POLICY MAKING	57
POLICY 11 - BOARD DELEGATION OF AUTHORITY	61
POLICY 12 - ROLE OF THE SUPERINTENDENT	62
POLICY 12 - APPENDIX A - SUPERINTENDENT EVALUATION GUIDING PRINCIPLES	65
POLICY 13 - APPEALS PROCEDURE BY-LAW	67
POLICY 14 - CONSOLIDATION AND CLOSURE OF SCHOOLS	73
POLICY 15 - RECRUITMENT AND SELECTION OF PERSONNEL	77
POLICY 16 - SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION	79
POLICY 17 - ACCUMULATED OPERATING SURPLUS	80
POLICY 18 - INDEMNIFICATION BYLAW	83
POLICY 19 - SCHOOL DISTRICT TRANSPORTATION SERVICES	87
POLICY 20 - CANNABIS RETAIL FACILITIES	88
POLICY 21 - MENSTRUAL PRODUCTS	89
POLICY 22 - BUSINESS AND COMMUNITY PARTNERSHIPS IN EDUCATION	90
POLICY 23 - PHYSICAL RESTRAINT OF STUDENTS	92
POLICY 24 - FINANCIAL PLANNING AND REPORTING	93

Policy 1

POLICY 1 - FOUNDATIONAL STATEMENTS

Our Vision

Educational Excellence for everyone, everywhere, every time.

Our Mission

Empowering Tomorrow's Learners, Today.

We Value

- Fairness
- Respect
- Inclusion
- Integrity
- Compassion
- Collaboration
- Innovation
- Curiosity

The Logo Design



The Cowichan Valley School District logo shall only be used by external organizations with prior approval of the Superintendent.

Legal Name

The Board of Education of School District No. 79 (Cowichan Valley)

Policy 2

POLICY 2 - ROLE OF THE BOARD

As the corporate entity established by provincial legislation and given authority by the Education Act and attendant Regulations and the corporate body elected by the electors that support School District No. 79 (Cowichan Valley), the Board of Trustees shall provide overall direction and leadership to the District. It is accountable for the provision of excellent educational programs and services to resident students of the District 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 high quality, 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 statutory requirements of federal and provincial legislation to implement educational standards and policies.
- 1.2 Perform Board functions required by governing legislation and Ministerial directions.

2. Accountability to and Engagement of Community

The Board shall:

- 2.1 Make decisions that address the needs of the entire 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 regularly with municipal and regional governments, First Nations Chiefs and Councils and the Métis nation and other educational/public service or business governing authorities to achieve educational ends.
- 2.6 Model a culture of respect and integrity.

3. Strategic Priorities

The Board shall:

- 3.1 Provide overall direction for the District by establishing foundational statements.

- 3.2 Annually set District priorities and key results to be included in the District's Strategic Priorities.
- 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 Annually 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.

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.
- 5.7 Establish and maintain positive professional working relations with the Superintendent.

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 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 consistent with the District foundation statements, priorities and provincial legislative framework.

- 6.5 Promote regular meetings and maintain communication with locally elected officials including liaison with selected municipal, regional, and non-governmental organizations including First Nations Chiefs and Councils and the Métis nation.
- 6.6 Arrange meetings with elected provincial government officials to communicate and garner support for education.

7. Board Growth Plan

The Board shall:

- 7.1 Annually evaluate the Board's effectiveness.
- 7.2 Annually develop a Growth Plan for the Board aligned with the District priorities and the Board's most recent evaluation.

8. Fiscal Accountability

The Board shall:

- 8.1 Approve budget process and timelines at the outset of the annual budget process.
- 8.2 In collaboration with the Superintendent, identify budget assumptions and draft priorities to be used in the creation of the annual budget.
- 8.3 Approve the annual budget and allocation of resources to achieve desired results.
- 8.4 Appoint or reappoint the auditor and annually approve the terms of engagement.
- 8.5 Review annually the audit report and management letter and approve those recommendations to be implemented.
- 8.6 Approve parameters for negotiations after soliciting advice from the Superintendent and ratify Memoranda of Agreement with Bargaining units.
- 8.7 Approve the acquisition and disposition of District land and buildings.
- 8.8 Approve tender selection for contracts over two hundred thousand dollars (\$200,000).
- 8.9 Approve construction projects in excess of five hundred thousand dollars (\$500,000).
- 8.10 Approve substantive budget adjustments when necessary.
- 8.11 Monitor the fiscal management of the District through receipt of quarterly variance analyses and year-end projections.
- 8.12 Approve borrowing for capital expenditures within provincial restrictions.
- 8.13 Approve transfer of funds to/from reserves.
- 8.14 Approve fee schedules for academies, International Students and Out-of-Province Students.
- 8.15 Approve rental rates for District facilities.
- 8.16 Annually approve a 5-year capital plan, and annually approve the Annual Facilities Grant plan (AFG) as and when required.
- 8.17 Review and approve Board compensation and expense rates.

Selected Responsibilities

The Board Shall:

1. Approve by bylaw, the acquisition and disposal of District land and buildings.
2. Approve catchment areas for schools and special programs.
3. Approve the naming of educational facilities and land.
4. Provide for recognition of students, staff and community members.
5. Approve District calendar.
6. Approve Board Authority Authorized Courses.
7. Annually review the student enrolment and staffing report.
8. Approve transportation service level changes.
9. Approve District partnerships.
10. Authorize referenda for taxing purposes, as and when required.
11. Hear unresolved student or staff complaints of discrimination or harassment that cannot be heard by the Superintendent.
12. Approval of and cessation of academies and programs of choice.
13. Approve all out-of-country student travel.

Legal Reference: Sections 77, 85 School Act

Policy 2- Appendix A

POLICY 2 - APPENDIX A - BOARD ANNUAL WORK PLAN

September

Regular Board Meeting Agenda Items

- Review the audit report and management letter and CEO's internal report to ensure fiscal accountability quality indicators are met and assess that the following quality indicators are met:
 - Quality Indicators relative to Fiscal Responsibility:
 - Ensures accepted (PSAB) accounting principles are being followed.
 - Ensures all deficiencies identified in the previous audit report and management letter have been remediated to the satisfaction of the auditor.
 - Ensures adequate internal financial controls exist and are being followed.
 - 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.
 - Ensures an internal audit process is developed and implemented in regard to school based funds and an annual report provided to the Board.
- Approve the audited financial statements.
- Approve Annual Board Work Plan (including schedule of meetings).
- Review fiscal accountability report and make any required adjustments. The accountability report shall include variance analyses and year-end projections.
- Review the audit report and management letter and determine the recommendations of the auditor to be implemented.

October

Regular Board Meeting Agenda Items

- Review Human Resources report.
- Approve 5-year capital plan, and annual facilities grant plan (AFG).
- Recognize World Teachers' Day.

November

Regular Board Meeting Agenda Items

- Review report on District enrollment.
- Review Student Learning accountability report.
- Elect Chair/Vice-Chair.

December

Regular Board Meeting Agenda Items

- Review fiscal accountability report and make any required adjustments. The accountability report shall include variance analyses and year-end projections.
- Approve trustee school liaison assignments.
- Review committee/representative appointments.

January

Regular Board Meeting Agenda Items

- Review progress re Strategic Priorities results.
- Provide direction through our Board representative to BCSTA Provincial Council Meeting regarding provincial policy matters.
- Make trustee appointments to committees and community liaison groups .
- Review Superintendent growth plan/performance review.
- Review Superintendent compensation.

February

Regular Board Meeting Agenda Items

- Review recommended District calendar.
- Approve Budget development process for upcoming year's annual Budget.
- Approve Final amended Budget for Current Fiscal Year.
- Review policy positions for submission to BCSTA Annual General Meeting.
- Approve of Board Authority Authorized Courses.
- Review admin proposed budget assumptions and approve budget assumptions and priorities to guide the building of the operating budget for the coming year.
- Ensure all deficiencies identified in the management letter and audit report have been remediated to the satisfaction of the auditor.

March

Regular Board Meeting Agenda Items

- Approve District calendar.
- Review fiscal accountability report and make any required adjustments. The accountability report shall include variance analyses and year-end projections.
- Review preliminary budget revenue information for the upcoming year's budget including the Ministry of Education funding announcement.

April

Regular Board Meeting Agenda Items

- Review preliminary draft budget for the upcoming year.
- Approve trustee compensation rates.
- Approve and regularly review a schedule of fees for the use of school facilities.

May

Regular Board Meeting Agenda Items

- Approve student fee schedule for academies.
- Approve terms of engagement for auditor.
- Approve annual budget for upcoming fiscal year.

June

Regular Board Meeting Agenda Items

- Approve Board Growth Plan.
- Review Fiscal accountability report.
- Review Fiscal accountability report and make any required adjustments. The accountability report shall include variance analyses and year-end projections.
- Review internal audit process and results.
- Review strategic priorities accountability report to monitor progress relevant to achieving the key results.
- Assess the effectiveness of the advocacy plan and approve revised plan for the coming year.
- Assess the effectiveness of the Board development plan and approve revised plan for the coming year.
- Approve proposed trustee calendar for Board meetings and related functions.

Ongoing

- Advocate for public education and the School District's role in the community.
- Attend trustee development/orientation sessions.
- Attend school functions (as invited).
- Review the District Strategic Priorities.
- Hear appeals as needed.
- Ratify memoranda of agreement with bargaining units.
- Make disbursements from Local Capital Reserve Fund.
- Approve tender selection for contracts.
- Declare facilities surpluses to general school needs.
- Approve disposition of real property (lands and buildings).
- Advance Board positions through BCPSEA.
- Represent Board at BCSTA Branch Meeting.
- Meetings with elected officials.
- Purposefully meet with government MLA's and Ministers, First Nations and municipal governors.
- Evaluate the Superintendent at least once in a four-year term .
- In an election year host an information meeting for those who express interest in running for the position of School Board trustee.

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)

**POLICY 2 - APPENDIX B - FORMATIVE BOARD SELF-EVALUATION PROCESS
Cowichan Valley School District No. 79**

PROCESS

The Board will have a facilitated performance review twice per term.

Purpose

The purpose of the formative 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 would we rate our Board-Superintendent relations?
5. How well have we adhered to our governance policies?
6. What have we accomplished this past year? How do we know?
7. 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

The following principles form the basis for the formative 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 a healthy Board-Superintendent relationship.
6. An evidence-based approach provides objectivity to supplement the subjectivity involved in evaluation processes.

CONTEXT

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.

Policy 3

POLICY 3 - 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 Trustees 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 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 18 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. Strive to develop a positive and respectful learning and working culture both within the Board and the District.
13. Continue to carry out duties with integrity and responsibility during an election period.
14. 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.

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

Policy 4

POLICY 4 - TRUSTEE CODE OF CONDUCT

The Board has a strong commitment to ethical conduct. This includes the responsibility of trustees to properly use authority and to conduct themselves with appropriate decorum and professionalism at all times.

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. Trustees shall not attempt to exercise individual authority over the organization except as explicitly set forth in policies of the Board. Trustees' interaction with the Superintendent or with staff shall recognize the lack of authority vested in individual trustees except when explicitly authorized by the Board;
6. Only the Corporate Board as opposed to individual trustees shall exercise individual authority over the Superintendent. In particular, only the Corporate Board shall make judgments regarding the Superintendents performance.

7. 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.
8. Respect and abide by the majority decisions made by the Board in legally constituted meetings.
9. 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.
10. Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs.
11. Represent the Board in all Board-related matters with proper decorum and respect for others.
12. Use discretion at all times to minimize the impression that the individual trustees' statements reflect the corporate opinion of the Board.
13. Ensure the use of electronic devices is for the purposes of the meeting.
14. Refrain from engaging in private communications while at Board meetings.
15. 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

POLICY 4 - APPENDIX - 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.

Code of Conduct Sanctions other than a Failure of Security

2. A trustee who believes that a fellow trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
3. Conciliatory measures will normally 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 is to 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. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.

Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the following procedures:

- 9.1 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.
- 9.2 The sequence of the Code of Conduct hearing shall be:
 - 9.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
 - 9.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
 - 9.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
 - 9.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
 - 9.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 9.2.6 The complaining trustee shall be given the opportunity to make final comments; and
 - 9.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 9.3 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).
- 9.4 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.

- 9.5 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.
 - 9.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
 - 9.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing.
 - 9.8 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.
 - 9.9 The presiding Chair shall call for a resolution(s) to be placed before the Board.
 - 9.10 The presiding Chair shall declare the closed (in-camera) Board meeting adjourned.
10. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 10.1 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;
 - 10.2 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;
 - 10.3 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.
11. 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.

