



# BOARD POLICY HANDBOOK

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The Board of Education of School District No. 67 (Okanagan Skaha)

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

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

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

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

It is to be noted that the electronic versions of 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.

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## Policy 1

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### FOUNDATIONAL STATEMENTS

#### **Our Vision**

Improving the achievement of all students

#### **Our Mission**

Working Together for Student Success

#### **Motto**

Connecting students to their future

#### **Core Values**

We believe the goal of the school system is to maximize the potential and success of each student.

We believe we must inspire curiosity for learning and the desire to grow and develop.

We believe we must model enthusiasm, dedication and adaptability to change.

We believe that hope must be kindled, opportunities provided, achievement encouraged and success celebrated.

We believe in respect for self and for the beliefs and rights of others in a safe and orderly environment.

We believe in high standards of student achievement accomplished in a collaborative system accountable for measurable results.

We believe it is important to provide a high standard of resources (personnel, facilities, learning resources, supplies and equipment) to enable the District to offer exemplary programs.

We believe a quality education system is a shared responsibility among the Board, staff, students, parents and the community.

#### **Strategic Plan Goals**

**Governance:** The Board will work with partner groups to revisit the District's Mission and create Belief Statements which are reflective of the renewed curriculum and support the development of 'Educated Citizens'.

**Education:** The Board will continue to work to identify and support diverse needs of all learners.

**Technology:** The Board will align its technological resources to best support and enhance our learning community.

**Human Resources:** The Board will develop a culture of health and wellness for all persons employed by the District.

**Facilities and Transportation:** The Board will support a student transportation system that is sustainable and best meets the needs of students within their catchment areas.

**Finance and Operations:** The Board will create District and school processes to facilitate understanding of funding resource allocation.

### **The Logo Design and Use**



The logo represents the geographic location of the District at the southern end of Lake Okanagan.

The SD67 Okanagan Skaha School Board logo is the property of the Okanagan Skaha School Board and shall only be used by external organizations with prior approval of the Superintendent.

### **Legal Name**

The Board of Education of School District No. 67 (Okanangan Skaha)

### **Operational Name**

SD67

Legal Reference: Sections 65, 75, 85 School Act  
Order in Council #597, November 9, 2018

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## Policy 2

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### ROLE OF THE BOARD

The Board of Education of School District No. 67 (Okanagan Skaha) is the corporate entity established by provincial legislation and is given authority by the School Act and attendant regulations to provide overall direction and leadership to the District. It is accountable for the provision of appropriate educational programs and services to enrolled students of the District to enable their success, in keeping with the requirements of government legislation.

The Board is charged with the responsibility for providing an education system that is organized and operated in the best interests of the students it serves. The BC School Act provides that the Board is responsible for the improvement of student achievement in the District.

#### Specific Areas of Responsibility

##### 1. Accountability to the Provincial Government

The Board shall:

- 1.1 Act in accordance with all statutory requirements of provincial legislation to implement educational standards and policies.
- 1.2 Perform Board functions required by governing legislation and existing Board policy.

##### 2. Developing and Maintaining a Culture of Student Learning

The Board shall:

- 2.1 Ensure Board agendas reflect the Board's commitment to improving student success.
- 2.2 Ensure the District's strategic plan identifies student learning key results.
- 2.3 Ensure the Framework for Enhancing Student Learning is reviewed at least annually including identification of trends and issues.
- 2.4 Ensure resources for approved initiatives to improve student outcomes are included in the annual operating budget.
- 2.5 Assess the effectiveness of the Superintendent's leadership in relation to improved student outcomes.

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

The Board shall:

- 3.1 Make decisions that address needs for all District students.
- 3.2 Establish processes and provide opportunities for community engagement.
- 3.3 Report District student learning outcomes at least once annually to the community.
- 3.4 Develop procedures for and hear appeals as required by statute and/or Board policy.

- 3.5 Meet regularly with municipal government representatives and as required with other entities to achieve desired educational outcomes.
- 3.6 Model a culture of respect and integrity.

#### 4. Strategic Planning

The Board shall:

- 4.1 Provide overall direction for the District by establishing foundational statements.
- 4.2 Annually review District priorities and key results as indicated in the District's Strategic Plan.
- 4.3 Annually ensure evaluation of the effectiveness of the District in achieving established priorities and key results.
- 4.4 Approve the District Strategic Plan and any adjustments thereto.

#### 5. Policy

The Board shall:

- 5.1 Identify how the Board is to function.
- 5.2 Delegate authority to the Superintendent and define commensurate accountabilities.
- 5.3 Identify the purpose to be achieved and the criteria for any new policies.
- 5.4 Make the final decision as to the approval of all policy statements.
- 5.5 Develop, assess, review and revise policies as required to ensure intended results are being achieved and that policies are consistent with legislation.
- 5.6 Ensure motions which are intended to have continuing effect are integrated into existing or new policy statements.

#### 6. Board/Superintendent Relations

The Board shall:

- 6.1 Select and hire the Superintendent.
- 6.2 Provide the Superintendent with clear Board direction.
- 6.3 Delegate in writing, administrative authority and identify responsibility subject to the provisions and restrictions in provincial legislation and regulations.
- 6.4 Evaluate the Superintendent in accordance with a pre-established performance appraisal mechanism.
- 6.5 Annually review Superintendent compensation.
- 6.6 Respect the authority of the Superintendent to carry out executive action and support the Superintendent's actions which are exercised within the delegated discretionary powers of the position.
- 6.7 Ensure all Board members interact with the Superintendent in a respectful professional manner.

## 7. Political Advocacy/Influence

The Board shall:

- 7.1 Make decisions regarding British Columbia School Trustees Association (BCSTA) and British Columbia Public School Employers' Association (BCPSEA) issues.
- 7.2 Advance District positions and priorities, including through BCSTA as applicable.
- 7.3 Act as an advocate for public education and the District through the development of an advocacy initiative to support the District's Strategic Plan. Such an advocacy initiative shall identify the Board's preferred future relative to a specific matter, who needs to act in order to bring this about, and what actions the Board will take to increase the likelihood of achieving the desired result.
- 7.4 Promote regular meetings and maintain timely, frank and constructive communication with locally elected officials including representation on municipal committees.
- 7.5 Arrange meetings with elected provincial/federal government officials and Penticton Indian Band to communicate and garner support for the District's priorities and directions.

## 8. Board Development

The Board shall:

- 8.1 Annually develop Board professional development activities aligned with District priorities and Board evaluation outcomes.
- 8.2 Annually evaluate the Board's effectiveness as per Appendix B.

## 9. Fiscal Accountability

The Board shall:

- 9.1 Approve a budget process and timelines annually.
- 9.2 In collaboration with the Superintendent, identify budget assumptions and draft priorities to be used in the creation of the draft annual operating budget.
- 9.3 Approve the annual budget and allocation of resources to achieve desired results, including strategic priorities.
- 9.4 Annually approve the District's updated Five Year Capital Plan.
- 9.5 Annually appoint the auditor and approve the terms of engagement.
- 9.6 Review annually the audit report and management letter and approve those recommendations to be implemented.
- 9.7 Make decisions regarding ratification of memoranda of agreement in local bargaining matters.
- 9.8 Approve the acquisition and disposition of District land and buildings.
- 9.9 Approve the spending plan for the annual facilities grant.
- 9.10 Approve the amended annual budget.
- 9.11 Monitor the fiscal management of the District through receipt of quarterly fiscal accountability reports.



- 9.12 Approve borrowing for capital expenditures within provincial restrictions.
- 9.13 Approve any transfer of funds between operating, capital, and special purpose funds.
- 9.14 Approve changes to student fee schedules.
- 9.15 Approve long term contracts after a review by the District solicitors. Such long term contracts of more than one year duration include: Real Property Lease Agreements, Real Property Purchase and Sale Agreements, Joint Use Agreements.

### **Additional Responsibilities**

The Board Shall:

1. Approve the District calendar in accordance with legislation and collective agreements.
2. Approve Board Authority Authorized Courses.
3. Recognize students, staff and community members.
4. Approve contracts and agreements as required by legislation.
5. Hear unresolved student or staff complaints of discrimination or harassment that cannot be heard by the Superintendent.
6. Approval and cessation of academies and programs of choice and changes in fees.
7. Approve parameters for negotiations after soliciting advice from the Superintendent and ratify Memoranda of Agreement with bargaining units.
8. Review and approve District expense rates annually.
9. Review Board compensation adjustments annually.
10. Approve changes to catchment areas for schools and District programs.
11. Approve changes in grade configurations.
12. Approve the reopening of a closed school.
13. Approve any field trip for any length of time which takes place outside the Province of British Columbia (including International travel).

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

## Policy 2 - Appendix A

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### BOARD ANNUAL WORK PLAN

#### September

##### Regular Board Meeting Agenda Items

- Review and assess the audit report and management letter and financial statement discussion and analysis 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 Public Sector Accounting Board (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.
- Appoint an auditor for the current fiscal year and review the terms of engagement.
- Approve any revisions to Board Annual Work Plan (including schedule of meetings).
- Review the audit report and management letter and approve for implementation the recommendations of the auditor.
- Receive Superintendent report on school start up.
- Assess summer learning accountability report.

##### Events

- Business Committee Meeting.
- Education Committee Meeting.

#### October

##### Regular Board Meeting Agenda Items

- Recognize World Teachers' Day.
- Review enrollment report and staffing report.
- Receive School Growth Plans for information.
- Review International Student Program report.

**Events**

- Business Committee Meeting.
- Education Committee Meeting.
- Attend and participate in BCSTA Provincial Council Meeting.
- Attend and participate in BCPSEA Symposium.
- Determine Board member representation at Remembrance Day ceremonies.

**November****Regular Board Meeting Agenda Items**

- Elect Chair/Vice-Chair.
- BCPSEA Provincial Representative and BCSTA Provincial Councilor.

**Events**

- Business Committee Meeting.
- Education Committee Meeting.
- Attend and participate in BCSTA Academy.
- Attend Remembrance Day celebrations.
- Metis dinner.

**December****Regular Board Meeting Agenda Items**

- Review quarterly fiscal accountability report.
- Trustee school liaison assignments after Chair's recommendation.
- Approve committee/representative appointments after Chair's recommendation.
- Review and assess student outcomes including, student welfare and six year completion rates.
- Review FSA results.

**Events**

- Business Committee Meeting.
- Education Committee Meeting.
- Attend Christmas concerts when available.

## January

### Regular Board Meeting Agenda Items

- Approve budget development process and timelines for next year's annual budget.
- Review quarterly facilities report.
- Review and assess annual strategic priorities accountability report to monitor progress relevant to achieving the key results.
- Provide direction through Board representative to BCSTA Provincial Council Meeting regarding provincial policy matters.
- Conduct Superintendent/CEO evaluation and compensation review.
- Complete Board self-evaluation.

### Events

- Business Committee Meeting.
- Education Committee Meeting.
- Attend and participate in BCSTA Provincial Council.
- Attend and participate in BCPSEA Annual General Meeting.

