

**Hamilton-Wentworth
District School Board**

**BOARD OF TRUSTEES
HANDBOOK**

“If the bylaws are silent on a rule of order, *Robert’s Rules of Order Newly Revised (Edition 11)* shall be the authority.”

Ugr vgo ber 201: (updated)

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Definitions

Disqualified from voting means not permitted to vote for a legal reason, usually a declared possible conflict of interest.

Majority vote means a majority of the votes cast.

Majority of the members of the Board/committee means a majority of the total number of members regardless of how many votes are cast.

Member means an elected Trustee who is a member of the Board or committee.

E.A. indicates a reference to the Education Act.

GB indicates a related governance bylaw.

General Provisions

- a) Unless stated otherwise, questions shall be decided by a majority vote.
- b) Unless stated otherwise, quorum for a meeting is a majority of the members.

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1. Organizational Board Meeting

- 1.1. The purpose of the organizational Board meeting shall be to:
- a) elect the Chair of the Board
 - b) elect the Vice-Chair of the Board
 - c) consider the establishment and re-establishment of Trustee Committees and appoint members **and elect Trustee Special Committee Chairs** (Motion: #15-156)
 - d) consider the establishment and re-establishment of Community Advisory Committees and appoint members
 - e) appoint members of legislated committees
 - f) appoint members to represent the Board on external organizations
 - g) adopt a schedule of meeting dates and times for regular Board and Standing Committee meetings for the following year, if the Board has not yet done so (E.A. 208(6), 170.4)
- 1.2. The organizational meeting of the Board in each year shall be held not later than the eighth day of December (E.A. 208(4)).
- 1.3. The Director shall preside until the Chair of the Board is elected (E.A. 208(4)).
- 1.4. If the meeting is also an inaugural meeting, the Director shall read the election returns as certified by the clerks of the municipalities whereupon the elected members shall take their places.
- Election of the Chair and Vice-Chair shall be conducted as provided in Bylaws 1.6 to 1.15.
- 1.5. The term of office in each case shall be one year, or until a successor is elected:
- a) The Chair of the Board. Upon election, the Chair shall take over Chairing the meeting
 - b) Vice-Chair of the Board
- 1.6. The members shall appoint two staff members as scrutineers. A candidate may appoint a trustee to act as an additional scrutineer.
- 1.7. Elections shall be administered by secret ballot.
- 1.8. The Chair shall call for nominations. Nominations do not require seconders.

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- 1.9.** Candidates shall be permitted to nominate themselves.
- 1.10.** Nominations shall be closed at the call of the Chair.
- 1.11.** The candidates may give speeches in the reverse order of nomination and limited to a duration of five minutes.
- 1.12.** The scrutineers shall inform the Chair of the election results. The Chair shall announce the results. There shall no further disclosure of the vote results.
- 1.13.** If no candidate receives a majority of the valid votes cast, the candidate with the fewest votes shall be dropped from the ballot and another vote taken.
- 1.14.** If no one receives a majority of the valid votes cast and there is a tie for last place, the vote shall be conducted once more. If a tie for last place is repeated, a draw shall be conducted among the candidates who are tied and the candidate losing the draw shall be dropped from the ballot.
- 1.15.** If there is a tie vote on the final ballot, the vote shall be conducted once more before drawing lots (E.A., 208(8)).
- 1.16.** During or before the organizational meeting each year, the Board shall approve a schedule of meeting dates and times for regular Board and Standing Committee meetings for the following year. The schedule may be revised by the Board (E.A., 208(6), 170.4).

For the rules of order for Organizational Board meetings, see Rules of Order for Board Meetings, page 9.

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2. Board Meetings: Regular and Special

- 2.1.** The Chair of the Board, in consultation with the Director, shall be responsible for the content of regular and special Board agendas.
- 2.2.** Meetings shall commence as soon after the meeting time as a quorum is present.
- 2.3.** If a quorum is not present within 20 minutes after the time appointed for a Board meeting, or if the quorum is lost during the course of the meeting, the meeting shall stand adjourned. The Director shall make a record of Trustees who are present at the time the meeting adjourns.
- 2.4.** Should it be necessary for the Chair of the Board to leave the Chair, the Vice-Chair of the Board shall be called upon, or, in the Vice-Chair's absence, one of the members, to act as Chair. The Vice-Chair or any member temporarily occupying the Chair shall discharge all the duties and enjoy all the rights of the Chair.
- 2.5.** As required, private matters may be considered at both regular and special Board meetings.