Failure of Security

12. The Trustee Code of Conduct requires that trustees shall respect the confidentiality appropriate to issues of a sensitive nature. Failure to comply with this requirement constitutes a failure of security. An individual trustee may bring a suspected breach of security to the attention of the Board, at a closed meeting of the Board. If by majority vote the Board agrees that a failure has occurred, the failure shall be recorded by the Board and the following procedure shall be invoked:
- 12.1 The Board Chair shall request that the Superintendent (as head of the District under the Freedom of Information and Protection of Privacy Act), appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at a closed meeting of the Board. This decision shall immediately be approved in a public meeting of the Board.
 - 12.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair and to the Superintendent.
 - 12.3 The Board Chair shall present at a closed meeting of the Board, the report of the independent investigator. At this time, the trustee in question shall have an opportunity to present any additional, relevant information.

- 12.4 If it is determined by a majority vote of the Board that a willful violation of security has occurred, for a first occurrence, a motion to write a letter of censure marked "Personal and Confidential" is required to be discussed and agreed upon by a majority of trustees present at a closed meeting of the Board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the Board.
- 12.5 For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the Board. This motion shall be approved by a majority vote of trustees present at such a meeting.

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

Policy 5

POLICY 5 - ROLE OF THE BOARD CHAIR

At its November Meeting 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 November 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. In doing so the spokesperson shall refrain from expressing personal viewpoints when speaking for the Board as a whole.
2. Determine liaison assignments and assign trustee representatives to external committees.
3. 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.
4. 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.
5. Perform the following duties during Board meetings:
 - 5.1 Maintain the order and proper conduct and decorum of the meeting so that motions may be formally debated.
 - 5.2 Ensure that all issues before the Board are well-stated and clearly expressed.
 - 5.3 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.
 - 5.4 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.
 - 5.5 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.
 - 5.6 Submit motions or other proposals to the final decision of the meeting by a formal show of hands.
 - 5.7 Extend hospitality to trustees, officials of the Board, the media and members of the public.

6. Keep informed of significant developments within the District.
7. Assist with the Board's orientation program for new trustees.
8. Keep the Board and Superintendent informed in a timely manner of all matters coming to his/her attention that might affect the District.
9. Be in regular contact with the Superintendent to maintain a working knowledge of current issues and events.
10. 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.
11. Manage the CEO contract on the Board's behalf by bringing any relevant matters to the Board's attention in a timely manner. In addition, each month the Chair shall sign off the Superintendent expenses as well as vacation and sick leave, days earned, taken and accumulated.
12. Bring to the Board all matters requiring a corporate decision of the Board.
13. Act as ex-officio non-voting member of all Board committees to which the chair has not been appointed.
14. Act as a signing officer for the District.
15. Represent the Board, or arrange alternative representation, at official meetings or other public functions.
16. Ensure that inappropriate trustee behavior is addressed by the chair or taken to the Board for resolution.
17. 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

POLICY 6 - ROLE OF THE VICE-CHAIR

The Vice-Chair shall be elected at the November Meeting of the Board. 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.
4. Act as signing officer for the District in the absence of the Chair.
5. Prior to each Board meeting confer with the Superintendent, Chair and Secretary-Treasurer on the items to be included on the agenda, the order of these items and become thoroughly familiar with them.

Legal Reference: Sections 65, 67, 85 School Act

Policy 7

POLICY 7 - 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.

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 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 "Closed" 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 into Closed session for issues dealing with individual students, individual employees, land, labor, litigation or negotiation.

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. 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

1.1 Seven trustees are elected at large to the Board of Education for a four-year term.

2. Inaugural Meeting and Subsequent Annual Meeting

2.1 Inaugural Meeting

2.1.1 After the general local election of trustees, the Secretary-Treasurer for the District shall convene a first meeting of the Board as soon as possible and, in any event, within thirty (30) days from the date that the new Board begins its term of office.

2.1.2 At the first meeting of the Board, the Secretary-Treasurer shall announce the results of trustee elections and confirm that all trustees have taken the Oath of Office as required by the *School Act*, or shall administer, or cause to be administered, the

Oath of Office to all trustees present who have not taken it.

- 2.1.3 At the first meeting of the Board, the Secretary-Treasurer shall call for nominations for Board Chair, and, if there is more than one nominee, conduct a vote by secret ballot. If more than two nominations are made and if from the first ballot no nominee receives a clear majority, the nominee receiving the fewest votes shall be eliminated from the ballot. This procedure shall be continued until one candidate receives a clear majority, and that person shall preside for the ensuing year or until a new Chair is elected.
- 2.1.4 The Chair so elected shall assume the chair for the remainder of the meeting.
- 2.1.5 The Board shall proceed to elect a Vice-Chair in the same manner as the election of the Chair.
- 2.1.6 Following the elections of the Chair and Vice-Chair the order of business shall include:
 - 2.1.6.1 Passage of banking resolutions and appointment of signing officers;
 - 2.1.6.2 Setting of Regular Board Meeting dates; and,
 - 2.1.6.3 Preliminary discussion of appointments of trustees to committees and as representatives to outside organizations.

2.2 Annual Meeting

- 2.2.1 Each year thereafter during the term of office the Board of Education shall hold an annual meeting in November. The order of business shall include:
 - 2.2.1.1 Election of Chairperson and Vice Chairperson;
 - 2.2.1.2 Passage of banking resolutions and appointment of signing officers; and
 - 2.2.1.3 Preliminary discussion of appointments of trustees to committees and as representatives to outside organizations.

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 Board meetings generally shall be held on the first Tuesday of each month except for July and August. Meetings shall be held not less than once in every three months. All trustees, staff, and members of the public are required to conduct the business of the Board with proper decorum and in a respectful manner.
- 3.3 No business shall be conducted by the Board unless upon a motion of a trustee, seconded by another trustee.
- 3.4 One or more trustees may participate in or attend a meeting by telephone or other means of communications provided that all trustees and other persons participating in or attending the meeting are able to communicate with each other. A trustee participating in or attending a meeting as provided above will be counted for the purposes of establishing a quorum.
- 3.5 Public meetings will begin at 4:30 p.m. if a quorum is present. If a quorum has not been

reached by 5:00 p.m. the meeting shall be postponed until a date and time determined by the Chair.

- 3.6 After a meeting has commenced, if notice is drawn to a lack of quorum, the presiding officer shall ascertain whether there is a lack of quorum and, if so found, adjourn the meeting until a date and time determined by the Chair.
- 3.7 The agenda and notice of meetings shall be prepared by the Secretary-Treasurer under the direction of the Chair who shall consult with the Superintendent. Written notice of each meeting, together with the proposed agenda, must be given at least forty-eight (48) hours in advance to each trustee by delivery to the place designated by him or her. Notice of meetings may be provided by email to an email address designated by a trustee. Non-receipt of notice of a meeting by a trustee shall not void proceedings taken at such meeting.
- 3.8 The order of business at all regular meetings shall generally be:
 - 3.8.1 Call to Order
 - 3.8.2 Territorial acknowledgement
 - 3.8.3 Adoption of Agenda
 - 3.8.4 Minutes
 - 3.8.5 Petitions and Delegations
 - 3.8.6 Report of Closed Meetings
 - 3.8.7 Old Business
 - 3.8.8 Superintendent of Schools
 - 3.8.9 Personnel
 - 3.8.10 For Board Information
 - 3.8.11 For Board Action
 - 3.8.12 Secretary-Treasurer
 - 3.8.13 Personnel
 - 3.8.14 For Board Information
 - 3.8.15 For Board Action
 - 3.8.16 Committees and Outside Organizations
 - 3.8.17 Upcoming Meetings and Events
 - 3.8.18 Correspondence
 - 3.8.19 New Business
 - 3.8.20 Question Period
 - 3.8.21 Adjournment
- 3.9 A change to the order of business after the agenda has been adopted may be proposed by any trustee and shall require two-thirds (2/3) consent of trustees present.
- 3.10 Except for minutes of a meeting or portion of a meeting from which persons other than trustees or officers of the Board, or both, were excluded, the minutes shall be open for inspection at all reasonable times by any person, who may make copies and extracts on payment each time of a fee not exceeding twenty-five cents per page.
- 3.11 All public meetings shall end by 6:00 p.m. except by resolution of the Board approved by a two-thirds vote.
- 3.12 Except as provided herein, meetings of the Board shall be open to the public.
- 3.13 All meetings of the Board will normally be held in the School Board Office, 2557 Beverly Street, Duncan, B.C.

- 3.14 The Board may change the time, date or location of a Board meeting by resolution.
- 3.15 The Chair of the Board, when in his or her opinion it is a case of necessity or urgency, may change the time, date or location of a Board meeting.
- 3.16 The Secretary-Treasurer, or another employee designated by the Board if the Secretary-Treasurer is unable to attend the meeting or if the meeting concerns the work performance or employment of the Secretary-Treasurer, must be present at the time a decision of the Board is rendered and must record any decision.
- 3.17 Regular meetings of the Board will not be held without the Superintendent in attendance unless the Superintendent has agreed.
- 3.18 The Chair or any other trustee presiding at a meeting may expel from the meeting a person, other than a trustee, that the chair or other trustee presiding at the meeting considers guilty of improper conduct. A person deemed guilty of improper conduct at a meeting will be prevented from asking questions or appearing as a delegation for the balance of the school year.
- 3.19 A majority of the trustees present at a meeting of the Board may expel a trustee from the meeting for improper conduct.

4. Special Meetings

- 4.1 Meetings other than regular meetings will be termed "special" meetings, including special Closed meetings.
- 4.2 A special meeting of the Board may be called by the Chair or, upon written request by a majority of trustees, shall be called by the Secretary-Treasurer. No business other than that for which the meeting was called shall be conducted at that meeting.
- 4.3 Written notice of a special meeting and the business to be conducted at that meeting shall be given to each trustee at least forty-eight (48) hours in advance of the meeting. The trustees may, by majority vote, waive the forty-eight (48) hour notice requirement, provided all reasonable steps have been taken to notify trustees of the meeting.

5. Closed Meetings

- 5.1 A closed meeting will be held on a date and time determined by the Board, may be called by the Chair or, upon written request by a majority of trustees, shall be called by the Secretary-Treasurer.
- 5.2 If, in the opinion of the Board, the public interest so requires, persons other than trustees may be excluded from a meeting, or a part of a meeting. The Secretary-Treasurer, or other employee designated by the Board, must be present at the time that a decision of the Board is rendered and must record any decision.
- 5.3 Closed meetings of the Board will not be held without the Superintendent in attendance, unless the Superintendent's contract is being discussed, or unless the Superintendent agrees.
- 5.4 No trustee shall disclose to the public the proceedings of a closed meeting, except as may be required by law, unless a resolution has been passed by the Board to allow such disclosure.
- 5.5 The Board shall prepare a record containing a general statement as to the nature of the matters discussed and the general nature of the decisions reached at a meeting from

which persons other than trustees or officers of the Board or both were excluded, and the record shall be presented at the next meeting of the Board open to the public and shall be open for inspection at all reasonable times by any person, who may make copies and extracts on payment of any applicable fee.

- 5.6 All matters coming before the Board shall be considered in public unless, in the opinion of the Board, the public interest requires otherwise. The following matters shall be considered in a closed meeting unless the Board determines otherwise:
- 5.6.1 Personnel matters including contracts and collective agreement negotiations; matters pertaining to individual employees including medical matters, appointment, promotion, demotion, transfer, conduct, competence, discipline, suspension, termination or retirement; grievances and requests of employees, Board officers or their bargaining agents or representatives; plans that relate to the management of personnel or the administration of the Board and that have not yet been implemented or made public;
 - 5.6.2 Legal matters, accident claims and other matters where Board liability may arise; legal opinions and advice respecting the liability or interest of the Board or respecting any matter to be considered in a closed meeting; information or action regarding legal actions brought by or against the Board;
 - 5.6.3 Matters pertaining to individual students including medical matters and the conduct, discipline, suspension or expulsion of students;
 - 5.6.4 Acquisition and disposition of real property prior to finalization including: future site planning and designation; negotiations regarding purchase, lease, sale or exchange of real property; purchase lease, sale or exchange of real property; consideration of appraisal reports and claims by owners; determination of Board offers; expropriation procedures;
 - 5.6.5 Matters pertaining to the safety, security or protection of Board property; and,
 - 5.6.6 Other matters where the Board decides that the public interest so requires.
- 5.7 Notwithstanding any rule limiting reconsideration of the agenda, a trustee may make a motion to move a matter from the agenda of a closed meeting to the agenda of the open meeting, or the reverse. The motion requires a seconder, is debatable, and requires a simple majority to pass.