## February

### Regular Board Meeting Agenda Items

- Approve amended annual budget for current fiscal year and make any required adjustments (e.g., if it is a negative report, cut, expend from reserves, agree to a deficit that will be first call on the next year's budget. If it is a positive report, agree to incur a surplus, direct expenditure to meet an emergent need, plan to build the 1%-3% surplus). The accountability report shall include variance analyses and year-end projections.
- Review policy positions for submission to BCSTA Annual General Meeting.
- Approve Board Authority Authorized Courses.
- Ensure all deficiencies identified in the management letter and audit report have been remediated to the satisfaction of the auditor.

### Events

- Business Committee Meeting.
- Education Committee Meeting.
- Attend and participate in BCSTA Provincial Council Meeting.
- Attend Ministry Partner Meetings/Board Chair's Meeting.

## March

### Regular Board Meeting Agenda Items

- Review quarterly fiscal accountability report.
- Review budget assumptions, public feedback, and Board priorities for the annual budget for the coming year.

### Events

- Business Committee Meeting.
- Education Committee Meeting.
- Thompson Okanagan Branch Meeting.
- Attend the Okanagan College Community Reception.

## April

### Regular Board Meeting Agenda Items

- Review draft budget for the upcoming year and provide any required direction regarding adjustments or further consultation prior to approval.
- Approve annual budget for next fiscal year.
- Approval of District calendar for the next school year.
- Approve school based fees.
- Review quarterly facilities report.

### Events

- Business Committee Meeting.
- Education Committee Meeting.
- Attend and participate in BCSTA Annual General Meeting.
- BCSTA Leadership workshop.
- Attend Indigenous Cultural Bridges in selected schools.

## May

### Regular Board Meeting Agenda Items

- Review annual staffing and labour relations accountability report and assess Personnel Quality Indicators re Policy 12.
- Receive presentation of the annual report on Indigenous Education.

### Events

- Business Committee Meeting.
- Education Committee Meeting.

- Participate in school graduation ceremonies and the Indigenous graduation luncheons.
- District science inquiry event.
- District celebration event.
- District mentorship celebration.

## June

### Regular Board Meeting Agenda Items

- Review internal audit accountability report.
- Assess strategic planning results report.
- Review Student Learning Accountability Report and assess Student Learning Quality Indicator's re Policy 12 (District Growth Plan).
- Approve proposed trustee calendar for Board meetings and related functions for the coming year.
- Review video surveillance report.
- Approve Five Year Capital Plan, and Annual Facilities Grant Plan (AFG).

### Events

- Business Committee Meeting.
- Education Committee Meeting.
- Host Retirement Recognition Awards Ceremony.
- Attend and participate in Student Awards.
- Attend and participate in Graduation Ceremonies.
- Participate in Strategic Planning workshop including priority setting for the coming year.

## July

## August

## Ongoing

- Advocate for public education and the District's role in the community.
- Attend trustee development/orientation sessions.
- Attend school functions (as invited).
- Hear appeals as needed.
- Ratify memoranda of agreement with bargaining units.

- Approve disbursements from and contributions to the Local Capital Reserve Fund.
- Declare facilities surpluses to general school needs.
- Approve purchase and disposition of real property (lands and buildings).
- Advance Board positions through BCPSEA.
- Initiate meetings with other elected officials.
- Purposefully meet with government MLA's and Ministers, First Nations and municipal governors.
- Receive for information purposes only Principal and Vice Principal transfer report.
- In an election year in the first week of September host an information meeting for those who express interest in running for the position of School Board trustee.
- Approve any field trip for any length of time which takes place outside the Province of British Columbia (including International travel).

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.

**Policy 2- Appendix B**

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**Facilitated Board Self-Evaluation Process**  
School District No. 67 (Okanagan Skaha)



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## PROCESS

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

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## PURPOSE

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

1. How well have we fulfilled each of our defined roles as a Board during the evaluation period?
2. How do we perceive our interpersonal working relationships?
3. How well do we receive input and how well do we communicate with those we represent?
4. How 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 to improve student learning? How do we know? What else have we accomplished this past year?
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.

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## EVALUATION PRINCIPLES

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

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

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## CONTEXT

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The Board has chosen to retain the nine areas of responsibility articulated in Policy 2 in order to carry out their governance role. These include: Accountability to the Provincial Government, Development and Maintaining a Culture of Student Learning, Accountability to and Engagement of Community, Strategic Planning, Policy, Board/Superintendent Relations, Political Advocacy/Influence, Board Development, Fiscal Accountability. The annual facilitated Board self-evaluation process is focused on Board performance in relation to these nine areas.

## Policy 3

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### ROLE OF THE TRUSTEE

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 Board.

The Board of Education is a corporate body. The trustee's primary responsibility is to act as a member of a corporate Board. School Board trustees collectively and individually must carry out their responsibilities, and the work of the Board, in good faith and with reasonable diligence. A trustee's fiduciary duties are owed to the Board which is, in turn, accountable to the electorate.

Only a trustee who is specifically authorized to act on behalf of the Board may act 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 16 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. Trustee requests for information or action by staff shall be made through the Superintendent.
6. Upon receiving a complaint or inquiry from a parent, staff, or community member will refer the inquiry back to the teacher, Principal, or appropriate District Office personnel and will inform the Superintendent of this action.
7. Keep the Board and the Superintendent informed in a timely manner of all matters coming to their attention that might affect the District.

8. Provide the Superintendent with counsel and advice, giving the benefit of the trustee's judgment, experience and familiarity with the community.
9. 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.
10. Attend committee meetings or meetings as a Board representative, as assigned, and report to the Board in a timely manner.
11. When delegated responsibility, will exercise such authority within the defined terms of reference in a responsible and effective way.
12. Participate in Board/trustee development sessions so that the quality of leadership and service in the District can be enhanced.
13. Strive to develop a positive and respectful learning and working culture both within the Board and the District.
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.

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 (BCSTA) 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  
A Guide for School Trustee Candidates 2018 BCSTA

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**Policy 4**

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**TRUSTEE CODE OF CONDUCT**

The School Act states that the rights, powers, duties, and liabilities of the Board rest only with the legally constituted Board as a whole, not with committees of the Board or with individual trustees. Members of the Board exercise their powers and responsibilities as a matter of public trust, and only when the Board is officially in session.

However, it is recognized that Board members hold considerable influence as a result of being elected to public office as a trustee. It is important that the Board and its individual members operate in an ethical and business-like manner. This commitment includes proper use of authority, appropriate decorum in individual and group behaviour and fair and respectful treatment of students, parents, staff, members of the community and other Board members.

Therefore, the Board has established the following Standards of Conduct to help provide the conditions necessary for effective Board operations.

1. Board members will establish a District culture which will foster student achievement and which will provide an atmosphere where each student can reach his/her full potential.
2. Board members will devote time, thought and study to their duties and responsibilities so that they may render effective and creditable service.
3. Board members recognize that the expenditure of Board funds is a public trust and, therefore, they will ensure that all such funds shall be expended efficiently, economically, and for the best interest of students.
4. Board members will not attempt to exercise individual authority over or to act on behalf of the District except as explicitly set forth in Board policies.
5. Board members will make decisions with a focus on the educational welfare of children and will strive to meet the educational needs of all children.
6. The Board recognizes the right of trustees to express their disagreement with Board decisions.
7. Board members will endeavor to work in a spirit of harmony and cooperation in spite of differences of opinion that may arise during debate. Trustees will observe proper decorum and behavior; encourage full and open discussion in all matters with their fellow trustees; treat them with respect and consideration; and will not withhold or conceal from them any information or matter with which they should be concerned.
8. Board members will not use the schools, school or District equipment or any part of the school program for personal advantage or for the advantage of friends.
9. Trustees will not disclose the confidential business of the Board.
10. Board members will establish policies by which the District and schools are administered. Board members recognize that the education program and the conduct of school business

will be left to the Superintendent/CEO and Secretary-Treasurer as designated by the School Act, Regulations, Ministerial Orders and Board Policy.

11. Board members will support policies and procedures that ensure the employment of those persons best qualified to serve as District staff.
12. Board members will be mindful of legislation governing Conflict of Interest and will avoid placing themselves in positions of Conflict of Interest.
13. Board members will endeavor to remain informed concerning provincial and national developments in education.
14. Board members will do everything possible to maintain the integrity, confidence and dignity of the office of School Trustee.

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

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**Policy 4 – Appendix**

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**TRUSTEE CODE OF CONDUCT SANCTIONS**

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

**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 to gain resolution. If the concern is with the Board Chair, the concern is to be raised with the Vice-Chair.
  - 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 their 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 but with the continuing presence of the Secretary-Treasurer. 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 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 FOIPPA), 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, (Part 5 Sections 55-64), 65, 85, 94, 95 School Act

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## Policy 5

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### ROLE OF THE BOARD CHAIR

The Board of Education shall at its inaugural and annual meeting *elect* one of its members to serve as Board Chair, to hold office at the pleasure of the Board.

The Chair has no authority to either make decisions beyond policy created by the Board or to supervise or direct staff.

#### Specific Responsibilities

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

1. Prior to each Board meeting, meet with the Vice-Chair, the Superintendent and Secretary-Treasurer to determine the items to be included in the agenda, and to become thoroughly familiar with them.
2. To preside over all public and closed Board meetings and ensure that such meetings are conducted in accordance with the School Act, the bylaws, policies and procedures as established by the Board.
3. To perform the following duties during Board meetings:
  - 3.1 Maintain the order and proper conduct and decorum of the meeting so that motions may be formally debated;
  - 3.2 To ensure that issues being presented for the Board's consideration are clearly articulated and explained;
  - 3.3 Display firmness, courtesy, tact, impartiality and willingness to give everyone an opportunity to speak on the subject under consideration in order that a Board decision can be reached;
  - 3.4 To direct the discussion by trustees to the topic being considered by the Board;
  - 3.5 Decide questions of order and procedure, subject to an appeal to the rest of the Board. They will speak to points of order in preference to other members;
  - 3.6 Determine disposition of each motion by a formal show of hands.
4. To convey directly to the Superintendent any concerns or questions as are related to the Chair by trustees, parents, students or employees which may significantly affect the administration of the District.
5. To be in regular contact with the Superintendent to maintain a working knowledge of current issues and events within the District.
6. To bring to the Board all matters requiring a corporate decision of the Board.
7. To act as chief spokesperson for the Board by stating positions consistent with Board decisions and policies (except for those instances where the Board has delegated this role

to another individual or group).