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3. Regular Board Meetings

- 3.1.** The Chair of the Board shall Chair regular Board meetings.
- 3.2.** The Director shall notify each member, in writing, of regular Board meetings at least 48 hours before the time at which such meetings are to take place.
- 3.3.** The agenda shall include all the matters that are to be considered, as far as is known.
- 3.4.** The Board may adopt, from time to time, a governance procedure for receiving and approving, as appropriate, matters using a consent calendar process at regular Board and Standing Committee meetings.
- 3.5.** A member wishing to have an observance of a special event or a ceremony included in the agenda of a regular Board meeting shall submit a request to the Chair and the Director at least seven days prior to the meeting (See also Bylaws 3.8 (d)).
- 3.6.** Members may submit written notices of motion for consideration in the agenda and, from time to time, the Board may adopt a governance procedure to implement this bylaw.
- 3.7.** The Chair may, in consultation with the Director, add an item to the agenda no later than the day before the meeting.
- 3.8.** The order of business at regular Board meetings shall be as follows, as necessary:
 - a) Call to Order
 - b) National Anthem
 - c) Special Reading, when desired
 - d) Observance of special event such as a student presentation, presentations of awards, memorials, mention of significant event
 - e) Approval of Agenda
 - f) Declarations of Conflicts of Interest
 - g) Confirmation of Minutes
 - h) Consent Calendar
 - i) Communications Received by the Chair
 - j) Staff Reports

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- k) Reports from the Standing Committee
- l) Reports from Trustee Committees
- m) Consideration of Written Notices of Motion
- n) The Board may, from time to time, receive oral reports from the Student Trustees, the Director, Board representatives to external organizations and the Chair

For the rules of order for regular Board meetings, see Rules of Order for Board Meetings, page 9.

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4. Special Board Meetings

- 4.1.** The Chair of the Board shall Chair special Board meetings.
- 4.2.** Special Board meetings may be called:
 - a) By the Chair and the Director for the purpose of dealing with emergent matters
 - b) By the Chair, or by the Director on the written signed request of a majority of the members of the Board wherein the purpose of the meeting is stated
- 4.3.** The Director shall provide at least 24 hours written notice of the special meeting.
- 4.4.** The notice of and agenda for each special Board meeting shall include the purpose of the meeting and no other business shall be considered unless added in accordance with Bylaw 5.25.
- 4.5.** The order of business at special Board meetings shall be as follows, as necessary:
 - a) Call to Order
 - b) Resolution into Committee of the Whole (Private Session)
 - c) Public Meeting Reconvenes
 - d) Adoption of the Report of the Committee of the Whole (Private Session)
 - e) National Anthem
 - f) Declarations of Conflicts of Interest
 - g) Matter Directly Related to the Purpose of the Meeting
 - h) Adjournment

For the rules of order for special Board meetings, see Rules of Order for Board Meetings, page 9.

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5. Rules of Order for Board Meetings

- 5.1.** The order of business shall be as shown in the agenda unless decided otherwise by the members.
- 5.2.** At Board meetings, after being recognized by the Chair, a member desiring to speak shall address the Chair. The Chair shall call the member by name and the member may then, but not before, proceed to speak.
- 5.3.** At Board meetings, motions shall be seconded.
- 5.4.** All motions shall be decided by a vote unless the mover, with the permission of the Board, withdraws the motion.
- 5.5.** All motions shall be presented in writing except the motions listed in Bylaws 5.15.
- 5.6.** Every member, except the Chair, shall vote on all questions, unless disqualified from voting. Any member present when a vote is taken who does not vote and is not disqualified, shall be deemed to have voted in the negative.
- 5.7.** The Chair may vote on all questions before the Board.
- 5.8.** No member shall speak longer than five minutes on the same question, nor shall any member, except in explanation, speak more than once upon any question. The mover of the original motion, but not of any amendment, may have five minutes to close the debate. The Chair may, in unusual circumstances and with the permission of the meeting, reduce or increase the length of time for speakers or the number of times a member speaks to facilitate discussion on a specific matter.
- 5.9.** When the motion under consideration contains several related proposals linked under one motion, a member may request to move a Division of the Question to allow for a separate vote to be taken on each individual motion.

If the proposals under one motion are unrelated, any member can demand a Division of the Question without a seconder, and the division will have to be made.
- 5.10.** When a motion is put to a vote, the Chair shall first call for votes in favour of the motion, and then for votes opposed.
- 5.11.** After a vote is taken, the Chair shall declare whether the motion was carried or defeated.
- 5.12.** A record of the names of the members who voted for, against a motion and those who were absent from the vote shall be included in the minutes of the meeting.