6. Minutes

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

- 6.1 The minutes shall record:
- 6.1.1 Date, time and place of meeting;
 - 6.1.2 Type of meeting (inaugural, regular or special);
 - 6.1.3 Name of presiding officer;
 - 6.1.4 Names of those trustees and administration in attendance;
 - 6.1.5 Approval of preceding minutes;

- 6.1.6 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;
 - 6.1.7 Points of order;
 - 6.1.8 Appointments;
 - 6.1.9 Recommended motions proposed by Committees; and,
 - 6.1.10 Trustee declaration pursuant to Section 56, 57 or 58 of the School Act.
 - 6.2 The minutes shall:
 - 6.2.1 Be prepared as directed by the Superintendent;
 - 6.2.2 Be considered an unofficial record of proceedings until such time as adopted by a resolution of the Board; and
 - 6.2.3 Upon adoption by the Board, be deemed to be the official and sole record of the Board's business.
 - 6.3 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.
 - 6.4 The Superintendent shall establish a codification system for resolutions which will:
 - 6.4.1 Provide for ready identification as to the meeting at which it was considered;
 - 6.4.2 Provide for cross-referencing with resolutions of similar nature adopted by the Board at previous meetings; and
 - 6.4.3 Establish and maintain a file of all Board minutes.
 - 6.5 All Committees of the Board, unless otherwise directed, shall prepare and submit minutes or a report including any recommendations to the Board.
 - 6.6 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.
 - 6.7 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.
 - 6.8 Upon adoption by the Board, the minutes of meetings other than Closed meetings shall be open to public scrutiny.
7. Motions & Debate
- 7.1 No decision shall be made by the Board unless upon a motion of a trustee, seconded by another trustee and approved by majority vote.
 - 7.2 A motion is to be worded in a concise, unambiguous and complete form and, if lengthy or complex, shall be submitted in writing.
 - 7.3 The presiding officer may divide a motion containing more than one subject, and it shall be voted on in the form in which it is divided.

- 7.4 An amendment is a motion to modify the wording of a pending motion. An amendment must be closely related to or have a bearing on the subject of the pending motion. A motion may be amended more than once; however, there can be only one amendment on the floor at a time. An amendment to an amendment must be germane to the first amendment and cannot be amended.
- 7.5 A motion to reconsider a decision can be made the day on which the original motion was voted upon by a trustee who voted on the prevailing side. This motion may be seconded by any trustee. If the original motion was debatable, the motion to reconsider is debatable and the debate can be on the merits of the original question. No question can be reconsidered twice.
- 7.6 Motions to rescind or to amend something adopted at a previous meeting will be considered only if notice has been given at the previous meeting or in the call for the present meeting, and if no action has been taken which it is too late to undo.
- 7.7 Motions to rescind or to amend something previously adopted require the same majority, simple or two-thirds, that the original motion required.
- 7.8 A motion defeated at a previous meeting can be moved again at a subsequent meeting only if notice is given in the call of the meeting.
- 7.9 Where the number of votes on a motion is equal, the motion is defeated and the Chair shall so indicate.
- 7.10 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.
- 7.11 In regard to decorum, trustees must keep their comments germane to the issues at hand. Trustees must remain civil and courteous, avoid offensive language or personal attacks, and abide by the Presiding Officer's instructions.
- 7.12 Remarks or questions to other trustees, staff members or a public delegation shall be directed through the Chair.
- 7.13 The Chair may enter debate or propose or second a motion and may vote as any other trustee.
- 7.14 The Chair may temporarily vacate the chair for any reason in which case the Vice-Chair, if present, or another trustee appointed by the Chair shall preside.
- 7.15 If the Chair is absent or unable to act, the Vice-Chair shall preside at meetings of the Board. If the Vice-Chair is absent or unable to act the trustees present shall elect one of their number to preside.
- 7.16 Each trustee has the right to speak twice on the same question but cannot make a second speech so long as any trustee who has not spoken on that question desires to speak. No trustee shall speak for more than five minutes at one time. The mover of a motion shall have the right to close debate.
- 7.17 Debate shall be strictly relevant to the question before the meeting. The presiding officer shall warn speakers who violate this rule or who persist in tedious or repetitious debate.
- 7.18 A matter of privilege may be raised at any time and shall be dealt with forthwith before

resumption of business.

- 7.19 No trustee shall interrupt another trustee who has the floor except to raise a point of order, a point of privilege, or to disclose a conflict of interest.

8. Voting

- 8.1 All trustees present at a meeting and entitled to vote will vote on each resolution or bylaw. A trustee not voting on any question will be deemed to have voted in the negative unless the trustee has a conflict of interest, in which case the trustee must not vote and his or her abstention will not be counted.
- 8.2 Voting shall be by show of hands. The Secretary-Treasurer shall record in the minutes the mover and seconder of a motion and, upon the request of a trustee, shall record the names of the trustees voting against the motion.
- 8.3 All questions shall be decided by a majority of the votes of the trustees present unless otherwise provided by in this bylaw or the *School Act*.

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 Closed meetings as noted elsewhere in this policy. For example, individual student matters must not be dealt with in a public setting. In addition, structures have been defined in legislation and collective agreements to deal with labour management issues. The public participation opportunities noted below are not to be used to deal with such matters. The Board respects and honors employee groups' contracts and official representatives and will therefore deal with labour management issues through defined legislated and collective agreement processes.

Delegations

- 9.1 Parties wishing to appear as a delegation must notify the Secretary-Treasurer before Tuesday noon of the week prior to the Board Meeting for their presentation to be considered for inclusion in the agenda.
- 9.2 All delegations appearing before the Board shall present a written brief for inclusion in the agenda.
- 9.3 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.
- 9.4 The Board will recognize an official spokesperson from each delegation.
- 9.5 Trustees may ask questions for clarification but no recommendations or motions concerning the presentation will normally be made at the same meeting.
- 9.6 Presentations by delegations must be limited to ten minutes unless this time limit is waived by the Board.
- 9.7 The Chair of the Board may determine the number of delegations that will be heard at any one Board meeting and shall inform all trustees regarding delegation requests that have been made, considered, and either included on the Board agenda or denied.
- 9.8 The Chair may deny a request to appear as a delegation to the Board for any of the following reasons:

- 9.8.1 If a request to appear as a delegation is relevant to a particular committee, that request is referred to the committee. For example, if an individual wants to address a new education program idea, he or she is referred to the Board Education and Business committee.
- 9.8.2 If the individual or group has already presented to the Board on the same topic, the request is denied.
- 9.8.3 If it is a full agenda, the number of delegations may be limited and the person denied is advised that they will be considered for the next meeting.
- 9.8.4 A request to appear as a delegation may be denied if the topic is unclear. The person requesting to appear is asked for more information. Once more information is received, the request is considered again.

Comment and Question Periods

- 9.9 The Question Period is intended to enable the public to obtain clarifying information from the Chair regarding a current Regular Open Meeting agenda item.
- 9.10 Persons wishing to ask a question of the Board at a Regular Open Meeting shall do so in writing on the form provided. Those persons asking questions shall identify themselves by giving their name and address. Each individual shall be limited to one question and one follow up question on the response to that question. The Secretary-Treasurer will collect and review each question to confirm that it is related to a current agenda item prior to handing to the Chair for response.
- 9.11 In the event that the Regular Open Meeting is held electronically persons wishing to ask questions of the chair will type their question in the Q & A Compose box. In typing their question individuals shall identify themselves by giving their name and address. Each individual shall be limited to one question and one follow up question on the response to that question. The Secretary-Treasurer will review each question to confirm that it is related to a current agenda item prior to reading to the Chair for response.

Correspondence

- 9.12 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.
- 9.13 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.
- 9.14 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.
- 9.15 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

Chair who will acknowledge the correspondence, and act in accordance with 9.11 or 9.12 above.

10. Audio/Video Recording Devices

The Board requires that anyone wanting to use recording devices at a public Board meeting shall obtain prior approval of the Board Chair. This shall be communicated by the Board Chair at the beginning of the Regular Meeting.

11. Trustee Remuneration and Expenses

11.1 Annual Remuneration

11.1.1 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.

11.1.2 Trustee remuneration shall be reviewed annually.

11.2 Expenses

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

Conference and Travel Expenses

11.2.2 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.

11.2.3 The Board of Education of School District No. 79 (Cowichan Valley) supports trustees attending conferences, conventions, seminars and courses of an education nature, within the budget limitations established by the Board.

11.2.4 The Board does not expect that such attendance to be at the personal expense of the trustee. Trustees will submit expense claims in accordance with per diem rates. In exceptional circumstances, charges beyond the per diem rates shall be submitted for board approval or rejection.

11.2.5 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 not book registrations, travel and accommodations without consultation with the Superintendent's office.

11.2.6 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.

11.2.7 Cost of airfare is limited to the cost of economy airfare.

11.2.8 There shall be no reimbursement for alcoholic beverages.

11.3 Payment of Expenses

11.3.1 Expenses must be submitted on a timely basis to the Secretary-Treasurer at least

once a month.

- 11.3.2 The Secretary-Treasurer shall review trustee expenses. Any concerns shall be referred to the trustee designated to authorize payment. The Chair will authorize expense claims for all trustees except the Vice-Chair. The Vice-Chair will authorize expense claims of the Chair and the Chair of the Audit Committee will authorize expense claims for the Vice-Chair.

11.4 Accommodation

Hotel accommodation at provincial government rate or negotiated convention rate, less personal charges (receipts required). If staying with friend(s) or relative(s), \$25.00 per night may be claimed without a receipt. When a trustee or an employee can receive a preferred flight rate due to Saturday layover, the District will cover the cost of accommodation for one additional night upon approval.

11.5 Meals and Incidental Expenses

The per diem expense ceiling for meals and incidentals shall be \$57.00 per day, allowing \$10.00 per breakfast, \$15.00 for lunch, \$25.00 for dinner and \$7.00 for incidentals. A claim for incidental expenses will be paid for each night that a trustee claims overnight accommodation. Incidentals include the cost for personal calls home, tips to porters and valets, local telephone calls, etc. Where a meal is provided, deduct value of each meal limit from the total per diem meal allowance.

- 11.5.1 Meals may be claimed as follows:

11.5.1.1 On day of departure:

11.5.1.1.1 To claim breakfast - depart from home/work before 7:00 a.m.

11.5.1.1.2 To claim lunch - depart from home/work before 12:00 noon

11.5.1.1.3 To claim dinner - depart from home/work before 6:00 p.m.

11.5.1.2 On day of return:

11.5.1.2.1 To claim breakfast - arrive at home/work after 7:00 a.m.

11.5.1.2.2 To claim lunch - arrive at home/work after 12:00 noon

11.5.1.2.3 To claim dinner - arrive at home/work after 7:00 p.m.

11.6 Vehicle Expenses

Kilometrage shall be at the rate of 55 cents per kilometer traveled when using personal automobile and the rate shall be adjusted annually to match the BCSTA mileage allowance. When private vehicles are used, compensation will be based on map distance and the currently approved rate and cannot exceed an amount equal to the economy airfare for the trip. When private vehicles are used in lieu of air transportation, meals and accommodation en route will be paid for one 24-hour period.

11.7 Hospitality Expenses

It may be necessary or beneficial to the School District if a trustee(s) were to host a meal or non-alcoholic refreshments for one or more persons.

In this case the meal allowance does not apply, and the Board will cover the cost of reasonable expenses incurred and a gratuity of not more than 20%. Claims for expenses incurred for hosting purposes shall be supported by receipts and clearly state the purpose of the expense, and the names of those hosted.

11.8 Other Expenses

Other expenses, such as taxi, parking, ferries, etc. will be reimbursed on submission of receipts.

11.9 Advances

Upon application an advance against the anticipated travel expenses shall be issued, but in no circumstances shall the advance exceed 75% of the budgeted cost of the trip.

11.10 Claims

A detailed claim for expenses shall be filed within ten (10) days of the return from the program/event.

12. Bylaws

12.1 Unless expressly required to be exercised by bylaw, all powers of the Board may be exercised by bylaw or by resolution

12.2 The following matters shall be dealt with only by bylaw:

12.2.1 Adoption of the budget

12.2.2 The acquisition or disposal of property

12.2.3 Amendments to bylaws

12.2.4 Where the Minister approves a capital plan or a capital plan with modifications, the Board shall prepare a capital bylaw as required by the *School Act*

12.2.5 Where required by the *School Act*

12.3 Every bylaw shall be dealt with in the following stages

12.3.1 First reading: no debate or amendment

12.3.2 Second reading: discussion of the principle of the bylaw

12.3.3 Third reading: consideration of amendments and final decision

12.4 At each of the three readings of a bylaw the bylaw must be read in full, however, a reading of a bylaw may, if a written or printed copy of the bylaw is in the possession of each trustee and is available to each member of the public in attendance at the meeting at which the bylaw is to be read, consist of a description of the bylaw by its title and a summary of its contents

12.5 The Board shall not give a bylaw more than two readings at any one meeting unless the trustees who are present at the meeting unanimously agree to give the bylaw all three readings at that meeting.