8. To act as a signing officer for the District.
9. To represent the Board, or arrange alternative representation, at Board events, meetings with other levels of government or other organizations or at hearings. When representing the Board at official meetings or in an official function, the Chair is limited to speaking for positions the Board has determined through passing motions. The Chair will bring back issues to the Board for consideration if the Board has not yet adopted motions on the matter or provided direction. The Chair will share with the Board all information from meetings with other levels of government or external organizations at which the Chair attended as the Board's representative.
10. To ensure that the Board engages in regular assessments of its effectiveness as a Board.
11. To recommend to the Board trustee appointments to:
  - 11.1 School liaison appointments;
  - 11.2 Representative to organization; and
  - 11.3 Other Board committees.
12. Address inappropriate behaviour on the part of a trustee as per policy 4 sanctions.
13. Assist with the Board orientation program for new trustees.
14. Manage the Superintendent/CEO contract on the Board's behalf by bringing any relevant matters to the Board's attention in a timely manner.

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

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**Policy 6**

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**ROLE OF THE VICE-CHAIR**

The Board of Education shall at its inaugural and annual meeting *elect* one of its members to serve as Vice-Chair, to hold office at the pleasure of the Board. If the Vice-Chair vacates the office or ceases to be a member of the Board, the Board shall elect a Vice-Chair to serve for the remainder of the year.

**Specific Responsibilities**

1. The Vice-Chair shall act on behalf of the Board Chair, in the latter's absence and shall have all the duties and responsibilities of the Board Chair.
2. The Vice-Chair shall assist the Board Chair in ensuring that the Board operates in accordance with its own policies and procedures and in providing leadership and guidance to the Board.
3. Prior to each Board meeting, the Vice-Chair shall meet with the Chair, the Superintendent and the Secretary-Treasurer and will become thoroughly familiar with items included in the agenda.
4. The Vice-Chair shall be an alternate signing officer for the District.

Legal Reference: Sections 65, 67, 85 School Act

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## Policy 7

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### BOARD OPERATIONS

The Board has adopted policies so the business of the Board can be conducted in an orderly and efficient manner. In order to discharge its responsibilities to the electorate of the District, the Board shall hold meetings as often as necessary. All points of procedure not provided for in this Policy Handbook shall be decided in accordance with Robert's Rules of Order.

The Board's fundamental obligation is to preserve, if not enhance, the public trust in education, generally, and in the affairs of its operations in particular. Towards this end, the Board believes its affairs must be conducted in public to the greatest extent possible.

There are times when BC FOIPPA legislation requires or when the Board determines that public interest is best served by private discussion of specific issues in "in-camera" sessions.

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, or special meetings, or in-camera.

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

#### 1. Board Composition and Elections

1.1 The Board of Education for the District is comprised of a total of seven (7) trustees selected from the following trustee electoral areas:

- 1.1.1 Four (4) trustees from Trustee Electoral Area 1, being the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992;
- 1.1.2 Two (2) trustees from Trustee Electoral Area 2, being the former School District No. 77 (Summerland) as defined in the British Columbia Gazette dated April 8, 1948; and
- 1.1.3 One (1) trustee from Trustee Electoral Area 3, being the former School District No. 15 (Penticton) as defined in the British Columbia Gazette dated April 8, 1948, except that part comprising the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992.

## 2. Inaugural Board Meetings

- 2.1 The inaugural meeting of the Board in each year shall be held within 30 days from the date that the new Board begins its term of office and shall be convened by the Secretary-Treasurer.
- 2.2 The Chair of the inaugural meeting shall be the Secretary-Treasurer (“the interim Chair”) until such time as the Board Chair has been elected.
- 2.3 The interim Chair shall announce the results of trustee elections prior to the swearing in ceremonies.
- 2.4 The swearing of oaths and the taking of declarations shall be done by the Secretary-Treasurer or by a judge of a court of record or by a justice or by a clerk of a municipality.
- 2.5 The interim Chair shall call for nominations for Board Chair three times and declare nominations closed. A secret ballot shall be held and the person receiving more than one-half of the total number of votes cast shall be declared elected. If no person receives a clear majority, that person with the least number of votes shall be dropped from the nominees and a further ballot conducted. Any vote involving only two trustees that ends in a tie vote shall result in the appointment of an interim chair to serve until the next regular meeting at which time the nomination and election process will be repeated. The interim Chair shall be selected from the first available trustee in the following order:
  - 2.5.1 The most recent Chair;
  - 2.5.2 The most recent Vice-Chair;
  - 2.5.3 The two remaining trustees nominated for Chair drawing lots.
- 2.6 Following the election of Board Chair, the order of business shall be:
  - 2.6.1 Election of Vice-Chair. The election of Vice-Chair shall follow the same procedures as that for the chair.
  - 2.6.2 Elections for BCPSEA and Provincial Council. These elections shall follow the same procedures as that for the Chair.
  - 2.6.3 Discussion of committees and representative appointments.

## 3. Regular Meetings

- 3.1 The Board shall generally meet in the School Board Office on the last Monday of the month at 6:30 p.m. or upon such other day or at such other hour as the Board may decide. During the months of July and August, regular meeting dates will be suspended and the Board will meet if required at the call of the Chair. A two-thirds majority of the Board members is necessary to call additional meetings. Meetings shall be open to the public, unless, in the opinion of the Board, the public interest requires persons other than trustees to be excluded from Board meetings.
- 3.2 A quorum of the Board is the majority of trustees holding office at the time of the meeting. At the appointed time for commencement of a meeting, the presiding officer shall ascertain that a quorum is present before proceeding to the business of the meeting. If a quorum is not present within 30 minutes of the time appointed for the meeting, the meeting shall stand adjourned until the next meeting shall have been called in accordance with these Bylaws.
- 3.3 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 to the next regular meeting date or to a certain time, at his or her discretion.
- 3.4 The agenda for each meeting will be prepared and distributed to trustees prior to the meeting.
- 3.4.1 The Chair and Vice-Chair of the board shall generally meet with the Secretary-Treasurer and the Superintendent on the Wednesday preceding the regular meeting to finalize the agenda. Trustees shall advise the Board Chair, Vice-Chair, the Secretary-Treasurer, or the Superintendent of agenda items prior to the Wednesday meeting in order that new business matters requiring administrative data can be adequately researched. Appropriate placement of agenda items on open or closed meeting agendas will be determined at this time.
- 3.4.2 Items printed on the agenda will constitute the only business of the meeting. However, matters of an emergent nature may be added to the agenda by resolution of the Board prior to the adoption of the agenda.
- 3.4.3 The agenda shall be prepared by the Secretary-Treasurer under the direction of the Chair. The proposed agenda shall be available on the School Board website by noon of the Friday preceding the regular board meeting.
- 3.5 The order of business at all regular meetings, unless varied by resolution, shall be as follows:
- 3.5.1 Call to order;
- 3.5.2 Adoption of agenda;
- 3.5.3 Presentations by schools and/or students;
- 3.5.4 Receiving of delegations and guests;
- 3.5.5 Approval of minutes of previous meetings;
- 3.5.6 Unfinished business;
- 3.5.7 Report from closed meetings;
- 3.5.8 Correspondence;
- 3.5.9 Reports of committees;
- 3.5.10 Report of Superintendent;
- 3.5.11 Report of Secretary-Treasurer;
- 3.5.12 New business;
- 3.5.13 Report of representatives (where appropriate);
- 3.5.14 Information items;
- 3.5.15 Question period;
- 3.5.16 Adjournment;
- 3.6 A change to the prescribed order of business may be proposed by any trustee and shall require the consent of a simple majority, without debate.
- 3.7 Minutes shall be kept by the Secretary-Treasurer of the Board of all proceedings of the meeting of the Board. Such minutes will be concise and will detail proceedings of the Board but not the contents of speeches. Minutes of each meeting of the Board shall be circulated for adoption at the next meeting and then signed by the Secretary-Treasurer



and Chair or other member present at the meeting.

3.7.1 Upon adoption, except for minutes 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.

3.8 All regular meetings shall stand adjourned at three and one-half hours after the commencement unless a resolution is passed by a two-thirds majority to extend the hour of adjournment.

3.9 Regular meetings of the Board are held in public. However if, in the opinion of the Board it is required by the public interest, the Board may order a meeting or part thereof to be closed and may exclude persons other than trustees or persons other than trustees and officers (Section 69(2) of the School Act).

3.10 The presiding officer may expel and exclude from a Board meeting any person whom he or she considers has been guilty of improper conduct (Section 70(1) of the School Act).

#### 4. Special Meetings

4.1 The Board may, from time to time, call special meetings which may be either open to the public or closed. A closed meeting would be called if, in the opinion of the Board, the public interest requires persons other than trustees to be excluded from Board meetings. A special meeting may be called by the Chair or, upon written request of a majority of the trustees, may be called by the Secretary-Treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.

4.2 Notice shall be given of a special meeting and an agenda shall be provided to each trustee at least twenty-four hours in advance of the meeting. Provision of a written notice and the agenda may be waived by unanimous vote of those present provided all reasonable steps have been taken to notify all trustees of the meeting.

#### 5. In-camera Session (also referred to as closed or in-private sessions)

5.1 The Board will convene a meeting at 5:00 p.m. before the regular meeting. This meeting will be convened without the public or without the public and staff present. At meetings where staff are excluded, the Secretary-Treasurer or designate must be present when a decision of the Board is rendered. The meeting will deal with matters of a confidential nature which in the opinion of the Board the public interest requires the exclusion of the public or the public and staff. No trustee will disclose to the public the proceedings of a closed meeting unless a resolution has been passed at the closed meeting to allow disclosure. Minutes of a closed meeting shall be kept in the same manner as a regular meeting, but shall be approved by the Board in closed meeting and shall not be filed with the minutes of regular Board meetings. A record of the general nature of the matters discussed and general nature of the decisions reached shall be open for inspection at all reasonable times by any person (Section 72(3) of the School Act).

5.2 Following Section 69(2) of the School Act, the public interest may require the following matters to be considered in closed session:

5.2.1 Personnel;

5.2.2 Legal;

5.2.3 Property.

5.3 The agenda for each meeting will be prepared and distributed to trustees prior to the meeting in the same manner as prescribed for regular meetings.

- 5.4 The order of business at all closed sessions, unless varied by motion, shall be as follows:
- 5.4.1 Call to order;
  - 5.4.2 Adoption of agenda;
  - 5.4.3 Receiving of delegations and guests;
  - 5.4.4 Approval of minutes of previous meetings;
  - 5.4.5 Unfinished business;
  - 5.4.6 Correspondence;
  - 5.4.7 Reports of committees;
  - 5.4.8 Report of the Superintendent;
  - 5.4.9 Report of Secretary-Treasurer;
  - 5.4.10 New business;
  - 5.4.11 Report of representatives;
  - 5.4.12 Information items;
  - 5.4.13 Adjournment.

## 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 Motions, (Preamble, rationale, or discussions related to motions will not be recorded in the minutes, unless directed by the Board through resolution);
- 6.1.6 Points of order;
- 6.1.7 Appointments;
- 6.1.8 Recommended motions proposed by Committees; and,
- 6.1.9 Trustee declaration pursuant to Section 56, 57 or 58 of the School Act.

### 6.2 The minutes shall be recorded and maintained in accordance with Section 72 of the School Act:

6.3 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.

6.4 The approved minutes of a regular or special meeting shall be posted to the website as soon as possible following approval.