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- 5.13.** A motion is lost on a tie vote, except when the ruling of the Chair is appealed, in which case a tie vote upholds the Chair (see Bylaws 5.34).
- 5.14.** A motion before the Board may be amended at any time, subject to the following conditions:
- a) An amendment is directly relevant to the main motion or, in the case of an amendment to the amendment, the amendment to the amendment, if it proposes some change in the form or substance of the main motion or the amendment, and shall not be contrary to the main motion or amendment
 - b) Only one amendment and one amendment to the amendment may be before the Board at any one time
 - c) The vote on the motion, amendment and amendment to the amendment is taken in the reverse order of that in which they were moved, that is, the amendment to the amendment first, then the amendment, and then the main motion
- 5.15.** When a question is under debate no motion shall be in order except to:
- a) Adjourn
 - b) Call the Question
 - c) Table the Matter (indefinitely)
 - d) Table the Matter to (a specified time)
 - e) Refer the Matter
 - f) Meet in Committee of the Whole, in public or private
- 5.16.** The following conditions apply to motions made under Bylaws 5.15:
- a) The motion takes precedence over the main motion and amendments, if any, before the Board and before the debate on the main motion and amendment resumes
 - b) Only one such motion may be before the Board at any one time
 - c) A second motion to the same effect cannot be made until some other business has intervened
 - d) Motions to adjourn, to call the question or to table the matter indefinitely shall be decided without debate
- 5.17.** A motion to call the question must be moved by a member who has not spoken to the matter.
- 5.18.** At any stage of the debate a member may require the question under discussion to be read.

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- 5.19.** A member may request a brief factual answer to a question pertinent to the subject under debate.
- 5.20.** If the Chair deems necessary, the Chair shall refer a question to the Director.
- 5.21.** No member while speaking shall be interrupted by another, except upon a point of order (see Bylaws 5.33).
- 5.22.** No member shall speak to the motion after the question has been put by the Chair, nor shall any other motion be made until after the result is declared, and the decision of the Chair as to whether the question has been put is final.
- 5.23.** No matters shall be discussed or considered unless identified in the agenda or added as an item of new business.
- 5.24.** A member may have a matter added to the agenda of a regular Board meeting as an item of new business provided a majority of the members of the Board agree to consider it (See also Bylaws 5.30) (For special Board meeting, see Bylaws 5.25).
- 5.25.** A member may have a matter added to the agenda of a special Board meeting as an item of new business provided all members of the Board are present and agree to do so (For regular Board meeting, see Bylaws 5.24).
- 5.26.** No decision of the Board shall be reconsidered for a period of 12 months following the decision, or for the remainder of the term of office, whichever is the shorter time, unless decided otherwise by the Board.
- 5.27.** A previous decision cannot be reconsidered if it has already been carried out and cannot be undone.
- 5.28.** A decision of the Board made at a previous meeting shall not be reconsidered unless written notice of the motion to reconsider the decision is included in the agenda. A decision of the Board made earlier in an ongoing meeting may be reconsidered on a motion without notice.
- 5.29.** A motion or notice of motion to reconsider a previous decision shall include motion or notice of motion presenting an alternate proposal or a recommendation to rescind the previous decision. The motion presenting an alternate proposal or motion to rescind shall not be considered if the motion to reconsider is defeated (For an example, please see page 23).
- 5.30.** Reconsideration of a previous decision of the Board cannot be added as new business unless it is reconsideration of a decision made earlier in a meeting (see Bylaws 5.24).

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- 5.31.** A motion to reconsider a previous decision of the Board shall require a majority of the members of the Board to carry.
- 5.32.** A decision to reconsider a previous decision shall not stay in effect beyond the adjournment of the meeting.
- 5.33.** A member may bring to the attention of the Chair any departure from the rules of procedure by stating, "I rise to a point of order," and may interrupt another member who is speaking. The point of order must be stated clearly and concisely and the Chair must decide, without debate, whether or not the point of order is well taken.
- 5.34.** The ruling of the Chair on a point of order is final, subject only to an appeal to the Board, without debate. A tie vote upholds the Chair.
- 5.35.** A member who feels that their reputation or that of the organization has been impugned may raise a "question of privilege." The procedure is the same as for a point of order (Bylaws 5.33) except that a speaker cannot be interrupted.
- 5.36.** Meetings shall adjourn at 10 p.m. unless decided otherwise by the members to add to the length of the meeting in 15- or 30-minute increments.