12.6 The Secretary-Treasurer shall certify the accuracy of each bylaw and show the date of each of its readings and adoption.

- 12.7 Permission to withdraw a proposed bylaw may be given at any stage by majority vote of the Board. A motion to grant permission to withdraw a proposed bylaw requires a seconder.
- 12.8 A bylaw, once passed, may only be amended by the passage of an amending bylaw, and this passage must employ the procedures given above in this section.

13. Conflict of Interest

- 13.1 "Pecuniary interest" means, with respect to a trustee, an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 56 of the *School Act*.
- 13.2 If a trustee has any pecuniary interest in any matter and is present at a meeting of the Board at which the matter is considered, the trustee:
- 13.2.1 Shall at the meeting disclose his or her pecuniary interest and the general nature of the pecuniary interest;
 - 13.2.2 Shall not take part in the discussion of or vote on any question in respect of the matter; and
 - 13.2.3 Shall not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter. [SA s. 58(1)]
- 13.3 If the meeting is not open to the public, in addition to complying with these requirements (see 12.02) the trustee shall immediately leave the meeting or the part of the meeting during which the matter is under consideration. [SA s. 58(2)]
- 13.4 If the pecuniary interest of a trustee is not disclosed as required above by reason of the trustee's absence from the meeting, the trustee shall disclose the pecuniary interest and otherwise comply with the requirements at the first meeting of the Board attended by the trustee after the meeting referred to above. [SA s. 58(3)]
- 13.5 The requirements of paragraphs 12.01 - 12.03 do not apply to any pecuniary interest referred to by the *School Act* as exempt from the disclosure requirements of the *School Act*. [SA s. 59]
- 13.6 The pecuniary interest of spouse or of a parent or child of the trustee shall, if known to the trustee, be deemed to be also a pecuniary interest of the trustee. [SA s. 57]
- 13.7 If a meeting is open to the public, every disclosure of pecuniary interest and the general nature of it shall be recorded in the minutes of the meeting. If the meeting is not open to the public, the fact that a disclosure of pecuniary interest was made, but not the general nature of that interest, shall be reported to, and recorded in the minutes of, the next meeting that is open to the public.

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 8

POLICY 8 - BOARD COMMITTEES

As much as possible, the Board's business of governance will be conducted by the full Board of Trustees. The Board may establish committees of the Board when necessary to assist it with governance functions. Committees of the Board shall never interfere with delegation of authority from Board to Superintendent. The Board may delegate specific powers and duties to committees of the Board that are established by the Board, subject to the restrictions on delegation in the *School Act*.

The primary purpose of all committees of the Board shall be to act in an advisory capacity to the Board. Unless specific powers have been delegated by the Board the power of all committees shall be limited to making recommendations to the Board and shall not include that of acting on behalf of the Board unless specifically authorized for individual issues. The Chair of the committee shall place all recommendations before the Board at a regular business meeting of the Board in the form of a proper motion.

Trustees not appointed to a committee may attend meetings of any committee of the Board and may be allowed to take part in any discussion or debate by permission of a majority of the committee, but may not vote. The Chair of a committee may make motions and speak to any question during committee meetings without leaving the chair. The rules applying to regular or special meetings of the Board shall be observed in Board Education and Business Committee, ad-hoc and in standing committees so far as they are applicable and not altered by the provisions of this bylaw.

General Requirements

1. The Board may appoint Standing Committees and Ad Hoc Committees and shall prescribe their purpose, powers and duties and meetings.
2. The Chair shall be an ex-officio non-voting member of all Board committees to which the Chair has not been appointed.
3. The Chair shall appoint the Chair and members of any standing or ad hoc committee.

Standing Committees

Standing committees are established to assist the Board with work of an ongoing or recurring nature. Trustees shall be appointed to Standing Committees at the annual Inaugural Meeting and subsequent Annual Meeting to serve at the pleasure of the Board, and thereafter, at any time determined by the Board.

Standing committees are usually established or confirmed annually at the Inaugural Meeting or subsequent Annual Meeting. The appointed member shall serve on the committee until s/he is unable to perform the duties assigned or until replaced by a subsequent appointment.

The number of trustees appointed to a committee other than the Board Education and Business Committee shall not constitute a quorum of the Board.

1. Advisory Committee

1.1 Purpose

To provide perspective and advice to trustees on matters referred to it by the Board or by a partner group. These matters may be related to any area of the District's operation.

1.2 Powers and Duties

To receive the perspective and advice of the partner group representatives in attendance and to ask for clarification.

1.3 Membership

All trustees are members of the committee and the Chair of the Board shall appoint the chair of the committee.

1.4 Meetings

1.4.1 Meetings of this committee will be open to the public.

1.4.2 Meetings to be held on the 3rd Tuesday of the month from 4:30 – 6:00 pm

1.4.3 The Superintendent and Secretary-Treasurer will be in attendance at meetings of the committee to assist with process and to be a resource to the committee.

1.4.4 Each of the following partner groups will be invited to send two representatives to attend the advisory committee: District Student Advisory Committee, District Parent Advisory Committee, Cowichan Valley Teachers' Federation, United Steel Workers Local 1-1937, Canadian Union of Public Employees Local 5101, Cowichan Valley Principals and Vice Principals Association.

1.4.5 Partner group representatives are encouraged to provide perspective and advice from the vantage point of the group they represent.

1.4.6 Partner groups referring a matter to the committee are asked to provide sufficient detail for trustees and other partner groups to understand the scope of the matter being referred. Such items will be considered in the creation of the agenda.

1.4.7 The agendas and notice of meetings will be prepared by the Secretary-Treasurer, under direction of the Chair of the Advisory Committee who shall consult with the Chair of the Board and the Superintendent. The agenda will be circulated to the committee members and partner group representatives in advance of the meeting.

1.4.8 The Secretary-Treasurer will produce a written summary of the perspectives and advice received by the committee and will circulate it to all partner groups and will present it to the Board.

2. Board Education and Business Committee

2.1 Purpose

- 2.1.1 The purpose of the Board Education and Business Committee is to provide a forum for in-depth discussion of issues referred to it by the Board, the Chair or the Superintendent and to make recommendations to the Board as the Board Education and Business Committee deems appropriate. The Board Education and Business Committee is also a forum to receive presentations and reports and for trustees to hear perspectives of senior staff, partner groups and other community representatives on matters being considered by the Board Education and Business Committee.

2.2 Powers and Duties

- 2.2.1 The agenda for a Board Education and Business Committee meeting shall be prepared by the Superintendent, in consultation with the Chair of the Board and the Chair of the Board Education and Business Committee. The agenda will be circulated to the committee members and partner group representatives in advance of the meeting.
- 2.2.2 The Chair of the Board is the Chair of the Board Education and Business Committee unless he or she delegates this responsibility to another trustee.
- 2.2.3 Motions in Board Education and Business Committee must be seconded and trustees are not limited as to the times of speaking.

2.3 Membership

- 2.3.1 Membership of the Board Education and Business Committee is all trustees and a quorum is the majority of trustees in office.

2.4 Meetings

- 2.4.1 Board Education and Business Committee meetings generally shall be held at 4:00 p.m. on the third Tuesday of each month except for July and August.

3. Human Resources Committee

3.1 Purpose

- 3.1.1 To review the Human Resources report and any Human Resources issues referred to the committee by the Board.

3.2 Powers and Duties

- 3.2.1 Make recommendations to the Board where deemed appropriate.
- 3.2.2 Duties as prescribed in collective agreements relative to the Human Resources committee and the grievance procedure.

3.3 Membership

- 3.3.1 Three trustees as appointed by the Board Chair. The Chair of the Committee is determined by the Board Chair.

3.4 Meetings

3.4.1 Once per year or at the call of the Chair.

4. Audit Committee

4.1 Purpose

4.1.1 To monitor, evaluate, advise or make recommendations on matters affecting the financial and operational control policies and practices relating to the District.

4.2 Powers and Duties

4.2.1 Powers:

4.2.1.1 To review and recommend the terms of engagement for the external auditor

4.2.1.2 To review progress relative to the remediation of any deficiencies identified in the external audit report or management letter.

4.2.2 Primary Duties:

The primary duties of the Committee include, but are not limited to the following:

4.2.2.1 Assessing the processes related to identification of the District's risks and effectiveness of its control environment;

4.2.2.2 Overseeing financial reporting;

4.2.2.3 Evaluating the District's internal control systems for financial reporting;

4.2.2.4 Evaluating the internal and external, and any special audit processes;

4.2.2.5 Providing an avenue of communication amongst the external auditor, management, and the Board, and

4.2.2.6 Making recommendations to the Board as to potential policy or procedural changes arising out of audit recommendations.

4.2.2.7 The Committee has the authority to retain, at the expense of the District, outside advisors and consultants within the District's reasonable availability of financial resources.

4.2.3 Specific Duties:

4.2.3.1 Audit committee responsibilities

4.2.3.1.1 Review and assess the adequacy of these terms of reference annually in May and submit any recommended changes to the terms of reference to the Board of Trustees for approval.

4.2.3.1.2 Review the District's annual audited financial statements before such statements are submitted to the Board of Education for approval.

- 4.2.3.1.3 Review shall include discussion with management and the external auditors of significant issues regarding accounting principles, practices and judgements.
- 4.2.3.1.4 Consideration shall also be given as to whether they are complete and consistent with information known to Committee members.
- 4.2.3.1.5 In consultation with management and the external auditors consider the integrity of the District's financial reporting processes and controls including information technology security and control.
- 4.2.3.1.6 Discuss significant financial risk exposures and the steps management has taken to identify, monitor, control and report such exposures. Review significant findings prepared by the external auditors together with management responses.
- 4.2.3.1.7 Review the financial consent and completeness of information of the District's public disclosure documents of a financial nature which require approval by the Board, before release.
- 4.2.3.1.8 Review with management, the external auditors, and, if necessary, legal counsel any material litigation claim or other contingency that could have a material effect upon the financial situation or operation results of the District and the manner in which these will be disclosed in the financial statements.
- 4.2.3.1.9 Monitor the appropriateness of accounting policies especially critical accounting policies and financial reporting used by the District to review any actual and perspective changes in financial reporting and accounting policies and practices to be adopted by the District and to review and assess any new or proposed developments in accounting and reporting standards that may affect or impact on the District.
- 4.2.3.1.10 Review other direct or indirect external audit reports (e.g. Office of the Auditor General) toward making recommendations to the Board for policy or procedural changes for the school District.

4.2.3.2 Risk Management Oversight

Risk Management Oversight means identifying and analyzing and managing risks that may prevent the District from achieving its objectives. The Committee's oversight responsibilities for risk management is primarily concerned with financial risks that may affect financial reporting.

- 4.2.3.2.1 Assess whether management has implemented policies ensuring that the District's financial risks are identified and

that controls are adequate, in place and functioning properly.

- 4.2.3.2.2 Assess whether management has implemented policies and controls to prevent, detect, and deter fraud.
- 4.2.3.2.3 Review all reports concerning any significant fraud or non-compliance that occurs in the District. This review shall include consideration of the internal controls that are to be strengthened to reduce the risk of a similar event in the future.
- 4.2.3.2.4 Assess compliance with specific regulations pertaining to the District.
- 4.2.3.2.5 After Committee assessment, appropriate recommendations will be made to the Board if required.
- 4.2.3.3 Legal Compliance – The auditors do this as part of the audit. Review the responses to the auditors on legal matters.
 - 4.2.3.3.1 On at least an annual basis, review with the District’s appointed legal counsel any legal matters that could have a significant impact on the District’s financial statements, the Districts compliance with applicable laws and regulations, and inquiries received from the regulators or government agencies.
- 4.2.3.4 External Audit Responsibilities
 - 4.2.3.4.1 Role of the Audit Committee with the External Auditor
 - 4.2.3.4.1.1 Review the appointment of the external auditor, for recommendation to the Board for approval giving consideration to matters such as:
 - 4.2.3.4.1.1.1 Independence and whether to retain such auditor after consultation with appropriate management.
 - 4.2.3.4.1.1.2 The fees paid to the external auditor on an annual basis and any non-auditing services performed by the external auditor.
 - 4.2.3.4.1.2 On an annual basis, review and discuss with the external auditor all significant relationships with the District that could impair such auditor’s independence.
 - 4.2.3.4.1.3 Review the planning and results of the external audit, including:

- 4.2.3.4.1.3.1 The auditor's engagement letter.
- 4.2.3.4.1.3.2 The reasonableness of the estimated audit fees.
- 4.2.3.4.1.3.3 The scope of the audit, including materiality, audit reports required, areas of audit risk, deadlines and coordination with internal audit staff.
- 4.2.3.4.1.3.4 The post audit management letter together with management's responses.
- 4.2.3.4.1.3.5 Any other matters the external auditor brings to the attention of the Committee.
- 4.2.3.4.1.4 Meet with the external auditor at least annually, or as requested by the auditor without management representatives present.
- 4.2.3.4.1.5 Receive and review all follow up action or status reports relating to the recommendations of the external auditor.
- 4.2.3.4.2 Financial Reporting
 - 4.2.3.4.2.1 Review the Board's annual financial statements, and all other financial monitoring reports required by the Board, Ministry of Education, or other agencies.
 - 4.2.3.4.2.2 Recommend to the Board, if the Audit Committee considers it appropriate to do so, that the Board approve the annual audited financial statements and any other financial monitoring report.
- 4.2.3.4.3 External Audit Process
 - 4.2.3.4.3.1 Recommend to the Board the appointment of the external auditor for a term not exceeding four years. The selection process must also be in accordance with Board procurement procedures.
 - 4.2.3.4.3.2 Review the external auditor's audit plan and audit findings, including:
 - 4.2.3.4.3.2.1 The external auditor's engagement letter and independence letter.