## 7. Motions

- 7.1 Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result. All motions shall be stated in the positive. The preamble does not form part of a resolution when passed.
  - 7.2 The presiding officer may divide a motion containing more than one subject if he or she feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
  - 7.3 All motions must be seconded in order that they may be recognized by the Chair and allow debate to proceed.
  - 7.4 All motions are debatable except the following:
    - 7.4.1 Motion for adjournment of debate or for adjournment of a meeting unless such motion contains a time for re-commencement of debate or for a new meeting;
    - 7.4.2 Motion to fix time for adjournment of a meeting;
    - 7.4.3 Motion to proceed to the next business;
    - 7.4.4 Motion to go into Committee-of-the-Whole or closed session.
  - 7.5 All motions shall be subject to amendment except the following:
    - 7.5.1 Motion that the question be now put;
    - 7.5.2 Motion for adjournment of debate or adjournment of a meeting;
    - 7.5.3 Motion to table unless such a motion contains a date for further consideration of the matter tabled;
    - 7.5.4 Motion to refer to Committee;
    - 7.5.5 Motion to proceed to next business.
  - 7.6 An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed and this shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter the motion in a material way or be contrary to the principle embodied in the main motion.
8. Debate
- 8.1 Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn speakers who violate this rule.
  - 8.2 No trustee shall speak until recognized by the Chair.
  - 8.3 No trustee shall speak for a period in excess of five minutes at one time. The Chair may caution a trustee who persists in tedious and repetitious debate and may direct a persistent trustee to discontinue.
  - 8.4 A matter of privilege (a matter dealing with the rights or interests of the Board as a whole or of a trustee personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
  - 8.5 No trustee shall interrupt another trustee who has the floor except to raise a point of order or a point of privilege.
9. Bylaws and Resolutions
- 9.1 Unless expressly required to be exercised by Bylaw, all powers of the Board may be exercised by Bylaw or by resolution. A Bylaw shall have three readings; a policy

resolution shall have two readings; and an ordinary resolution shall have only one reading.

## 10. Rules of Order

### 10.1 Chair and Presiding Officers

- 10.1.1 The Chair shall preside at all meetings of the Board.
- 10.1.2 The Vice-Chair shall preside in the absence of the Chair or when the Chair vacates the Chair.
- 10.1.3 In the event that neither the Chair nor the Vice-Chair is able or willing to take the Chair, the presiding officer shall be such person as the Board may elect for that meeting.
- 10.1.4 The Chair and the Vice-Chair shall be elected at the first meeting in November of each year. A majority of the Board may elect a new Chair or Vice-Chair at any time (Section 67(4) of the School Act).
- 10.1.5 The presiding officer shall rule on all points of order and shall state the reasons and the authority for the ruling. The presiding officer's ruling shall be subject to appeal to the Board. An appeal may only be requested immediately after a ruling and before resumption of business.
- 10.1.6 The Chair shall vote on all motions in accordance with paragraph 9.1 of these Bylaws.

### 10.2 Rules of Order

- 10.2.1 Where these rules are silent and where not inconsistent with these rules, Roberts Rules of Order shall apply to the conduct of meetings. Where there is an inconsistency between these Rules and the School Act, the School Act shall apply over the rule in question.
- 10.2.2 The Board may adopt a procedural rule for one or more meetings by unanimous resolution of the trustees present at the meeting. A rule other than the requirement of notice of meeting may be suspended by unanimous consent of the trustees present.
- 10.2.3 The rules may be amended by Bylaw only, at a meeting of which notice of intention to propose the amendment has been given at the previous meeting.
- 10.2.4 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of the trustees present. When an appeal is successful, it does not necessarily set a precedent.
- 10.2.5 All questions shall be decided by a vote on motion.
- 10.2.6 These rules shall be applicable to all regular, special and closed session meetings of the Board.
- 10.2.7 A copy of the Board's procedural Bylaw and all amendments thereto shall be available for inspection by any person (Section 67(5) of the School Act).

## 11. Voting

- 11.1 Trustees with a pecuniary interest in a matter being considered at a meeting of the Board shall not take part in the discussion of or vote on any question in respect of the matter (Sections 55 to 64 of the School Act). Additional provisions of Sections 55 to 64 of the School Act shall be followed by trustees.
- 11.2 Except as provided in Section 9.1, all trustees present at a meeting may vote.
- 11.3 Voting shall be by a show of hands and only the results recorded unless a trustee requests that his or her name and negative vote be recorded in advance of the vote.
- 11.4 The Chair shall vote at the same time as the other members of the Board. In the case of equality of votes for and against a motion, the question is resolved in the negative and the Chair shall so declare.
- 11.5 All questions shall be decided by majority of the votes of the trustees present and voting save as otherwise provided by these Bylaws or by the School Act.

## 12. 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. 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 address such matters.

### Delegations

- 12.1 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.
- 12.2 All delegations appearing before the Board shall provide a written brief for inclusion in the agenda as part of their request to be added to the agenda.
- 12.3 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.
- 12.4 The Board will recognize an official spokesperson from each delegation.
- 12.5 Trustees may ask questions for clarification but no recommendations or motions concerning the presentation will normally be made at the same meeting.
- 12.6 Presentations by delegations must be limited to ten minutes.
- 12.7 The Chair 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.
- 12.8 The Chair may deny a request to appear as a delegation to the Board for any of the following reasons:

- 12.8.1 If a request to appear as a delegation is relevant to a Board established committee, the request will be referred to that committee.
- 12.8.2 If the individual or group has already presented to the Board on the same topic, the request is denied.
- 12.8.3 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.
- 12.8.4 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

- 12.9 During the question period section of the agenda, members of the public in attendance may ask a question regarding items on the agenda of the Chair. The total time for each question, including supplemental questions and the response is five minutes.

#### Correspondence

- 12.10 Correspondence addressed to the Board, shall be acknowledged by the Secretary-Treasurer and placed on the agenda of the next regular Board meeting, for the Boards consideration.
- 12.11 Where non-routine correspondence is received that does not appear to require a formal Board response, that correspondence, may be referred to the Superintendent or an established Board committee for further consideration.
- 12.12 Where an individual trustee receives correspondence that in the trustee's judgement is more appropriately a corporate Board matter, the correspondence will be directed to the Secretary-Treasurer who will acknowledge the correspondence, and act in accordance with 12.10 above.

### 13. Audio/Video Recording Devices

- 13.1 The Board requires that anyone wanting to use recording devices at a public Board meeting must obtain prior approval of the Board Chair. This shall be communicated by the Board Chair at the beginning of the regular or special meeting.

### 14. Trustee Participation in Meetings through Electronic Means

A trustee may participate in a meeting of the Board by electronic means or other communication facilities if the electronic means or other communication facilities enable the trustees participating in the meeting and members of the public attending the meeting to hear each other.

- 14.1 Trustees participating in a meeting of the Board by electronic means or other communication facilities are deemed to be present at the meeting.
- 14.2 The Chair of the Board may refuse to allow a trustee to participate in a meeting by electronic means or other communication facilities where the required electronic equipment is not available or where special meetings are held in private and or for the purpose of hearing appeals or conducting hearings related to employee matters, or any Board matters which attract the principles of natural justice.

14.3 Notwithstanding the requirements of these procedures, a trustee cannot attend more than three (3) consecutive regular meetings of the Board electronically without being authorized by resolution of the Board to do so.

14.4 Trustees who connect to a meeting of the Board by video conference, teleconference or other means of electronic transmission will be considered in attendance at the meeting and form part of the quorum.

## 15. Trustee Remuneration

### 15.1 Financial Disclosure

15.1.1 All trustee election candidates shall submit completed Financial Disclosure Act forms as per the Local Government and Elections Acts.

15.1.2 All elected trustees shall complete and file Financial Disclosure Act forms with the Secretary-Treasurer annually between January 1st and 15th of each year.

15.1.3 Completed forms shall be maintained in the School Board Office, and shall be made available to the public upon receipt of a written request.

### 15.2 Trustee Stipend

15.2.1 Trustee stipends shall be increased each July based on the Consumer Price Index for British Columbia for the previous 12-month period.

## 16. Trustee Expense Reimbursement

16.1 Expense reimbursements for trustees representing the Board on official business shall be handled as follows:

16.1.1 Educational calendar planning shall be done at least monthly so that all trustees become aware of relevant seminars, workshops and meetings. Trustees are encouraged to attend training sessions relevant to their area(s) of interest or responsibility.

16.1.2 An accounting of out-of-pocket expenses must be submitted to the Secretary-Treasurer within 30 days of the end of the event being claimed.

16.1.3 Trustees will be reimbursed for mileage to attend special Board meetings; committee meetings; other meetings where the trustee has been appointed School Board representative or specifically invited to attend; and for official matters requiring their attendance at the School Board Office.

17. All claims for reimbursement must be supported by a standard Travel Expense Claim Form and supporting documentation where required.

18. Business use of private vehicles shall be reimbursed at a rate per kilometer that is inclusive of all costs incurred by the employee. The rate per kilometer shall be the rates established annually by the BC School Trustees Association (BCSTA).

19. Mileage claims are to be submitted at least quarterly. June's claim must be submitted before July 7<sup>th</sup> of each year.

20. Air fares are to be booked sufficiently in advance of the travel date to take advantage of reduced excursion fares where feasible. One (1) personal checked bag will be reimbursed

with appropriate receipts each way. Trustees, who choose driving over flying, will be reimbursed for mileage no greater than the lowest airfare rate available.

21. Reasonable accommodation costs as evidenced by appropriate hotel receipts. Only standard level room costs and applicable taxes will be covered. A claim of \$30.00 per day will be considered if the accommodation is at a friend's residence in lieu of a hotel room.

21.1 Meals may be claimed without receipts as follows:

Breakfast:	\$15
Lunch:	\$25
Dinner:	\$35

On days of departure and return the following guidelines will be followed:

Departure from District

Breakfast, lunch and dinner may be claimed if departure is before 9:00 a.m.

Lunch and dinner may be claimed if departure is before 12 noon.

Dinner may be claimed if departure is before 5:00 p.m.

Return to District

Breakfast may be claimed on your return day.

Lunch may be claimed if return is after 1:00 p.m.

Dinner may be claimed if return is after 5:00 p.m.

- 21.2 Other expenses supported by appropriate receipts, e.g. parking, ferry rates, taxis, telephone calls, etc.

21.3 Bridge toll costs will be reimbursed without receipts.

21.4 Registration, course or other fees supported by appropriate receipts

## 22. Trustee Conflict of Interest

The trustee is directly responsible to the electorate of the District and to the Board. Upon election to office, the trustee must accept a position of public trust and is expected to act in a manner which will enhance the trust accorded the trustee, and through the trustee, the trust accorded to the Board. Elected officials must not have financial interests, liabilities or appointments which place them in a position of Conflict of Interest or opportunity for personal gain while representing the District. The Board's ability to discharge its obligations is dependent upon the confidence the residents of the District place in the Board and in its trustee members.