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6. Standing Committee (Section 6 revised and adopted April 2015)

A standing committee meeting will be called when there is a need for a report to be presented to the Board of Trustees that does not have an opportunity to first go through a Trustee Special Committee because it is not part of the committee mandate. A standing committee may also be called when identified as necessary by a Trustee Special Committee.

- 6.1.** The Standing Committee shall be composed of all members of the Board.
- 6.2.** A member of the Standing Committee who absents him- or herself from three consecutive meetings of the committee without the approval of the committee shall cease to be a member of the committee. This information shall be reported to the Board.
- 6.3.** The Vice-Chair of the Board shall Chair Standing Committee meetings.
- 6.4.** Special meetings of the Standing Committee may be called by the Chair, or in the committee Chair's absence, by the Chair of the Board, or by the Director on the written request of a majority of the members of the committee and upon provision of 24 hours notice to the members.
- 6.5.** The Standing Committee agenda shall be sent by the Director to the members at least 48 hours before the time at which the meeting is to take place. At the discretion of the Chair supplementary agenda material may be sent to the members no later than the day before the meeting.
- 6.6.** The Standing Committee Chair, in consultation with the Director, shall be responsible for the content of the agenda.
- 6.7.** The order of business at Standing Committee meetings shall be as follows:
 - a) Call to Order
 - b) Approval of Agenda
 - c) Declarations of Conflicts of Interest
 - d) Delegations
 - e) Staff Reports
 - f) Reports from Trustee Committees
 - g) Consideration of Written Notices of Motion
 - h) Private Session (to consider matters on the private agenda)
 - i) Adjournment
- 6.8.** A member may submit a written notice of motion for consideration in the agenda and, from time to time, the Board may adopt a governance procedure to implement this bylaw.

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- 6.9.** The Standing Committee agenda shall include all the matters that are to be considered, as far as is known.
- 6.10.** The Chair, in consultation with the Director, may add an item to the agenda of the Standing Committee no later than the day before the meeting.
- 6.11.** The Standing Committee shall report and recommend to the Board on all matters considered by the committee.

For the rules of order for Standing Committee meetings, see Rules of Order for Standing Committee, Committee of the Whole and Trustee Committees, Page 18.

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7. Committee of the Whole

- 7.1.** The Board may meet in a public session of Committee of the Whole by majority vote, in order to permit more informal and detailed discussion of a certain matter.
- 7.2.** The Board shall meet in a private session of Committee of the Whole by a majority vote, in order to consider private matters.
- 7.3.** The Committee of the Whole shall only consider matters which have been referred to it by the Chair of the Board and by the Board.
- 7.4.** The Committee of the Whole shall report and recommend to the Board in public session on all matters referred to it.

For the rules of order for Standing Committee meetings, see Rules of Order for Standing Committee, Committee of the Whole and Trustee Committees, Page 18.

For additional information regarding private matters, see Appendix I, page 23.

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8. Trustee Committees

- 8.1. Trustee Committees may be established by the Board from time to time as deemed advisable and upon determination of their membership and mandate.
- 8.2. Trustee Committees include committees established for a specific task and shall be discharged upon completion of the task.
- 8.3. A member on whose motion a Trustee Committee is established shall be a member of that committee for the first term. Other committee members shall be appointed by the Board.
- 8.4. The Director shall call the first meeting of a Trustee Committee.
- 8.5. ~~At the first meeting of a Trustee Committee or at the first meeting after the office of committee Chair becomes vacant, the members of the committee shall elect a Chair from among themselves.~~ (revoked as per motion: #15-156)
- 8.6. The term of office for Trustee Committees' members shall end on November 30 in each year, unless otherwise decided by the Board.
- 8.7. The Chair and Vice-Chair of the Board shall be ex officio members of Trustee Committees and when needed to count towards quorum shall have all the privileges of a member. When present at Trustee Committee meetings and not needed to count towards quorum, the ex officio member shall have speaking privileges only.
- 8.8. A member of the Trustee Committee who absents him- or herself from three consecutive meetings of the committee without the approval of the committee shall cease to be a member of the committee. This information shall be reported to the Board.
- 8.9. Meetings held subsequent to the first meetings of Trustee Committees may be held on such dates and times as the committees consider expedient, provided that no such committee meets during a time period set aside by the Board for some other purpose without the approval of the Chair.
- 8.10. The Trustee Committee Chair, in consultation with the Director, shall be responsible for the content of the agenda.
- 8.11. The agenda for each Trustee Committee meeting shall include all the business to be considered at the meeting and shall be sent by the Director to the members at least 48 hours before the time at which the meeting is to take place. At the discretion of the Chair, supplementary agenda material may be sent to the members no later than the day before the meeting.