- 4.2.3.4.3.2.2 Any management representations made to the external auditor and those representations not obtained from management, if any.
- 4.2.3.4.3.3 Meet on a regular basis with the external auditor to discuss any matters that the audit committee or the external auditor believes are important to be discussed.
- 4.2.3.4.3.4 Review, at least once in every fiscal year, the performance of the external auditor and make recommendations to the Board on the appointment, replacement or dismissal of the external auditor, and on the fee and fee adjustment for the external auditor.
- 4.2.3.4.3.5 Work to resolve any disagreements between management and the external auditor about financial reporting.
- 4.2.3.4.3.6 Recommend to the Board the pre-approval of all audit and non-audit services to be performed by the external auditor.
- 4.2.3.4.3.7 Review other direct or indirect external audit reports (e.g. Office of the Auditor General) toward making recommendations to the Board for policy or procedural changes for the school District.
- 4.2.3.4.4 Compliance Matters
 - 4.2.3.4.4.1 Review the effectiveness of the Board's system for monitoring compliance with legislative requirements and with the Board's policies and procedures, and where there have been instances of non-compliance, to review any investigation or action taken by management to address the non-compliance.
 - 4.2.3.4.4.2 Review any significant findings of regulatory entities, and any observations of the external auditor related to those findings.
 - 4.2.3.4.4.3 Obtain regular updates from management and legal counsel regarding compliance matters.
 - 4.2.3.4.4.4 Obtain confirmation by management that all statutory requirements have been met.
- 4.2.3.4.5 Reporting and Communication

- 4.2.3.4.5.1 The Audit Committee is accountable to the Board of Education representing the interests of all stakeholders.
- 4.2.3.4.5.2 Maintain an effective communications policy, including disclosure of the Audit Committee's Terms of Reference.

4.2.3.5 Other

- 4.2.3.5.1 Periodically perform a self-assessment of committee performance.
- 4.2.3.5.2 Review financial and accounting succession planning within the District.
- 4.2.3.5.3 Perform any other activities consistent with these terms of reference, the District's bylaws and governing policies as committee or the Board of Education deems necessary or appropriate.
- 4.2.3.5.4 Establish procedures for receiving, retaining and responding to complaints relating to accounting or auditing matters, on a basis that protects the confidentiality of the complainer.

4.3 Membership

- 4.3.1 The Chair of the Board shall appoint three trustees and designate the Chair of the Committee. (Note: resource personnel shall be assigned by the Superintendent as required and shall normally include the Secretary-Treasurer and a recording secretary).

4.4 Meetings

- 4.4.1 The Audit Committee will meet at least three times per year. Additional meetings may be scheduled at the call of the Chairperson if deemed necessary to carry out its responsibilities effectively and efficiently. The Committee chair shall prepare an agenda in consultation with the Secretary-Treasurer, Superintendent and Chair of the Board.
- 4.4.2 Minutes will be taken at each meeting and will be presented to the Board of Trustees as part of the closed agenda.
- 4.4.3 Audit committee meetings shall not be held unless there are two trustee representatives present in addition to any staff support. At least one staff member shall be present for each meeting.
- 4.4.4 The Committee shall meet at least three times per year and may call special meetings as required.
- 4.4.5 The minutes of the Committee meetings shall be confidential. The most senior staff member assigned by the Superintendent shall keep minutes of the proceedings of all meetings of the Committee. The minutes shall be included in the next Closed Board Agenda and forwarded to the external auditor after approval by the Board.

- 4.4.6 Deliberations and information received from the attendance at an audit committee meeting will be treated as private and confidential information, and shall not be published, released or disclosed in any manner to any persons other than to trustees of the Board, the Superintendent, or, as determined by the Committee, or in pursuance of specified duties under the *School Act*, the District's Organizational Bylaw or the *Freedom of Information and Protection of Privacy Act*.

5. Early Learning and Child Care Committee

5.1 Purpose

- 5.1.2 To improve overall readiness for school and to increase student success in primary school years. The Committee will also focus on issues related to existing and future childcare spaces within School District facilities.

5.2 Powers and Duties

5.2.1 Powers

Make recommendations to the Board where deemed appropriate.

5.2.2 Duties:

To ensure all students have opportunities for early success by:

1. Working to provide space, based on community need, for pre-school, childcare and/or before and after school care programs in schools. These resources must be licensed and follow the Early Learning Framework. Where possible, preference for provision of child care services should be given to not-for-profit providers.
2. Supporting the growth of family literacy programs within the schools and community and increasing skills as measured by a variety of assessment tools.
3. Tracking and providing appropriate interventions for Kindergarten/Grade 1 students.
4. Developing and maintaining community connections and partnerships.
5. Promoting reading and learning as presented in the Early Learning Framework.
6. Supporting developmentally appropriate learning opportunities that support "school readiness".
7. Providing ongoing opportunities for parents to receive quality information on early childhood education.
8. Promoting and supporting literacy and lifelong learning.

5.3 Membership

- 5.3.1 Three trustees as appointed by the Board Chair. The Chair of the Committee is determined by the Board Chair. Three senior staff members. Resource personnel as needed.

5.4 Meetings

5.4.2 Every two months or at the call of the Chair.

6. Climate Change Committee

6.1 Purpose

6.1.1 Recognizing that climate change is a World issue affecting current and future generations, the Climate Change Committee will develop recommendations to mitigate the environmental impact of the School District's operations.

6.2 Powers and Duties

6.2.1 Powers

Make recommendations to the Board where deemed appropriate.

6.2.2 Duties:

To ensure that the School District takes actions to mitigate its environmental impact by:

1. Focusing on energy efficiency and renewable energy;
2. Exploring options for water conservation;
3. Minimizing waste at School District facilities through the implementation of recycling and composting programs;
4. Promoting clean transportation options;
5. Examining opportunities to plant trees at School District facilities;
6. Developing opportunities for learning and student engagement on climate issues.

6.3 Membership

6.3.1 The Committee size will not exceed ten members. The Chair of the Committee is determined by the Board Chair. Membership of the Committee will be assigned by the Board Chair and will include three Trustees and three senior staff members. The following groups may receive an invitation to participate in the Committee:

- Students
- DPAC
- CVTF
- CVPVPA
- CUPE
- USW
- Local Governments
- Local First Nations and Metis Nation
- Community Experts

6.4 Meetings

6.4.1 Two times a year or at the call of the Chair.

Ad Hoc Committees

Ad hoc committees may be established to assist the Board on a specific project for a specific period of time. The terms of reference for each ad hoc committee will be established by Board motion at the time of the formation. Such ad hoc committees shall cease to exist when the purpose has been achieved. The Chair of the Board shall appoint membership and the Chair of the ad hoc committee.

Resource Personnel

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

Legal Reference: School Act *Sections* 50, 56, 57, 58, 59, 65, 66, 67, 68, 69, 70, 71, 72, 85 School Act
Financial Disclosure Act
Income Tax Act

Policy 9

POLICY 9 - 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.

Upon request of the Board Chair, 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.

Representatives serve at the pleasure of the Board.

External Appointments

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.

3. BCSTA Vancouver Island Branch

3.1 Purpose of the BCSTA Vancouver Island Branch

3.1.1 Receive reports from the BCSTA Board of Directors.

3.1.2 Discuss and/or develop policy issues for submission at the Annual General Meeting.

3.1.3 Act as a forum for discussion of Vancouver Island issues.

3.2 Powers and Duties of the Board Representative

3.2.1 Attend BCSTA Vancouver Island Branch meetings.

3.2.2 Represent the Board's positions and interests at BCSTA Vancouver Island Branch meetings.

3.2.3 Communicate to the Board the work of the BCSTA Vancouver Island Branch.

3.2.4 Bring recommendations to the Board as and when necessary.

3.2.5 Build positive working relationships with other Boards.

3.3 Membership

3.3.1 Any trustees may attend; however One (1) trustee; one (1) alternate are assigned as representatives.

3.4 Meetings

3.4.1 Four (4) meetings per year or as called by VISTA, as scheduled.

Other Community Involvement

As active community members trustees are frequently requested to sit on various community committees or be involved in community organizations such as the local Chamber of Commerce. The trustee shall make clear that their presence is as a community member and not as a Cowichan Valley School District trustee and therefore the views expressed are those of the individual and not those of the Board or District.

From time to time the Board may wish to send a representative to other external organizations or committees established by such an external organization. Should the Board choose to do so the Board shall appoint a trustee by Board motion. Should the Board not have a relevant position the representative shall seek one from the Board and refrain from expressing a personal opinion. In addition such a representative is required to provide the Board with timely reports.

School Liaison Trustee Role

The Chair shall make School Liaison assignments.

The role of liaison trustee is to provide visible 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 activities and events and understand the culture of schools in the District. Trustee attendance at liaison schools shall be managed individually, taking into consideration the availability of the individual trustee to attend such events throughout the school year.

School liaison responsibilities shall not:

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

Parent Advisory Council

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 or District Parent Advisory Council meetings. If these Councils wish to advise the Board corporate, that advice is to be sent to the Board.

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

Policy 10

POLICY 10 - 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 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 the 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, parent, student or other community member 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. When appropriate, the Superintendent shall seek legal advice on the intent and the wording of the policy.
4. Policy drafts shall be brought by the Superintendent to the Board for consideration and possible approval.
5. The Board will determine whether further information or consultation is required.
6. If further consultation is required, comments and suggestions on the policy draft will be reviewed by the Superintendent and/or designate(s).
7. Once stakeholder comments have been taken into account, and any information needs satisfied (if so determined), the policy will be recommended to the Board for approval.
8. Only those policies which are adopted and recorded in the minutes constitute the official policies of the Board.
9. 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.
10. If the Board adopts a motion which has continuing applicability the Board shall seek means to include the direction of such motion as part of an existing policy or to develop a free-standing policy to reflect the direction contained in the motion.
11. The Board may request the Superintendent to change an administrative procedure to a draft Board policy and will in such an instance provide the rationale for same.
12. 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.
13. 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.
14. The Superintendent must inform the Board of any substantive changes to administrative procedures as an information item in a Board agenda.

15. 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.
16. 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

POLICY 11 - 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, 74, 85 School Act

Policy 12

POLICY 12 - 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 Trustees 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 Implements directions established by the Minister.
 - 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 positive citizenship.
 - 1.4 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.
- 6.4 Be in regular contact with the Chair of the Board to ensure the board has knowledge of current issues and events.

7. Strategic Priorities and Reporting

- 7.1 Leads the development and implementation of the strategic priorities 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 Demonstrates effective organizational skills.
- 8.2 Reports to the Minister with respect to matters identified in and required by the School Act and provincial legislation.
- 8.3 Reviews, modifies and maintains an organizational chart which accurately delineates lines of authority and responsibility.

9. Communications and Community Relations

The Superintendent of Schools shall:

- 9.1 Identify key communication strategies and messages in order for the District to tell its story;
- 9.2 Develop and maintain positive working relationships with and among the District’s educational partners;
- 9.3 Develop and maintain positive working relationships with the staff of the Ministry of Education and other ministries as appropriate;

- 9.4 Develop and maintain positive relationships with community organizations, particularly those organizations that may enhance student achievement; and,
- 9.5 In concert with the Chair, act as spokesperson for the District.
- 9.6 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.
- 9.7 Promotes positive public engagement in the District.