22.1 The trustee shall be conversant with Sections 55 to 60 of the School Act.

22.2 The trustee is responsible for declaring himself/herself to be in possible Conflict of Interest.

22.2.1 The trustee shall make such declaration in open meeting prior to Board or committee discussion of the subject matter which may place the trustee in Conflict of Interest.



22.3 It shall be the responsibility of the trustee in conflict to absent him/herself from the meeting in accordance with the requirements of the School Act and ensure that his/her declaration and absence is properly recorded within the minutes.

Legal References: 50, 56, 57, 58, 59, 66-71, 71(1), 72 School Act  
Financial Disclosure Act  
Income Tax Act

## Policy 7 - Appendix

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### TRUSTEE ELECTIONS BYLAW

#### RATIONALE

The Board of Education accepts that certain procedures are necessary to provide for the conduct of local school trustee elections.

#### PROCEDURAL BYLAW

A bylaw to provide for the determination of various procedures for the conduct of local school trustee elections.

UNDER the School Act, the Board of Education, School District No. 67 (Okanagan Skaha), may establish a bylaw, various procedures and requirements to be applied in the conduct of local government elections and other voting.

The Board of Education for the School District is comprised of a total of seven (7) trustees from the described trustee electoral areas:

- (a) four (4) trustees from Trustee Electoral Area 1, being the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992;
- (b) two (2) trustees from Trustee Electoral Area 2, being the former School District No. 77 (Summerland) as defined in the British Columbia Gazette dated April 8, 1948; and
- (c) one (1) trustee from Trustee Electoral Area 3, being the former School District No. 15 (Penticton) as defined in the British Columbia Gazette dated April 8, 1948, except that part comprising the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992.

Trustee elections are the responsibility of the City of Penticton in Trustee Electoral Area 1, the District of Summerland in Trustee Electoral Area 2 and the responsibility of the School District in Trustee Electoral Area 3. In Trustee Electoral Area 3, the election may be conducted by the Board directly or by or in conjunction with a local government under an agreement with the Board made pursuant to Section 38 of the School Act.

The Board of Education, in an open meeting, enacts as follows:

#### 1. Definitions

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

“Election” means a general trustee election.

“By-election” means a trustee election to fill a vacancy on the School Board in any of the circumstances described in Section 36 of the School Act.

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

2. Application

This bylaw applies to both general school trustee elections and by-elections carried out by the Board and by other authorities, except as otherwise indicated.

3. Minimum Number of Nominators

The minimum number of nominators required shall be two (2), there will be no nomination deposit required.

4. Order of Names on the Ballot

The order of names of candidates on the ballot will be determined by lot in accordance with Section 107 of the Local Government Act for Trustee Electoral Area 2.

5. Resolution of Tie Votes after Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the Local Government Act.

6. Elections Conducted by Other Authorities

The School District may enter into an agreement with a local government under Section 38(4) of the School Act, under which the local government conducts a trustee election for the Board, or conducts a trustee election in conjunction with a local government election.

7. Application of Local Government Bylaws

- (a) In Trustee Electoral Area #1, the election bylaws of the City of Penticton (including bylaws that address voting machines) apply to trustee elections conducted by the City of Penticton, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.
- (b) In Trustee Electoral Area #2, the elections bylaws of the District of Summerland (including bylaws that address voting machines), apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.
- (c) In Trustee Electoral Area #3, if the Regional District of the Okanagan-Similkameen conducts all or a part of the trustee election, the elections bylaws of Regional District of the Okanagan-Similkameen (including bylaws that address voting machines), as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the

minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.

## 8. Elections Conducted by Board of Education

The following additional provisions apply to those trustee elections which the Board conducts on its own behalf and does not enter into an agreement as in Paragraph 5 above.

- (a) Unless the Board is exempted from the requirement by Order of the Minister of Education, an advance voting opportunity will be held on the tenth day before general voting day.
- (b) In jurisdictions where the population is 5,000 or less, pursuant to Section 97(3) of the Local Government Act, a second advance voting opportunity is not to be held.
- (c) Unless the Board is exempted from the requirement for a second advance voting opportunity by Order of the Minister of Education, a second advance voting day will be held on:
  - (i) In Trustee Electoral Area #1, the date specified in the bylaws of the City of Penticton.
  - (ii) In Trustee Electoral Area #2, the date specified in the bylaws of the District of Summerland
  - (iii) In Trustee electoral Area #3, the date specified in the bylaws of the Regional District of the Okanagan-Similkameen
- (d) Notwithstanding 6(b) of this by-law, the Chief Election Officer is authorized pursuant to Section 98(1) of the Local Government Act to establish dates for additional advance voting opportunities for each election and to designate the voting places, and the voting hours for these voting opportunities.
- (e) Pursuant to Section 99(1) is authorized to establish one or more special voting opportunities.
- (f) Registration of electors for all elections and assent voting is hereby limited to registration at the time of voting, including registration at advance voting opportunities. This registration is effective only for the election for which the voting is being conducted at that time.

## 9. Voting Procedures

- (a) The use of automated voting machines, voting recorders, or other devices for voting in an election is authorized in accordance with Section 102(1) of the Local Government Act.

This Bylaw may be cited for all purposes as School District No. 67 (Okanagan Skaha) Policy No. 7 Appendix - Trustee Elections Bylaw and is in all respects in accordance with the provisions of the School Act.

READ a first time this 25<sup>th</sup> day of November, 2019.

READ a second time this 25<sup>th</sup> day of November, 2019.

READ a third time and adopted this 25<sup>th</sup> day of November, 2019.

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Chairperson of the Board

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Secretary-Treasurer

Legal Reference: Sections 36, 37, 38, 45, 46 School Act  
Sections 71, 72, 73, 96, 97, 99, 100, 103, 107, 110, 141 Local Government Act  
Sections 58, 59 Local Elections Campaign Financing Act

## Policy 8

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### BOARD COMMITTEES

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. 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. No action of any committee of the Board shall be binding on the Board until the action is formally approved by the Board of Education.

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. So far as they are applicable, the rules applying to regular meetings of the Board shall be observed in committee meetings.

#### General Requirements

1. The Board may appoint Standing Committees and Ad Hoc Committees and shall prescribe their purpose, powers and duties, membership and meetings.
2. The Chair shall recommend to the Board and the Board shall appoint the Chair and members of any Standing or Ad Hoc committees.

#### Standing Committees

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

Standing Committees are open to the public; however, if, in the opinion of the committee, the public interest so requires, persons other than trustees may be excluded from a meeting.

#### 1. Education Committee

##### 1.1. Purpose

- 1.1.1. The purpose of the Education 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 Education Committee deems appropriate. The Education Committee is also a forum to receive presentations and reports from the Superintendent and for trustees to hear perspectives of the

Superintendent, and partner groups and other community representatives on matters being considered by the Education Committee.

## 1.2. Powers and Duties

1.2.1. Agendas shall be set one week in advance by the Superintendent and committee Chair by email, telephone or in-person. Agenda packages will be issued on the Friday prior to the committee meeting date.

1.2.2. To hear presentations and consider related recommendations.

1.2.3. Make recommendations to the Board regarding education related matters.

## 1.3. Membership (Committee of the Whole)

1.3.1. Membership of the Education Committee is all trustees and a quorum is the majority of trustees in office.

1.3.2. The Board Chair shall recommend and the Board shall appoint the Chair of the Education Committee who shall serve at the pleasure of the Board. Should the committee Chair be unable to attend the meeting, the Board Chair will Chair the meeting.

## 1.4. Meetings

1.4.1. Education Committee meetings shall be held each month except for July and August.

## 2. Business Committee

### 2.1. Purpose

2.1.1. The purpose of the 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 Business Committee deems appropriate.

### 2.2. Powers and Duties

2.2.1. Agendas shall be set one week in advance by the Superintendent and committee Chair by email, telephone or in-person. Agenda packages will be issued on the Friday prior to the committee meeting date.

2.2.2. To hear presentations and consider related recommendations.

2.2.3. Make recommendations to the Board regarding business related matters.

2.2.4. To address matters related to:

2.2.4.1. Financial accountability by convening as an Audit Committee three times annually as per the terms of reference of the Audit Committee.

2.2.4.2. Long range facilities and capital planning.

2.2.4.3. Board bylaws.

2.2.4.4. Business services.

2.2.4.5. Other matters referred by the Board.

### 2.3. Membership (Committee of the Whole)

- 2.3.1. Membership of the Business Committee is all trustees and a quorum is the majority of trustees in office.
- 2.3.2. The Board Chair shall recommend and the Board shall appoint the Chair of the Business Committee who shall serve at the pleasure of the Board. Should the Business Committee Chair be unable to attend the meeting, the Board Chair will chair the meeting.

### 2.4. Meetings

- 2.4.1. Business Committee meetings shall be held each month except for July and August.

## 3. Audit Committee: Terms of Reference

### 3.1. Purpose

- 3.1.1. The purpose of the Audit Committee is to support the Board by monitoring and reviewing the financial reporting and controls, risk management and governance processes. The Audit Committee is to add value by helping the Board ensure that good judgment has been exercised in the financial decision-making process.
- 3.1.2. As the backbone of the Board's fiscal oversight process, the Audit Committee has critical governance responsibilities related to: financial reporting, internal controls, external audit, internal audit, risk management, and compliance with relevant legislation.

### 3.2. Powers and Duties

- 3.2.1. The Audit Committee has the power to:
  - 3.2.1.1. With the prior approval of the Board, retain counsel, accountants or other professionals to advise or assist the Audit Committee.
  - 3.2.1.2. Meet with or require the attendance of the external auditor or legal counsel or representatives from a reporting entity of the Board at meetings of the Audit Committee, and require such persons or entities to provide any information and explanation that may be requested.
  - 3.2.1.3. Where the Audit Committee determines it is appropriate, meet with the Board's external auditor, counsel or other professionals, without the presence of Board staff.
  - 3.2.1.4. Require the Board's external auditor to provide reports to the Audit Committee.
  - 3.2.1.5. Have access to all records of the Board.
- 3.2.2. The Audit Committee shall:
  - Financial Reporting
    - 3.2.2.1. Review the audited financial statements and recommend to the Board whether to approve the audited statements;
    - 3.2.2.2. Review audit results with the external auditors and follow up on the implementation of the auditor's recommendations;



- 3.2.2.3. Review the nature and extent of other services provided by the auditor in relation to auditor independence;
- 3.2.2.4. Oversee engagement of external auditors including the terms of the audit engagement and appropriateness of proposed fees; and
- 3.2.2.5. Meet with the external auditors at an in-camera meeting, without staff members present.

#### Internal Controls

- 3.2.2.6. Oversee the internal control structure with a focus on safeguarding District assets; and
- 3.2.2.7. Monitor the development of and changes to accounting principles and practices and financial reporting standards, and their impact on the School District's financial reporting.

#### Financial Risk Management

- 3.2.2.8. Identify and assess the likelihood of a significant negative financial event and its potential to impact the achievement of a Board's operations as a key step in formulating the Board's plans and managing its internal financial controls. This function is achieved through the annual budget process.

#### Compliance with laws, regulations and internal policies

- 3.2.2.9. Fulfil such additional oversight responsibilities that are delegated to it by the Board from time to time in connection with its core duties.

### 3.3. Membership

- 3.3.1. All trustees shall be members of the Audit Committee as the Audit Committee is structured as part of the Business Committee which is a Committee of the Whole.
- 3.3.2. A majority of the Board members constitutes a quorum for meetings of the Audit Committee.
- 3.3.3. The Chair of the Audit Committee shall be the Business Committee Chair. The Chair of the Audit Committee shall ensure that minutes are taken at each meeting and provided to the members of the Audit Committee before the next meeting.
- 3.3.4. Any member of the Audit Committee who has a conflict of interest shall disclose the details of the conflict in writing to the other members of the Audit Committee before any discussion of any matter relating to the conflict and shall withdraw from the meeting during any discussion and not vote on the matter. Any conflict disclosure shall be recorded in the minutes of the meeting.
- 3.3.5. If the Audit Committee does not have at least one member with financial management expertise, then the Board may appoint a non-voting member to the Audit Committee who has that expertise. A non-trustee member of the Audit Committee shall have accounting, financial management and/or other relevant business expertise that would enable the external member to understand the accounting and auditing standards applicable to the Board, shall not be a person who would be disqualified under the School Act from acting as a trustee of the Board, and shall not be or have a relative who is an employee or officer of the Board at the time of their appointment. Other means for the Audit Committee to acquire required expertise could include one-time workshops by legal or financial experts.

### 3.4. Meetings:

- 3.4.1. The Audit Committee shall meet no less than three (3) times per year, as follows:
  - 3.4.1.1. Each September - to review the District year-end financial statements prior to the open meeting at the end of September. The external auditor shall be invited to present and explain the statements, in depth.
  - 3.4.1.2. Each April – to oversee the budget process function.
  - 3.4.1.3. January and/or May - to pursue other business of the Audit Committee which may include but not be limited to: review and allocation of unrestricted surplus; review of internal audit processes; review of interim financial statements; and financial forecasts.

### 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 shall be established by Board motion at the time of the committee's formation. Such Ad Hoc Committees shall cease to exist when their purpose has been achieved or the period of time they were established for has ended. The Chair of the Board shall recommend membership. The Board retains the authority to approve such membership, and the Committee Chair's responsibilities.

### 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  
Financial Disclosure Act  
Income Tax Act

## Policy 9

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### BOARD REPRESENTATIVES

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 governance, rather than administration;
- Responsibilities placed on trustees are to be closely related to the Board's central role as per Policy 2.

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

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

#### External Committees

#### 1. British Columbia School Trustees Association (BCSTA) Provincial Council

##### 1.1 Purpose of the Provincial Council

- 1.1.1 Act as a forum for discussion of relevant, timely and emerging issues identified from individual Boards, BCSTA Board of Directors, Ministry of Education and other sources.
- 1.1.2 Discuss, and/or develop, policy issues for submission at the Annual General Meeting.
- 1.1.3 Establish interim policies of the Association between general meetings.
- 1.1.4 Address matters as outlined in BCSTA bylaws, including association budget approval.
- 1.1.5 Act on action requests from BCSTA Board of Directors.

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

- 1.2.1 Attend Provincial Council meetings.
- 1.2.2 Represent the Board's positions and interests at the provincial level.
- 1.2.3 Communicate to the Board the work of the Provincial Council.
- 1.2.4 Bring recommendations to the Board as and when necessary.

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

## 4. Community Organizations

From time to time the Board may wish to send a representative to other external organizations or committees established by such an external organization.

### 4.1 Purpose

The purpose of Board representation on such committees external to the District is to:

4.1.1 Represent and advance the Board's positions and interests.

4.1.2 Build positive relationships with the external organization.

4.1.3 Strengthen two-way communication between the Board and the external organization.

### 4.2 Powers and Duties

4.2.1 Share relevant Board positions.

4.2.2 Should the Board not have an established position, the representative shall seek one from the Board and refrain from expressing a personal opinion.

4.2.3 Provide the Board with timely reports and where appropriate, recommendations.

### 4.3 Membership

4.3.1 As determined by the external organization.

4.3.2 The Chair will recommend and the Board shall appoint representation by Board motion.

### 4.4 Meetings

4.4.1 As determined by the external organization.

## 5. School Liaison Trustee Role

The Chair, upon consultation with trustees shall recommend school liaison assignments. The Board retains the authority to make appointments.

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. Trustee attendance at liaison schools shall be managed by the individual trustee, 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 nor shall such responsibilities include any decision-making authority.

## 6. Parent Advisory Council

The role of school liaison trustee at school PAC is to convey information to the PAC on Board decisions and to convey information on the activities of the PAC to the Board. If these councils wish to advise the Board corporate, that advice is to be sent to the Board through correspondence or delegation at a regular Board meeting.

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

## Policy 10

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### POLICY MAKING

Policy development is a key responsibility of the Board. Policies constitute the will of the Board in determining how the District will be operated and communicate the Board's values, beliefs and expectations. Policies provide direction and guidelines for the action of the Board, Superintendent, staff, students, electors and other agencies. 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 of 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 shall adhere to the following steps in 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. The Board shall review its policies following a schedule that results in all policies in the Board Policy Handbook being reviewed at least once in a Board term of office.

#### 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 any policy matter.
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 the Board.
7. Once comments have been considered 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

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### BOARD DELEGATION OF AUTHORITY

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

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

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

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

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

Specifically

1. The Board expressly delegates to the Superintendent and, at their discretion, a designate, the authority to discipline or dismiss an employee, subject to the limitations of legislation, collective or contractual agreements and Board policy.
2. Where a Superintendent dismisses an employee, the Board shall be promptly advised.
3. The Superintendent is directed to develop an administrative procedure to fulfill Board obligations created by any federal or provincial legislation.
4. The Board will approve, by motion, local capital expenditures prior to the commitment of those funds. The Board will receive a regular annual report on the use and balances of the local capital funds which will include the prior year sources and uses of the funds, the current year source and use of the funds and any planned direct purchases from the fund for the next school year.

Legal Reference: Sections 22, 65(2)c, 74, 85 School Act  
Revised: September 28, 2020

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## Policy 12

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# ROLE OF THE SUPERINTENDENT

## Background

The Superintendent is the Chief Executive Officer of the District. The Superintendent reports directly to the Board and is accountable to the Board of Education for the conduct and operation of the District. All Board authority delegated to the staff of the District is delegated through the Superintendent. Whereas Section 77 of the Freedom of Information and Protection of Privacy Act (FOIPPA) of British Columbia requires that the Board of Education name an official corporate head, the Board of Education names the Superintendent as the official head of the District for the purposes of the Act.

## 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.
2. Student Well-Being
  - 2.1 Ensures that students are provided with a safe and caring environment that encourages respectful and responsible behaviour.
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 a 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
  - 6.1 Respects and honours the Board's role and responsibilities and facilitates the implementation of that role as defined in Board policy.
  - 6.2 Provides the information and counsel which the Board requires to perform its role.
  - 6.3 Attends all Board meetings and makes recommendations on matters requiring Board action by providing accurate information and reports as are needed to ensure the making of informed decisions.
7. Strategic Planning and Reporting
  - 7.1 Leads the development and implementation of the strategic planning process.
  - 7.2 Involves the Board appropriately and collaboratively in the development of the Board's Strategic Plan (Board identification of priorities and key results, and final Board approval of the plan in conjunction with the annual budget).
  - 7.3 Reports annually on results achieved.
8. Leadership Practices
  - 8.1 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

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**Policy 12 – Appendix A**

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## **SUPERINTENDENT EVALUATION PROCESS CRITERIA AND TIMELINES**

### **Evaluation Process**

Provides for both accountability and growth, and the strengthening of the relationship between the Board and the Superintendent. The written evaluation report will affirm specific accomplishments and identify growth areas if applicable. Some growth goals may address areas of weakness while others will identify areas where greater emphasis is required due to changes in the District's environment and therefore is not a reflection on past performance.

1. Provides for an annual written evaluation of the Superintendent's performance.
2. 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.
3. Emphasizes the need for and requires the use of evidence for evaluation purposes. Evaluations are most helpful when the evaluator provides concrete evidence of strengths and/or weaknesses. The Performance Assessment Guide identifies quality indicators (QI), which describe expectations in regard to each assigned role expectation (RE).
4. Is aligned with and based upon the Superintendent's roles and responsibilities. The Board policy (Policy 12) is in direct alignment with the evaluation document QI's.
5. Is aligned with the District's Strategic Plan and the key results contained therein.
6. Sets out standards of performance. The quality indicators (QI) in the Performance Assessment Guide set out initial standards. When growth goals are identified, additional standards will need to be set to provide clarity of expectations and a means of assessing performance.
7. Is also a performance-based assessment system. Such an evaluation focuses on improvement over time. The second and subsequent evaluations include an assessment of the Superintendent's success in addressing growth areas identified in the previous evaluation.
8. Uses multiple data sources.
9. Elicits evidence to support subjective assessments. This must be the case when the Board provides feedback regarding Superintendent/Board Relations QI's.
10. Ensures Board feedback is provided regularly. Such feedback will be provided annually, supported by specific examples and will focus on areas over which the Superintendent has authority. The Superintendent cannot be held accountable for areas over which authority has not been granted.

The Board will assess the performance of the Superintendent in regard to the QI's identified in Appendix B. The primary process for such assessment will be through the review and assessment of accountability reports provided by the Superintendent over the course of the year. When an accountability report is provided the Board shall adopt a motion indicating the QI's which have been fully met based on the evidence provided. If evidence has been provided and the Board has not assessed that a QI has been met the Superintendent shall have opportunity to provide the evidence required by the Board at a subsequent meeting. Any QI's not addressed during the year shall be addressed in the evaluation workshop at which time the formal report is approved by the Board.

The Board and the Superintendent will be present during the facilitated evaluation workshop session. The Superintendent will ensure the Board has full information and may choose to enter into discussion to ensure the evidence provided has been understood. The Superintendent will only be absent from the room just prior to the evaluation and for the period when the Board constructs the conclusion section. All motions passed by the Board during the year assessing that the requirements of specific QI's have been met will preclude the need to examine those QI's at the evaluation workshop and these motions will form a significant part of the formal evaluation.

The evidence examined during the year or at the evaluation workshop will be in the form of internal reports or external reports. An external report is one from an external source such as an auditor. An internal report is one that comes through the Superintendent. A prime example would be a Strategic Planning accountability report. The Board will review the indicated evidence and determine whether, or to what extent, the quality indicators have been achieved. In addition, the Board will supplement the evidence presented with agreed-upon direct Board observations. For example, direct Board observations would be most evident in the section Superintendent/Board Relations. Agreed-upon indicates it is a corporate or majority decision of the Board. No minority opinions shall be included in the evaluation report.