10. Leadership Practices

- 10.1 Practices leadership in a 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

Policy 12 – Appendix A

POLICY 12 - APPENDIX A - SUPERINTENDENT EVALUATION GUIDING PRINCIPLES

The Superintendent evaluation process is intended to provide 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. Provide for a written evaluation of the Superintendent's performance twice in a four-year term.
2. Highlights the key role of the Superintendent as the educational leader of 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.
5. Is aligned with and based upon the Superintendent's roles and responsibilities.
6. Is linked to the District's Strategic Priorities and the key results contained therein.
7. Sets out standards of 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 as indicated in the annual growth plan.
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 at least twice in a four-year term of office. Such feedback will be timely, 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/she has not been given authority.

Legal Reference: Section 22, 85 School Act

Policy 13

POLICY 13 - APPEALS PROCEDURE BY-LAW

Bylaw No. 2

Whereas the School Act states that

“Where the decision of an employee of a Board significantly affects the education, health or safety of a student, the parent/guardian of the student or the student may, within a reasonable time from the date that the parent/guardian or student was informed of the decision, appeal that decision to the Board.”

And,

“For the purposes of hearing appeals under this section, a Board shall, by bylaw, establish an appeal procedure.”

And, further

“A Board may refuse to hear an appeal under this section unless the appellant discussed the decision under appeal with one or more persons as directed by the Board.”

Therefore the Board of Education, School District No. 79 (Cowichan Valley), enacts the following Bylaw prescribing procedures for the disposition of any appeals arising from the application of the provisions of the School Act.

Decisions Which May Be Appealed

1. The Board of Education recognizes the right of a student and/or parent/guardian of a student under Section 11 of the School Act to appeal a decision of an employee of the Board where such decision significantly affects the education, health or safety of the student.
2. The following decisions shall be deemed to significantly affect the education, health or safety of a student:
 - 2.1 Disciplinary suspension from school for a period in excess of five (5) consecutive days or one that could prevent a student from fulfilling graduation requirements;
 - 2.2 Refusal to offer an educational program to a student who is sixteen (16) years of age or older;
 - 2.3 Requirement to complete all or part of an educational program by distributed learning as a disciplinary measure, where space and facilities are available in a school;
 - 2.4 Exclusion from school for a health condition;
 - 2.5 Failure to provide an IEP to a student with special needs as defined per Ministerial Order No. M150/89;

- 2.6 Failure to offer to consult with a parent/guardian regarding the placement or IEP of a student with special needs;
 - 2.7 Denial of an educational program by failure to take action in respect of a complaint of bullying, intimidation, harassment, or threat or use of weapons or violence by one or more students against another student; and
- any other decision that, in the opinion of the Board, significantly affects the education, health or safety of a student.
- 3. A “decision” for the purposes of this bylaw includes the failure of an employee to make a decision. “Parent/Guardian” is as defined in Section 1 of the School Act.

Refusal to Hear Appeals

- 4. The Board may refuse to hear an appeal where:
 - 4.1 The appeal has not been initiated within a reasonable time of the decision being appealed;
 - 4.2 The student or parent/guardian appealing the decision has not first discussed the decision being appealed with any persons identified by the Board; or
 - 4.3 The Board determines that the decision does not significantly affect the student’s education, health or safety.

Appeal Procedure

- 5. An appeal must be submitted to the Board in accordance with this Bylaw.

Before filing an appeal

- 6. Before an appeal is filed, it is the Board’s expectation that the student and/or parent/guardian will discuss the issue in dispute in a constructive manner with those responsible at the school or District level. In this regard, the Board expects, at a minimum, the following steps will be taken before an appeal is filed:

Step 1

The person(s) will express the concern(s) to the individual involved. Both parties may have an advocate and will attempt to resolve the concerns. In some circumstances, the principal may be asked to attend a meeting to assist the person(s) with Step 1.

Step 2

The person(s) will meet with the principal/supervisor or designate and may bring an advocate. The principal/supervisor shall carry out an appropriate review and report to all parties concerned and attempt to resolve the concern(s).

Step 3

The person(s) will submit to an Assistant Superintendent a written statement to outline the concern with recommendation(s) for resolution of the concern(s).

An Assistant Superintendent will review all information relevant to the matter:

- Contact the concerned person(s)
- Attempt to resolve the concern to the satisfaction of the person(s) with the complaint and inform the person(s) involved.
- Include in writing, the action which will take place to resolve the concern.

Time Limit for Filing Appeal

7. An appeal must be commenced within thirty (30) days of the date the student or parent/guardian was informed of the decision being appealed from, unless the student or parent/guardian initiating the appeal (the "Appellant") can demonstrate that there are reasonable grounds to extend this time limit.

Filing an Appeal

8. An appeal shall be initiated by filing a notice of appeal with the Secretary-Treasurer to the Board.
9. The notice of appeal shall include the following information:
 - 9.1 The name, address, email address (if applicable), and telephone phone number of the Appellant, including the student's name, school, grade level, and home room teacher;
 - 9.2 A description of the decision that is being appealed and its effect on the education, health or safety of the student;
 - 9.3 The name of the employee who made the decision;
 - 9.4 The date the Appellant was informed of the decision being appealed;
 - 9.5 The grounds of the appeal and the action requested; and
 - 9.6 The steps that the Appellant has taken to discuss the matter directly the person who made the decision or with other school or District employees.
10. Where the Appellant is a student under the age of nineteen (19) years, the Board shall provide a copy of the notice of appeal to the parent/guardian(s) of the student.
11. Upon receiving the notice of appeal, the Secretary-Treasurer will notify the Board, the appropriate Assistant Superintendent and the employee whose decision is being appealed, of the appeal.

Pre-Hearing Procedure

12. The Secretary-Treasurer or his/her designate is responsible for reviewing the notice of appeal and for communicating with the Appellant and others on matters related to the appeal.

13. Where, in the opinion of the Secretary-Treasurer, the appeal does not comply with the requirements for an appeal established under this Bylaw or Section 11 of the School Act (e.g. it is not a decision of an employee which significantly affects the student's education, health or safety; the appeal was not filed in a timely manner), the Secretary-Treasurer shall refer the preliminary matter to the Board for a determination.
14. The Board may ask for written submissions from the Appellant and/or the appropriate Assistant Superintendent on the preliminary matter.
15. The Board shall notify the Appellant and the appropriate Assistant Superintendent of any preliminary decision it may make, including a refusal to hear the appeal.
16. Where, in the opinion of the Secretary-Treasurer, there is no preliminary matter to be determined, arrangements will be made for the hearing of the appeal by the Board.
17. Prior to the date established for the hearing of the appeal, the appropriate Assistant Superintendent will provide a report to the Board regarding the matter under appeal. The Appellants and the employee whose decision is being appealed shall be entitled to a copy of this report.
18. The Board may provide directions for the hearing of the appeal.
19. The Board may, prior to the Board hearing the appeal or at any other time, require the Appellant discuss the decision being appealed with persons directed by the Board.
20. The Board may establish a committee of one or more persons who have not been involved in the decision under appeal, for the purpose of investigating an appeal and the committee shall report to the Board as directed.

Board Hearing

21. The Board may hold an oral hearing in respect of the appeal and/or may decide the appeal based upon written submissions. Oral hearings will be held in a closed session and the Superintendent of Schools shall act as an advisor for the Board.
22. The Board may make any interim decision it considers necessary pending the disposition of the appeal.
23. The Board shall advise the Appellant, the appropriate Assistant Superintendent and the employee whose decision is being appealed, whether the appeal will be determined based upon written submissions and/or an oral hearing and on any directions established for the hearing of the appeal, including the time frame for oral and/or written submissions.
24. Where the Board decides to hold an oral hearing, the Appellant, the appropriate Assistant Superintendent and the employee whose decision is being appealed, shall be provided with written notice of the date, time and location of the hearing.
25. The Board may ask questions of any person appearing at the appeal hearing.

- 26. The Board may adjourn the hearing at any time to obtain additional information where it considers such information would assist the Board in determining the appeal.
- 27. During the appeal process, the Appellant may be accompanied by an advocate, support person and/or interpreter/translator.

Decision

28. The Board shall make any decision that it considers appropriate in respect of the matter that is being appealed and any preliminary matters.

29. The Board shall decide the appeal based on the oral and/or written submissions presented to it and any other information obtained by the Board in accordance with this Bylaw.

30. The Board must make a decision as expeditiously as possible and within 45 days from the date the notice of appeal was received in an acceptable form.

31. The Board shall promptly notify the Appellant, the Superintendent and the employee whose decision was appealed of the decision of the Board and shall provide written reasons for the decision as soon as practicable.*

*[*An Appellant may have a right to appeal a decision of the Board made under this Bylaw. For more information contact the Student Appeals Branch of the Ministry of Education.]*

READ A FIRST TIME this _____ day of _____, 2018.

READ FOR A SECOND TIME this ^t _____ day of _____, 2018.

READ FOR A THIRD TIME, passed, and adopted this _____ day of _____, 2018.

Chairperson of the Board

Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original of School District No. 79 (Cowichan Valley) Appeals Procedures Bylaw No. 2 adopted by the Board the _____ day of _____, 2018.

Secretary-Treasurer

Legal Reference: School Act, Section 11

Policy 14

POLICY 14 - CONSOLIDATION AND CLOSURE OF SCHOOLS

The Board of Education recognizes that, from time to time, declining and shifting student populations may necessitate the closure of schools. Before any decision is made, the Board will make its proposed plans regarding closure clear to all concerned, provide ample lead time and support a process that provides an opportunity for consultation with those who will be affected.

Specifically,

The Board recognizes that the number and location of schools must be balanced with education program needs and operational efficiency and must be considered within available resources. If at any time on its own initiative or upon the recommendation of the Superintendent, the Board intends to consider a motion which proposes the closure of any school, the Board shall give notice of its intent to do so at a regular open meeting of the Board, undertake a full and comprehensive consultation process of no less than ninety days and discuss and make a decision on the closure at a subsequent open meeting of the Board.

Consolidation Closure Process

1. The Board, by resolution at an open meeting of the Board, may give notice that it intends to close a school.
2. As early as possible in the calendar year, the Superintendent shall present to the Board at a regular open meeting, an analysis of schools, using the criteria set out below, and make any recommendations for the closure of schools.
 - 2.1 Student achievement and education programs
 - 2.2 Capacity and usage of the school
 - 2.3 Present and three to five-year enrolment projections
 - 2.4 Effect on the catchment area of schools, if more than one school was proposed to be closed and the general effect on surrounding schools
 - 2.5 Number of children in the catchment area that do not attend school
 - 2.6 Number of students attending the school from outside the catchment area
 - 2.7 Impact on transportation
 - 2.8 Condition of the facility and the need for capital expenditures to keep the building operational
 - 2.9 Other financial considerations
 - 2.10 Alternative configuration options
 - 2.11 Impact on the community

- 2.12 Any additional information considered pertinent
- 2.13 The Board will consider the information provided by the Superintendent and either,
 - 2.13.1 Conclude that no action or further study is required, or
 - 2.13.2 Begin the consultation process.

3. Public Consultation Process

- 3.1 Whether the decision to consider the possible closure of a school is on the Board's initiative or upon the recommendation of the Superintendent, the consultation period shall be no less than 90 days and shall consist of the procedures set out below.
- 3.2 One of the purposes of the public consultation process is to afford the Board, at a public information meeting, an opportunity to:
 - 3.2.1 Present its reasons for proposing the closure of a school, or
 - 3.2.2 Hear the Superintendent's reasons for recommending the closure of a school and at a separate public forum to be conducted at a later date,
 - 3.2.3 Receive the responses of those concerned.
- 3.3 All trustees are expected to adopt a position of neutrality throughout the consultation process and to attend the public information meeting, the individual meetings with invited community leaders and the public forum, a description of each of which follows.
 - 3.3.1 The Board Chair shall notify in writing the parents and where appropriate, the First Nations' Chiefs and Council, that the school has been identified for possible closure and indicate the purposes, dates and venues of the public information meeting and the public forum and the date of the Board Meeting at which a decision on school closure will be made.
 - 3.3.2 The Superintendent will notify in writing the school Principal and the Parents' Advisory Council Executive that the school has been identified for possible closure and indicate the purposes, dates and venues of the public information meeting and the public forum and the date of the Board Meeting at which a decision on school closure will be made.
 - 3.3.3 The Board Chair will advise in writing the following groups and individuals that the school has been identified for possible closure and of the purposes, dates and venues of the public information meeting and the public forum, as well as, issue an individual invitation to meet with the Board.
 - 3.3.3.1 The Cowichan Valley Teachers' Federation
 - 3.3.3.2 The Cowichan Valley Principals' and Vice Principals' Association
 - 3.3.3.3 The Canadian Union of Public Employees Local 5101
 - 3.3.3.4 The United Steelworkers of America Local 1-80
 - 3.3.3.5 The District Parents' Advisory Council
 - 3.3.3.6 The Member of the Legislative Assembly in whose constituency the school is located
 - 3.3.3.7 Municipal Government Leaders

3.3.3.8 First Nations' Chiefs and Council

3.3.3.9 Métis Association

3.3.4 The Board shall use the local media and the school District's web site to advertise the purposes, dates and venues of the public information meeting and the public forum, in sufficient time to enable individuals or community groups to respond.