During the evaluation workshop, a written evaluation report will be facilitated by the external consultant. This report shall be constructed as follows:

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

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

## Evaluation Criteria

The criteria for the first evaluation will be those set out in Appendix B: the Performance Assessment Guide. In subsequent evaluations, the criteria will be those defined by the Performance Assessment Guide as listed or revised after each evaluation, plus any growth goals provided by the Board in previous written evaluation report(s). Such growth goals may be areas requiring remediation or actions which must be taken to address trends, issues, or external realities. For the Role Expectation “Leadership Practices”, an external consultant will collect data relative to leadership practices by interviewing all principals and all “direct reports”. “Direct reports” are those individuals who report directly to the Superintendent on the District’s organizational chart. The Board and Superintendent shall receive from the consultant a report containing the verbatim responses received during the Leadership Practices interviews and a proposed evaluation report which reflects the summary of responses and proposed conclusions to be made based on the report.

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

## Timelines for Evaluations

Evaluations will be conducted annually.

Legal Reference: Section 22, 85 School Act

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**Policy 12 – Appendix B**

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**SUPERINTENDENT PERFORMANCE ASSESSMENT GUIDE****1. Student Learning**

## Role Expectations:

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

## Quality Indicators relative to Student Learning:

- QI 1.1 Annually conducts an analysis of student success and ensures school principals develop action plans to address concerns.
- QI 1.2 Identifies trends and issues related to student achievement to inform the strategic planning process, including the implementation of innovative means to improve measurable student achievement.
- QI 1.3 There is measurable improved student achievement over time.

**2. Student well-being**

## Role Expectations:

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

## Quality Indicators relative to Student well-being:

- QI 2.1 Develops measurements and monitors progress relative to providing a safe and caring environment.
- QI 2.2 Ensures the safety and welfare of students while being transported to or from school programs on transportation provided or approved by the District.
- QI 2.3 Ensures the facilities safely accommodate District students.

### 3. Fiscal Responsibility

#### Role Expectations:

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

#### Quality Indicators relative to Fiscal Responsibility:

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

### 4. Personnel Management

#### Role Expectations:

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

#### Quality Indicators relative to Personnel Management:

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



## 5. Policy/Administrative Procedures

### Role Expectations:

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

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

- QI 5.1 Appropriately involves individuals and groups in the administrative procedures development process.
- QI 5.2 Demonstrates a knowledge of and respect for the role of the Board in policy processes.

## 6. Superintendent/Board Relations

### Role Expectations:

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

### Quality Indicators relative to Superintendent/Board Relations:

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

## 7. Strategic Planning and Reporting

### Role Expectations:

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

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

- QI 7.1 Ensures key results identified by the Board are achieved.

- QI 7.2 Ensures facility project budgets and construction schedules are followed or timely variance reports are provided to the Board.

## 8. Leadership Practices

### Role Expectations:

- RE 8.1 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.

### Quality Indicators relative to Leadership Practices:

- QI 8.1 Demonstrates a high commitment to meeting student needs.
- QI 8.2. Provides clear direction.
- QI 8.3 Provides effective educational leadership.
- QI 8.4 Establishes and maintains positive, professional working relationships with staff.
- QI 8.5 Unites people toward common goals.
- QI 8.6 I trust the Superintendent.
- QI 8.7 Empowers others.
- QI 8.8 Effectively solves problems.

Leadership practices are to be reviewed once per Board term.

Legal Reference: Section 22, 85 School Act

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**Policy 13**

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**APPEALS BYLAW****RATIONALE**

The Board of Education accepts that certain decisions made by employees may be appealed by parents or students. At the same time, the Board wants to ensure fairness in its procedures and respects the professionalism of its employees.

**PROCEDURAL BYLAW**

1. A student entitled to an educational program in the District, or a parent or guardian of such student, may appeal a decision of an employee of the Board which significantly affects the education, health or safety of the student.

Employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties in dispute to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises.

The Board affirms that decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent as the Board's Chief Executive Officer.

The failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal under this policy.

2. The following decisions shall be deemed to significantly affect the education, health or safety of the student:
  - (a) relates to the student's expulsion or suspension from an educational program for a period in excess of five days;
  - (b) relates to the student's suspension from an educational program, if no other educational program is provided by the Board;
  - (c) determines that it is not necessary to provide a student with an IEP, or consultation about an IEP;
  - (d) assessment for purposes of obtaining an IEP;
  - (e) suspension or expulsion due to conduct such as bullying, harassment;
  - (f) exclusion due to medical condition that endangers others;
  - (g) exclusion due to hardship;

and any other decision that in the opinion of the Board or designate significantly affects the education, health or safety of a student.

3. Every appeal to the Board must be commenced by a written Notice of Appeal initiated by the appellant and submitted to the Secretary-Treasurer which shall state:
  - (a) the name and address of the student and/or parent or guardian bringing the appeal. Where the parent or guardian is initiating the appeal on behalf of the student, the name of the student;
  - (b) the current placement of the student (i.e. school, grade, division, and student timetable);
  - (c) the decision which is being appealed and the date the student and/or parent/guardian was informed of the decision;
  - (d) the particulars of the effect on the students education, health or safety;
  - (e) the name of the Board employee(s) who made the decision being appealed;
  - (f) the reason for the appeal and the desired solution.

Parents or students may have difficulty with the preparation of a Notice of Appeal. When requested, the District will assist in the preparation of the appeal. If students of school age bring an appeal, their parents or guardian will be notified.

4. Upon receipt of a Notice of Appeal, the Board will distribute a copy of the appeal to the Superintendent, the principal of the school in which the student is enrolled, and the employee(s) referred to in Section 3(e) unless the Board receives legal counsel recommending the appeal be withheld.
5. In the case of a unionized employee, a copy shall be provided to the Association or Union, if in accordance with the collective agreement. The employee will be afforded the opportunity to provide the Superintendent with a written response to the appeal prior to the report being prepared for the Board.
6. The Board or its designate may direct the student and/or parent or guardian bringing the appeal to discuss the decision under appeal with one or more persons where provided by District policy or where the Board of Education or its designate considers it appropriate.
7. Where discussions directed under Section 6 do not resolve the appeal, the Superintendent, Secretary-Treasurer, or designate will prepare a report for the Board concerning the matter and will provide a copy to the student and/or parent/guardian bringing the appeal and to the employee(s) referred to in Section 3(d). Prior to the report being prepared by the Superintendent or Secretary-Treasurer, the employee(s) will be provided the opportunity to submit a response to the Notice of Appeal.
8. The Board may invite oral or written submissions from the student and/or parent or guardian bringing the appeal and may decide the appeal based on oral or written submissions or both.

9. Where the Board considers it necessary to receive oral submissions, it shall set a time, date and place for this purpose and shall give notice to the student and/or parent or guardian. When an oral submission is requested from the student and/or parent or guardian, the employee(s) referred to in Section 3(e) will also be allowed the opportunity to give an oral submission.
10. The Board may make any interim decision it considers necessary pending the disposition of the appeal.
11. The decision of the Board shall be in writing and the Board shall notify the student and/or parent or guardian bringing the appeal, and the employee(s) referred to in Section 3(e), of its decision within 45 days of receiving the appeal.
12. The Board may refuse to hear an appeal where:
  - (a) the appeal has not been commenced within a reasonable time from the date the decision was communicated to the student and/or parent/guardian (usually 30 school days from the date the decision was communicated); or
  - (b) the student and/or parent or guardian has refused or neglected to discuss the decision under appeal with the person(s) directed by the Board or its designate; or
  - (c) the decision does not significantly affect the education, health or safety of the student.
13. The Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

This Bylaw may be cited for all purposes as School District No. 67 (Okanagan Skaha) Policy 13 Appeals Bylaw.

READ a first time this 25<sup>th</sup> day of November, 2019.

READ a second time this 25<sup>th</sup> day of November, 2019.

READ a third time this 25<sup>th</sup> day of November, 2019.

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Chairperson of the Board

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Secretary-Treasurer

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

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## Policy 14

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### SCHOOL CLOSURE

At times, the Board may consider permanent closure of schools.

Closing a school permanently means the closing, for a period exceeding twelve (12) months, of a school building used for the purposes of providing an educational program to students. The Board may decide to permanently close a school, following a school closure public consultation process, and must provide written notification to the Minister of Education.

The Board shall provide a public consultation process with respect to the permanent closure of a school prior to the Board making its final decision of the closure of that school.

Following the consultation process, the Board will make a decision on the possible closure of the school.

#### Specifically

1. The Superintendent may recommend to the Board at a meeting consideration of schools for closure.

The Superintendent, in making a recommendation for consideration for closure may assess factors such as:

- 1.1 Program offerings;
  - 1.2 Space available in nearby schools;
  - 1.3 Distances between schools;
  - 1.4 Traffic and travel patterns and safety of access for students being relocated;
  - 1.5 Current and projected enrolment levels;
  - 1.6 Class size;
  - 1.7 Funding formula considerations;
  - 1.8 Age of the building, physical plant maintenance and operating costs of the facility, including the need for seismic upgrades;
  - 1.9 Potential re-uses of school facilities and sites;
  - 1.10 Other factors that may be applicable in the circumstances.
2. The Board will consider the information provided by the Superintendent and either:
    - 2.1 Conclude that no action or further study is required, or
    - 2.2 Forward the information to the Business Committee for its review and recommendation to the Board.
  3. The Business Committee shall review the materials and provide its recommendations to the Board.

4. The Board will review the recommendations from the Business Committee and either:
  - 4.1 Conclude that no action or further study is required, or
  - 4.2 Initiate a public consultation process by passing a motion at a public meeting of the Board.
5. The Superintendent will notify the Principal(s) and the Parent Advisory Council(s) in writing that the school has been identified for possible closure. The Board will notify the school community and the public about the school closure public consultation process through various means including parent newsletters and information posted on the District website.
6. The Board shall allow a period of at least sixty (60) days for public consultation process to take place.
7. The Board shall take the following steps to ensure that public consultation will take place:
  - 7.1 Make available, in writing, the rationale for the proposed school closure considered by the Board, including, but not limited to the pertinent facts and information with respect to the following factors for any proposed school closure:
    - 7.1.1 The number of students who would be affected, at both the school to be closed and surrounding schools;
    - 7.1.2 Enrolment trends and utilization for the school and surrounding area;
    - 7.1.3 Availability of space at receiving schools;
    - 7.1.4 Proximity to possible receiving schools and the routes to schools;
    - 7.1.5 Financial considerations including anticipated cost savings;
    - 7.1.6 Facility age and condition;
8. Once a school closure public consultation process has been initiated, at least one (1) public consultation meeting will be held to discuss the proposed closure.
9. The time and location of the school closure public consultation meeting shall be advertised to notify the community. This may include written notification to parents/guardians of students currently attending and registered to attend the school, notices to neighbouring schools, Parent Advisory Councils, employee groups and information posted on the District website.
10. The Board shall present the following at the beginning of the public meeting:
  - 10.1 Rationale for the proposed closure, including, but not limited to the pertinent facts and information related to the factors identified within this policy;
  - 10.2 The timing of the proposed closure and the implications for the placement of students;
  - 10.3 Possible alternative community use for all or part of the school.
11. Records will be kept of the public meeting to record concerns or options raised regarding the proposed closure. Following the public meeting, the Board will give consideration to all input prior to making its final decision with respect to the school closure.
  - 11.1 The Board shall provide an opportunity for affected persons to submit written responses to the Board regarding the proposed school closure. The Board will provide

information and directions on how to submit the written responses. Written submissions will be summarized and will be acknowledged as received.