4. Public Information Meeting

4.1 The Superintendent shall make available at a public information meeting facts and information with respect to the proposed school closure, including:

4.1.1 Educational effectiveness, including educational program or course implications for affected students

4.1.2 Capacity or usage of the school

4.1.3 Present and three to five year enrolment projections

4.1.4 Number of students affected at the school and surrounding schools

4.1.5 Effect on the current catchment area of affected and surrounding schools

4.1.6 Number of children in the catchment area that do not attend school

4.1.7 Number of students attending the school from outside the catchment area

4.1.8 Assessment of the projected student population growth in the catchment area

4.1.9 Impact on District provided student transportation

4.1.10 Condition of the facility and the need for capital expenditures to keep the building operational

4.1.11 Other financial considerations

4.1.12 Options considered as alternatives to the proposed closure

4.1.13 Impact on the community

4.1.14 Implementation plans including the proposed effective date of the closure

4.1.15 Date of the meeting at which the Board will make a decision on closure of the school

4.2 An opportunity shall be provided for a question period at the public information meeting.

5. Written Responses

5.1 The Board shall provide an adequate opportunity for individuals and representatives of community groups to submit written responses to the school closure information presented at the public information meeting, with directions as to how to submit written responses and the closure date for receipt of written responses including petitions, seven clear days before the meeting at which the Board will make a decision on the closure of the school.

6. Individual Meetings with Community Leaders

6.1 The Board shall conduct individual meetings with the community leaders and representatives of the groups identified in the aforementioned item 3(c), at which the Board will hear responses and answer questions regarding the proposed closure of the school. The meetings shall be open to the public with the exception of closed meetings that may be requested by partner groups or community leaders. The Board will keep a public record of closed meetings.

7. Public Forum

7.1 The Board shall host a public forum at which individuals and representatives of community groups may address the Board on the proposed school closure.

8. Public Record

8.1 The Board shall keep a public record of the school closure consultation process, including copies of all correspondence from the Board Chair and the Superintendent; dates, advertising, names of attendees, agendas and minutes of the public information meeting, the individual meetings with community leaders and the public forum; and all written correspondence received by individual trustees and the Board.

9. Board Decision

9.1 At the end of the ninety day consultation period, the Board, at an open meeting, shall consider the information provided during the consultation process and by adopting a bylaw, make a final decision as to whether the school will be closed.

10. Notification of the Minister

10.1 If the Board decides to permanently close a school under Section 73 of the *School Act*, the Board shall, without delay, notify the Minister in writing of the decision and the following information:

10.1.1 The school's name, facility number and address,

10.1.2 The date on which the school will close.

Policy 15

POLICY 15 - RECRUITMENT AND SELECTION OF PERSONNEL

Recognizing the significance of a well-organized personnel selection process, the Board specifies that personnel appointments shall be governed by the following guidelines.

Specifically

1. The Board, in the case of the Superintendent, or the Superintendent or designate, in all other instances, will assume the sole responsibility for initiating the advertising process and will make reasonable effort to ensure that all current District employees are made aware of administrative vacancies.
2. Vacant positions of one year or more and 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.
3. The Board has the sole authority to recruit and select an individual for the position of Superintendent.
4. In regard to exempt positions, the Superintendent shall:
 - 4.1 Recruit and select Assistant Superintendents and the Secretary-Treasurer as required, with Board advice;
 - 4.2 Recruit, select, assign, reassign and terminate other exempt employees, other than Assistant Superintendents and the Secretary-Treasurer, as required;
 - 4.3 Make recommendations to the Board on exempt staff compensation
 - 4.4 Inform the Board of hiring, assignment, reassignment and termination of exempt employees
 - 4.5 Ensure exempt positions have a role description and the person occupying each of the positions has a written contract of employment.
5. The Superintendent shall recruit, select, assign, reassign and terminate Principals and Vice-Principals as required. 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.
6. The Superintendent is delegated full authority to recruit and select staff for all other staff positions, within the limitations of legislation, budget allocations and collective agreements.
7. 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). Additionally, the Superintendent or designate may require documentation certifying that the candidate is medically fit for the position.

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

Policy 16

POLICY 16 - SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION

The Board of Education recognizes and values the diversity found within its school community and believes that each individual contributes to the strength of the District's culture. The Board also recognizes that students and their families, employees and volunteers who identify as or are perceived to be lesbian, gay, bisexual, transgender, transsexual, two-spirit, queer or questioning their sexual orientation, gender identity or gender expression (LGBTQ) face a unique set of challenges within our schools and communities. 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 drop-out, self-harm and suicide.

The Board recognizes its responsibility to provide a safe, inclusive and welcoming environment for all students and their families, employees and volunteers, including those who identify as or are perceived to be LGBTQ.

Specifically

The Cowichan Valley School District is committed to establishing and maintaining a safe, inclusive and welcoming environment for all students and their families, employees and volunteers including those who identify as or are perceived to be LGBTQ. This environment is to be free of discrimination, harassment and intimidation.

The Board will implement strategies and guidelines to ensure that students and their families, employees and volunteers who identify as or are perceived to be LGBTQ are welcomed and included in all aspects of their education, their child's education, their employment or their service, as the case may be, and are treated with respect and dignity.

The Board will not tolerate any behaviour that is discriminatory, harassing or intimidating towards students and their families, employees or volunteers, including those who identify as or are perceived to be LGBTQ. The Board is committed to providing support and assistance to those who may be affected by such behaviour.

The authority and responsibility for the Administrative Procedures related to this policy rests with the Superintendent of Schools.

Legal Reference: Section 65, School Act

Policy 17

POLICY 17 - ACCUMULATED OPERATING SURPLUS

The purpose of the Accumulated Operating Surplus Policy (Policy) is to provide guidelines and rules to ensure accountable and transparent financial planning, and develop procedures that guide the accumulation, spending and reporting of operating surplus funds. An accumulated operating surplus is achieved by spending less than the revenue the school district receives. The Board of Education (Board) is required by legislation to approve a balanced annual operating budget, which may include use of accumulated surplus funds from the previous year. The Board will engage the local community prior to approving restrictions on the spending of surplus funds. The restriction of accumulated surplus funds will be guided by the Board's strategic priorities. This policy aligns with and ensures compliance with the Ministry of Education (Ministry) Accumulated Operating Surplus Policy.

Specifically

Engagement with Local Community, First Nations and BC Metis Nation

When developing local budgets (including the use of operating surplus) boards will ensure that they consult and engage their local communities by providing information on:

- Where, when and how long the community will have the opportunity to provide input, feedback and ask questions on the Board's annual budget;
- Specific opportunities for the local community to provide feedback on how the use of operating surplus supports the Board's strategic priorities; and
- How the Board will report out to the community on its progress towards meeting its strategic priorities (including the use of surplus).

This engagement may occur in conjunction with the public and partner budget feedback sessions.

Internally Restricted Operating Surplus

The restriction of accumulated operating surplus will be reported in three categories:

1. Restricted due to the nature of constraints on the funds. These funds have external restrictions that are not at the discretion of the Board;
2. Restricted for anticipated unusual expenses identified by the Board; and
3. Restricted for operations spanning multiple school years. These funds will include items that the Board of Education has determined are required to be held for use in a future year.

Examples include:

- a. Held to offset a funding shortfall in future years;
- b. Held to plan for a future new school contribution; and
- c. Held to assist schools and departments plan for multi-year expenditures.

Unrestricted Operating Surplus (Contingency)

The Board shall maintain a contingency reserve of at least 1% and not exceeding 3% of operating expenditures.

The Board may approve the use of the contingency reserve under the following circumstances:

- The elimination of any deficit arising at the end of a fiscal year of operations;
- The funding of new cost pressures in a fiscal year that were not known at the time of budget development;
- The payment of severances (wages and benefits) upon termination of employment;
- The settlement of any legal action that is not covered by insurance;
- Initial one-time cost outlays for new education programs;
- Coverage for disaster recovery expenditures;
- Extraordinary utilities cost pressures;
- Replacement of equipment essential to the continuation of educational programming in schools or District facilities;
- To assist in balancing future years' budgets.

In recognizing the use of the contingency reserve represents a one-time source of funding, the Board will incorporate into its future budget planning processes strategies to re-establish the contingency reserve. Such strategies may be implemented over a period of two years.

Restricted for Future Capital Cost Sharing

To support major capital projects that are identified in the Board's Five-Year Capital Plans and approved by the Ministry of Education for concept plan or business case development, the Board may restrict operating surplus to satisfy capital project cost share expectations at the time the project is brought forward for funding approval.

Local Capital

Local capital includes the Board's portion of any proceeds from the disposition of capital assets, transfers from operating funds and interest earned on local capital funds restricted for the purchase of tangible capital assets. Transfers from operating funds to local capital must be made only for specific initiatives that have a clear linkage to the Board's strategic priorities, or that address capital asset investment, or that meet the specific needs of the school district.

The Board will approve planned interfund transfers in alignment with the approval of the Annual Operating Budget. Subsequent requests will be presented to the Board of Education for approval as required. Capital assets purchased out of departmental operating budgets do not require subsequent board approval.

Reporting

The Board is required to provide the Ministry with an annual report on its budget allocation decisions (including operating surplus and local capital), demonstrating that approved allocations support the Board's strategic priorities. This reporting ensures that the Ministry receives all information relevant to operating surplus. The Board will provide additional narrative-type information explaining how the funds were accumulated and how the operating surplus will be used through the Financial Statement Discussion and Analysis (FSD&A).

Legal Reference: Sections 65, 85.2, 110, School Act

Policy 18

POLICY 18 - INDEMNIFICATION BYLAW

Bylaw No. 5

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. 79 (Cowichan Valley Board) in open meeting assembled enacts as follows:

Interpretation

1. In this bylaw:

- 1.1 "Board" means The Board of Education of School District No. 79 (Cowichan Valley Board);
- 1.2 "Trustee" means a member of The Board of Education of School District No. 79 (Cowichan Valley Board);
- 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 performed the duties out of which the claim inquiry or other proceeding arise, whether or not he 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".

READ A FIRST TIME this 3rd day of April, 2018.

READ FOR A SECOND TIME this 3rd day of April, 2018.

READ FOR A THIRD TIME, passed, and adopted this 3rd day of April, 2018.

Original signed by Candace Spilsbury
Chairperson of the Board

Original signed by Jason Sandquist
Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original of School District No. 79 (Cowichan Valley) Indemnification Bylaw adopted by the Board the 3rd day of April, 2018.

Original signed by Jason Sandquist
Secretary-Treasurer

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

Policy 19

POLICY 19 - SCHOOL DISTRICT TRANSPORTATION SERVICES

The Board will provide bus services to students living outside of the walk limits and attending their home school and, where space on existing routes exist, to students attending a school of choice or a District program. Students must be registered with the Transportation Department before being transported on a District bus.

Specifically

Board establishes walk limits as follows:

- Greater than 2.0 km for students attending Elementary Schools and
- Greater than 3.5 km for students attending Secondary Schools.

Within walk limits, transportation may be provided for safety reasons, which may include busy highway crossings or roads with poor visibility.

Transportation services for students with a disability such that they are unable to ride a regular bus shall be dealt with on an individual basis.

Legal Reference: Sections 65

Policy 20

POLICY 20 - CANNABIS RETAIL FACILITIES

The Board of Education recognizes that youth are particularly vulnerable to the effects of cannabis, which is linked to health, educational and social problems. Cannabis use can change the way that the brain grows and develops up until at least age 25. The Board support the implementation of the Island Health recommendations in regards to the proximity of Cannabis Retailers to schools.

Specifically

The Board will file objection to any site specific zoning within 300 meters of schools, and review any applications within 300 to 600 meters from a school site.

Legal Reference: Sections 85 School Act
School Regulation 265/89

Policy 21

POLICY 21 - MENSTRUAL PRODUCTS

The Board of Education of School District No. 79 is committed to providing menstrual products to students who may require them.

Specifically

The Board will:

- a) ensure menstrual products are made available to all students in a manner that protects student privacy;
- b) provide for barrier free, easily accessible menstrual products at no cost to students;
- c) provide menstrual products in school washrooms; and,
- d) consider student feedback with respect to the provision of menstrual products.

School district staff will develop procedures regarding the provision of menstrual products to students.

Policy 22

POLICY 22 - BUSINESS AND COMMUNITY PARTNERSHIPS IN EDUCATION

The Board of Education of School District No. 79 (Cowichan Valley) recognizes, invites and supports the development of mutually beneficial partnerships between the Board, schools and the community. This includes private businesses, individuals, local governments and non-government organizations (NGO) that are consistent with the Board's policies, regulations, values and student wellness.