12. By April 30, the Board will consider the information received and decide if a facility is to be closed or reorganized on June 30 for the following September.
13. The final decision on a school closure will be made through the first, second, and third and final reading of a School Closure Bylaw at a public Board meeting. Following a decision to close a school, the Board will provide, without delay, written notification to the Minister of Education of its decision containing the following information:
  - 13.1 The school's name,
  - 13.2 The school's facility number,
  - 13.3 The school's address, and
  - 13.4 The date on which the school will permanently close.
14. The alternate use of a closed facility will be determined by the Board after receiving a recommendation from the Superintendent.

Legal Reference: Sections 73, 168(2)(p), 85, School Act  
School Opening and Closure Order M320-02  
Disposal of Land or Improvement Order M233/07



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**Policy 15**

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**RECRUITMENT AND SELECTION OF PERSONNEL**

Recognizing the significance of well-organized recruitment and selection processes, the Board specifies that personnel appointments shall be governed by the following.

**Specifically**

1. The Board, in the case of the Superintendent, and the Superintendent, in all other instances, shall 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 staff vacancies.
2. The Board has the sole authority to recruit and select an individual for the position of Superintendent.
3. In order to protect the Board from sudden loss of the Superintendent's services, the Superintendent shall ensure that staff is designated to perform the services of the Superintendent in the case of a short-term or prolonged absence, and that the Chair is advised of the delegation.
4. 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.
5. Personnel principles which are to guide the Superintendent include: the recruitment and retention of those who can provide the best possible educational and support services to students, the provision of equal employment opportunities, employee consultation, the need for clearly defined regulations and procedures, the primary importance of student welfare, professionalism, and confidentiality.
6. Reference checks must always be done for external candidates.
7. Successful external candidates who are not covered by the Criminal Records Review Act will be required to have a local criminal record search completed. A criminal record check is mandatory for anyone employed by the Board. All employment with the District will be conditional upon a satisfactory Criminal Record Check.
8. The Superintendent shall establish clear selection processes to ensure that the best possible candidates are advanced to District leadership positions. The highest standards of professional leadership in instruction, administration and supervision are the expected result of this selection and the ongoing personnel practices of the District.
9. The Superintendent shall ensure all excluded positions have a current job description and the person occupying each of the positions shall have a written contract of employment as part of the recruitment and selection process.
10. Contractual provisions offered shall be in accordance with the Board approved template contract related to the position.

11. Any compensation grid shall be determined by the Board and placement on the grid by the Superintendent.

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

## Policy 16

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### INDEMNIFICATION BYLAW

It is in the interest of a responsive and efficient public service that trustees, officers and employees be protected against a claim of damages arising out of the performance of their duties. None of these individuals should be placed in a position of personal liability for the performance of responsibilities vested in them by the School Act or assigned to them by the Board.

Bylaw:

1. The Board will indemnify a trustee, an officer or an employee of the Board
  - 1.1 Against a claim for damages against the trustee, officer or employee arising out of performance of their duties; or
  - 1.2 Where an inquiry under Part 2 of the Public Inquiry Act or other proceeding involves the administration and conduct of the business of the District and, in addition, the Board may pay legal costs incurred in proceedings arising out of the claim, inquiry or other proceeding.
  
2. The Board may, by affirmative vote of a majority of the Board, pay
  - 2.1 Any sum required to indemnify a trustee, an officer or an employee of the Board where a prosecution arises out of the performance of their duties with the Board; and
  - 2.2 Costs necessarily incurred;
 

But the Board shall not pay a fine imposed on a trustee, an officer or an employee as a result of their conviction.
  
3. The Board shall not seek indemnity against a trustee, an officer or an employee of the Board in respect of any action by the trustee, officer or employee that results in a claim for damages against the Board except
  - 3.1 Where the claim for damages arises out of the gross negligence of the trustee, officer or employee; or
  - 3.2 Where, in relation to the action that gave rise to a claim for damages against an officer or employee, the officer or employee willfully acted contrary to:
    - 3.2.1 The terms of their employment, or
    - 3.2.2 An order of a superior.
  
4. The Board's obligation to indemnify a trustee, an officer or an employee in respect of matters occurring during their term of office or employment shall continue, notwithstanding that the term of office or employment, as the case may be, has ended.

5. Where the Board decides to pay legal costs incurred in proceedings out of a claim, inquiry under Part II of the Public Inquiry Act or other proceedings, the Board has the right to conduct the defense of the matter and, in its discretion, to compromise and/or settle the claim.
6. The Board shall not indemnify a trustee, officer or employee against:
  - 6.1 Liability and legal fees incurred as a result of an action or 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 Liability to pay a fine, penalty or order imposed as a result of the conviction for an offence;
  - 6.3 Legal fees incurred as a result of a prosecution where the trustee, officer or employee is convicted of an offence or obtains a conditional discharge;
  - 6.4 Legal fees incurred in an appeal of any conviction, sentence, judgment or order, unless the Board, by an affirmative vote of a majority of its members, so agrees;
  - 6.5 Liability and legal fees incurred by a trustee where the court determines that the trustee knowingly contravened the School Act;
  - 6.6 Liability incurred by a trustee, officer or employee where the court determined that the trustee, officer or employee knowingly permitted or authorized an expenditure not authorized by an enactment;
  - 6.7 Liability incurred by a trustee as a result of any restitution ordered pursuant to Section 62 of the School Act; and
  - 6.8 Those matters for which the Board may seek indemnity from an employee pursuant to its authority under Section 95 of the School Act.

This Bylaw may be cited for all purposes as School District No. 67 (Okanagan Skaha) Policy No. 16 Indemnification Bylaw and is in all respects in accordance with the provisions of the School Act.

READ a first time this 25<sup>th</sup> day of November, 2019.

READ a second time this 25<sup>th</sup> day of November, 2019.

READ a third time and adopted this 25<sup>th</sup> day of November, 2019.

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Chairperson of the Board

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Secretary-Treasurer

Legal Reference: Section 95, School Act

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**Policy 17**

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## **ACCUMULATED OPERATING SURPLUS AND INTERNALLY RESTRICTED FUNDS**

The Board is responsible for ensuring the District is protected financially from extraordinary circumstances which would negatively impact District operations and the education of students. To discharge this responsibility, the Board will maintain an accumulated operating surplus which shall be used to mitigate any negative impact on students. Furthermore, the Board will not unnecessarily restrict its operating reserves, in order to maintain flexibility in responding to such circumstances.

### **Specifically**

1. In order to respond effectively to unanticipated cost pressures, the Board shall make every effort to maintain an unrestricted operating surplus of between 1-3% when approving its Annual and Amended Budgets.
2. The Board may approve the variance from this budgeted reserve of 1-3% in order to address the following circumstances:
  - Elimination of any deficit arising at the end of a fiscal year of operations;
  - Funding of new cost pressures in a fiscal year that were not known at the time of budget development;
  - Payment of severances (wages and benefits) upon termination of employment;
  - 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 deemed by the Superintendent essential to the continuation of educational programming in schools or District facilities;
  - Assistance in balancing future years' budgets without reducing services.
3. The Board directs that any funds restricted for a particular purpose will be expended for that purpose, and that operating funds will only be restricted when there is a clear requirement to do so.
4. All transfers to and from internally restricted funds must be authorized by a specific Board motion.
5. As part of the Board's annual budgeting process, the Board will receive a report on the operating surplus reserves including the purposes for the internally restricted portion and determine any use of those funds as a funding source for the budget. The intent of the Board will be to maintain an unrestricted operating reserve of between 1 and 3 percent.

Legal Reference: Sections 65, 85.2, 110, School Act  
Revised: September 28, 2020

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**Policy 18**

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**TRANSPORTATION OF STUDENTS**

1. Student transportation services shall be provided with due regard to safety, efficiency, and length of ride.
2. Student transportation shall be provided to facilitate student attendance at their catchment area school. There is no entitlement to public school bus service or transportation assistance for students enrolled in schools outside their catchment area. The Board has retained authority to approve changes to catchment areas.
3. Eligibility for Courtesy Riders
  - 3.1. Providing the following conditions exist, courtesy ridership, with an associated cost recovery fee, may be granted if:
    - 3.1.1. There is a pre-existing bus route; and
    - 3.1.2. The bus has available space; and
    - 3.1.3. No additional stops are required.
  - 3.2. Fees for courtesy riders are to be reviewed annually and communicated to all parents as part of the registration process.
4. Transportation Assistance Payments
  - 4.1. Where busing is not available to students outside of established District walk limits, alternative transportation assistance to their catchment school may be made available.

Legal Reference: Section 65, School Act  
Revised: February 24, 2020



## Policy 19

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### **PUBLIC USE OF SCHOOL DISTRICT FACILITIES AND GROUNDS**

The Board is obligated to provide facilities and grounds necessary to conduct educational programs. Therefore, the Board's first priority is to meet the needs of students and school programs.

The Board directs, however, that school facilities and grounds be used as extensively as possible by community organizations and other groups when not required for District educational programs.

Stewardship of all school facilities and grounds is the responsibility of the Superintendent subject only to the provisions of this policy.

1. Any facility use shall be at no cost to the Board with all associated and anticipated costs being billed to the user group.
2. All usage and/or rental agreements must respect the provisions of the District's collective agreements.
3. Facilities and/or grounds covered by a joint use agreement will be governed by that agreement.
4. Where the joint use agreement is silent, this policy and the direction of the Superintendent will prevail.
5. The following order of priority will be adhered to in the use of school facilities and grounds:
  - 5.1 Educational purposes: This is a logical extension of the Board's educational mandate. This would include use of facilities for extra-curricular programs operated by the schools;
  - 5.2 Daycare, Before and After School Care Services: This is a secondary priority by virtue of the Ministry of Education's direction and policy. These services are contingent on availability of space within each school;
  - 5.3 Community Service/Cultural/Recreational uses: Community welfare is a primary objective as such uses promote cultural learning or physical fitness;
  - 5.4 General community uses which would include religious and political functions;
  - 5.5 Commercial uses including private and/or out-of-town, profit making programs.
6. The Board reserves its authority to authorize or prohibit the consumption of alcohol at adult functions where school facilities are reserved by a community-based user group.

Legal Reference: Section 65, School Act