DEFINITIONS:

"Partnership" is an ongoing formal arrangement, agreement and/or relationship between SD79 and a private business, individual, local government or non-government organization, with clearly defined educational goals and objectives.

"Large Project" partnership projects with a budget of \$100,000 or greater.

"Student Wellness" means the promotion of students' optimal well-being and conditions to achieve academic success.

"Acknowledgement" is the identification of participating partners.

PREAMBLE:

The Board of Education recognizes that commitment, cooperation and partnerships with the community are major factors in providing the best possible educational opportunities for students.

This policy sets out basic guidelines for the establishment of business and community partnerships in the school district.

REGULATIONS:

1. Business and community partnerships must enhance learning opportunities.
2. Business and community partnerships must ensure that student wellness is prioritized.
3. Recognition of all forms of partnership between the community, schools and/or the District shall be acknowledged in a fair and equitable manner.

ADMINISTRATIVE PROCEDURES:

1. All potential business and community partnerships will be communicated with the Superintendent prior to commitment.
2. District staff will ensure that the District Policy and Regulations are followed.

Policy 23

POLICY 23 - PHYSICAL RESTRAINT OF STUDENTS

The Board of Education believes that all students have the basic right to access an effective educational program and that respect for human rights, maintaining student dignity and the safety of all, students and staff, is paramount. Only in exceptional circumstances, where the behaviour of the student poses imminent danger of serious physical harm to themselves or others, including school personnel, and where less restrictive interventions have been ineffective may physical restraint or seclusion be used, in accordance with the District's Administrative Procedure 354 (Physical Restraint and Seclusion of Students).

Specifically

1. Every reasonable effort should be made to structure learning environments and to provide learning supports that make physical restraint and seclusion unnecessary.
2. Parents and guardians and students, when appropriate, are to be involved in the school assessment, development and review of interventions such as, but not limited to, behaviour support and risk reduction plans.
3. The Board supports the use of physical restraint by staff who have been properly trained in nonviolent crisis intervention as described by Administrative Procedure 354 (Physical Restraint and Seclusion of Students)

Policy 24

POLICY 24 – FINANCIAL PLANNING AND REPORTING

The purpose of the Financial Planning and Reporting Policy (Policy) is to provide greater transparency and accountability for the planning and reporting of financial resources managed by the Board of Education of School District No. 79 (Cowichan Valley) (Board). This Policy aligns with and ensures compliance with the Ministry of Education and Child Care (Ministry) Financial Planning and Reporting Policy which requires that the Board develop, implement and provide to the Ministry multi-year financial plans to show how funding and resources have been allocated in support of the Board's strategic priorities and operational needs with a focus on improving outcomes for all students.

Specifically

The Board will:

1. Ensure that it adequately plans for core educational programs;
2. Develop a multi-year financial plan which includes the efficient and effective allocation of resources;
3. Align financial planning decisions with strategic priorities;
4. Identify a process of engagement with the local community, education partners, First Nations and the BC Metis Nation that will provide an opportunity for stakeholders to provide input into the development of the Annual Budget and multi-year financial plan;
5. Ensure that the Annual Budget and multi-year financial plans are developed in accordance with applicable legislation, regulations and Treasury Board policy; and
6. Report annually on the progress towards alignment of funding with the Board's strategic plan and priorities, operational goals, and student educational outcomes.

Budget Development and Multi-Year Plan

The Board authorizes the Superintendent and Secretary-Treasurer to develop the Annual and Amended Budgets and the multi-year financial plan.

The Annual and Amended Budgets will be compiled and submitted in the form and containing the content specified by the Ministry of Education and Child Care.

The Annual and Amended Budgets and multi-year financial plan will prioritize funding for mandated educational programs and, where available, may support the Board's strategic priorities and operational plans.

Each year, at the February Open Board meeting, the Board will approve the Annual Budget timelines which will include a process and schedule for engagement with the local community and educational partners. This process will include engagement of First Nations and the BC Metis Nation. The multi-year financial plan will also be included at this time.

Prior to the presentation of the Annual Budget to the Board for approval, a report will be provided to the Board on all input received, and identify how that input has been considered in the development of the Annual Budget and multi-year financial plan.

Financial Reporting

The Board authorizes the Superintendent and Secretary-Treasurer to monitor financial reporting of the Annual Budget. Year-End Financial Projections will begin monthly beginning in December of each year.

Quarterly financial reports will be compiled and submitted to the Ministry in the form and containing the content specified by the Ministry of Education and Child Care.

Annually, the Board of Education will communicate its progress towards the alignment of funding and resources with the Board's strategic priorities, operational goals and student outcomes. Progress will be reported annually through the publication of the audited financial statements and an accompanying Financial Statement Discussion and Analysis Report.

Legal Reference: Sections 65, 85.2, 110, School Act

Policy 25

POLICY 25 - Identity, Belonging, and Connection Policy

Preamble

The Identity, Belonging, and Connection Policy was co-developed by a working group that was the result of the Board's Ad-Hoc Anti-Racism Committee. Members of this working group consisted of Indigenous Leadership students, union leadership, the District Sul'hween (Elder), District Indigenous Education Staff, and a local community member who is also a Journalist. The working group contained members who self-identified as Indigenous, and People of Colour, and those that did not. The working group was co-facilitated by the District Superintendent and Director of Communications.

Why 'Identity, Belonging and Connection'?

As the group worked through the policy development, they felt that defining the policy as the 'anti-racism policy' would not be truly reflective of the work undertaken to get to this final document nor the sole intention of the policy. The naming was a crucial step in aligning the policy to the foundational beliefs under the First People's Principles of Learning. These principles guided the foundation of the Strategic Plan and guided the work in the naming of this policy. They show that learning starts with 'Me' (individual), then the larger 'We' (family / friends), and finally 'Community.' When the working group considered these terms in relation to this policy, they aligned the terms 'Identity' with 'Me' and examined the intentionality of how this policy will create environments where individuals can form identity and be in a place where that identity can be nurtured. The working group then aligned 'Belonging' with 'We.' After the intentional creation of spaces where belonging is fostered, this policy ensures the creation of belonging for staff/students/families where they can be connected to something larger than themselves. Finally, aligning 'Connection' with 'Community' ensures that the Board and District continue to create opportunities for impact 'Beyond Education' in the community.

Policy Introduction

The Board of Education for the Cowichan Valley School District (Board) will actively work to ensure that schools are safe, welcoming, and caring places. To ensure this, the Board is committed to creating and supporting a positive and inclusive learning environment where all students, staff, families, and guests, especially those currently and historically marginalized, feel safe, included, welcomed, accepted, and experience a sense of belonging. Forming that sense of belonging leads to academic success for students and an equitable work environment for staff. This policy is being enacted specifically to eliminate barriers, and create pathways, to student, staff, and family access to opportunity, outcomes, and experience, regardless of race, ethnicity, culture, language, gender identity/expression, sexual orientation, religion, (dis)ability, physical attributes, and/or socioeconomic status. Racism, discrimination, and marginalization of any people or groups of people, whether intentional or unintentional, have no place in schools, school-supported activities, the district, or the community. Such actions damage those individuals, groups, and the whole community at which they are directed. Ending discriminatory policy, practice, and actions ensures the full potential of societies members.

Statement of support

All people deserve equal access to opportunity mindful of, and attentive to, the colour of their skin, their gender, their sexual orientation, the language they speak and their background. This right is fundamental to the K-12 education system and is extended to everyone without exception. The Board also recognizes the truth; that persons, and groups of people, have been historically marginalized in society due to inequities associated with aspects of their identities and their contexts, including, but not limited to, race, colour, weight, national origin, ethnic group, religion, religious practice, (dis)ability, sex, sexual orientation, or gender (including gender identity and expression). The Board is committed to addressing these inequities, and historical wrongs, ensuring each student and staff member has equitable access to opportunities in schools and workplaces that enable them to thrive and to build a safe and inclusive society.

The Board is proud of the cultural diversity of the communities it serves. To properly reconcile and right historical wrongs, the Board acknowledges the historic and contemporary truth of the lands of the Hul'q'umi'num' speaking peoples, specifically the Quw'utsun, Malahat, Halalt, Penelakut, Stz'uminus, & Lyackson peoples, and the lands of the Ts'uubaa-asatx, Nuu-Chah-Nulth peoples that the district occupies and serves, and the unique truths and histories of the Métis and Inuit peoples who also live on these lands.

The Board's Goals

The goal of the Board of Education for the Cowichan Valley School District is to provide equitable, inclusive, and diverse educational opportunities free of racism, marginalization, and discrimination for all students and staff. To achieve educational equity, employment equity, and inclusive education, the district welcomes culturally diverse students and staff, and recognizes the need for students to have relevant connections among themselves and their learning.

To truly realize this goal, it is imperative that the Board, and district staff, be fully conversant in the historical injustices and inequalities in local, provincial, and national contexts, that have shaped society to recognize and eliminate the institutional barriers, including racism and biases, that contribute to unequal educational outcomes within schools. Equity and inclusive education work to understand, identify, address, and dismantle the prejudices, biases, barriers, and disparities that limit a student's chance to graduate from high school prepared for whatever their future may hold.

Definitions

Equity:

Ensuring equitable outcomes often requires different treatment and resources for historically marginalized people, or groups, to achieve a level playing field among all individuals and communities.

Adapted from: <https://www.mcgill.ca/equity/resources/definitions>)

Equality:

Equality means individuals, or groups of people, are given the same resources and opportunities, regardless of their circumstances. Equality can increase inequities in communities. Not every group needs the same resources or opportunities allocated to them to thrive.

(Source: <https://unitedwaynca.org/blog/equity-vs-equality/>)

Racism:

A historically rooted system of power hierarchies based on race – infused in institutions, policies, and culture – that is designed to benefit the dominant culture and harm those who are intentionally and purposefully marginalized by these policies or acts. Racism is not limited to individual acts of prejudice, either deliberate or accidental. Rather, the most damaging racism is built into systems and institutions that shape our lives. Individual acts of racism can be openly displayed in ‘jokes’, slurs or hate speech or can be hidden in unconscious biases and/or displayed as micro-aggressions. Racism is deeply rooted in attitudes, values, and stereotypical beliefs aimed at asserting that one group, as defined by the colour of their skin or their perceived common ancestry, is inherently superior to others.

Adapted from: <https://www.nea.org/professional-excellence/student-engagement/tools-tips/racial-justice-education-key-terms-and>)

<https://www.ohrc.on.ca/en/racial-discrimination-race-and-racism-fact-sheet>

and

<https://bchumanrights.ca/glossary/racism/>

Discrimination:

Treatment of an individual or group based on their actual or perceived membership in a social category, usually used to describe unjust or prejudicial treatment on the grounds of race, age, sex, sexual orientation, gender, ability, socioeconomic class, immigration status, national origin, or religion.

Adapted from: <https://www.nea.org/professional-excellence/student-engagement/tools-tips/racial-justice-education-key-terms-and>)

Marginalization:

In reference to groups of people, marginalization is when there are purposeful and intentional actions aimed at holding groups and communities back. Marginalized groups experience discrimination and exclusion (social, political, and economic) because of unequal power relationships across economic, political, social, and cultural dimensions.

Adapted from: <https://nccdh.ca/glossary/entry/marginalized-populations>

Inclusion:

Being included within a group or structure. More than simply diversity and quantitative representation, inclusion involves authentic and empowered participation, with a true sense of belonging and full access to opportunities.

(Source: <https://www.nea.org/professional-excellence/student-engagement/tools-tips/racial-justice-education-key-terms-and>)

Diversity:

There are many kinds of diversity, based on race, gender, sexual orientation, class, age, country of origin, education, religion, geography, physical, or cognitive abilities. Valuing diversity means recognizing and honoring differences between people, acknowledging that these differences are a valued asset, and striving for diverse representation as a critical step towards equity.

Adapted from: <https://www.nea.org/professional-excellence/student-engagement/tools-tips/racial-justice-education-key-terms-and>

Reconciliation

“Reconciliation” is about establishing and maintaining a mutually respectful relationship between Indigenous and non-Indigenous peoples in this country. For that to happen, there must be awareness of the past, acknowledgement of the harm inflicted, atonement for the causes, and action to change behaviour. There must be a commitment to partner with Indigenous peoples on this journey and direct efforts to inspire meaningful action.

Adapted from: https://publications.gc.ca/collections/collection_2015/trc/IR4-9-6-2015-eng.pdf) – The Truth and Reconciliation Commission - Canada’s Residential Schools: Reconciliation, The Final Report of the Truth and Reconciliation Commission of Canada – Vol 6, page 3