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- 8.12.** Special meetings of a Trustee Committee may be called by the Chair, or in the committee Chair's absence by the Chair or Vice-Chair of the Board, or by the Director on the written request of a majority of the members of the committee and upon provision of 24 hours notice to the members.
- 8.13.** The Chair, in consultation with the Director, may add an item to the agenda of the Trustee Committee no later than the day before the meeting.
- 8.14.** Trustee Committees shall report and recommend to the Standing Committee or the Board on all matters considered by the committee.

For the rules of order for Trustee Committee meetings, see Rules of Order for Standing Committee, Committee of the Whole and Trustee Committees, Page 18.

GOVERNANCE BYLAWS

- 9. Rules of Order, Standing Committee, Committee of the Whole and Trustee Committees**
- 9.1.** The rules of order for Board meetings (Rules of Order for Board Meetings, page 9), with the necessary changes, shall apply to Standing Committee, Committee of the Whole (Private Session) and Trustee Committees meetings, with the following exceptions.
- 9.2.** At a Trustee committee, motions shall not require a seconder.
- 9.3.** A member may have a matter added to the agenda of a committee as an item of new business provided a majority of the members of the committee agree to consider it.
- 9.4.** A motion to call the question shall not be considered in Standing Committee until all members who wish to speak have had an opportunity to do so (See also Bylaws 5.15, 5.16, 5.17).
- 9.5.** Speaking time limits and restrictions (Bylaws 5.3) shall not apply to Trustee Committee meetings.
- 9.6.** If a minority of a Trustee Committee disagrees with a recommendation to be made by a majority of the members, the minority may present an alternative position to the Board in the form of a minority report attached for information to the majority recommendation. Minority reports shall be presented to the committee in writing before the committee adjourns.
- 9.7.** A motion to do the following shall not be in order in committee:
- a) Table consideration of the motion indefinitely;
 - b) Reconsider a decision previously made by the Board, unless the motion to reconsider the decision was referred to the committee by the Board;
 - c) Temporarily suspend the rules.
- 9.8.** Standing Committee and Trustee Committee meetings shall adjourn at a time established in the agenda or at the shall of the members.
- 9.9.** A Committee of the Whole shall not consider a motion to adjourn.
- 9.10.** The Committee of the Whole may end the meeting at any time to report progress. A motion to review the Chair's report to the public and end the meeting is decided without debate.

GOVERNANCE BYLAWS

10. Miscellaneous

- 10.1.** The Director shall take instruction from members only based on a decision of the Board. During a discussion at Board or committee meeting, the Director may accept a staff undertaking.
- 10.2.** The Board may adopt a governance statement from time to time to establish policy that applies to the members of the Board.
- 10.3.** The Board may adopt a governance procedure from time to time to establish an operational process under these Bylaws.
- 10.4.** The Board may temporarily suspend a provision of these Bylaws by a two-thirds majority of the members of the Board, except where the provision is grounded in an obligation imposed by law.
- 10.5.** A temporary suspension of the Bylaws shall expire at the end of the meeting in which the Bylaws are suspended, unless the Board determines otherwise.
- 10.6.** No temporary suspension of the Bylaws shall extend beyond the next organizational meeting of the Board.
- 10.7.** The following conditions apply to revisions to the Governance Bylaws:
 - a) Written notice of the proposed revision shall be given at the Board meeting previous to the meeting at which the revision is to be considered; and
 - b) A majority of the members of the Board must vote in favour of the revision.

GOVERNANCE PROCEDURES

Declaring a Conflict of Interest

The following governance procedure is designed to provide advice to trustees on how to declare a conflict of interest so that the minutes contain the information required in the Municipal Conflict of Interest Act and the Trustee is shown to be acting in an open, transparent and accountable manner.

The following procedure is provided for information only and may be utilized at a trustee's discretion.

- a) Upon being acknowledged by the chair, the member will state: "I wish to declare a conflict of interest regarding item (agenda number and topic) in the agenda because (reason, e.g. my son works for Bell Canada, my husband is a secondary school teacher)."
- b) A declaration of conflict of interest made at a committee meeting, must be repeated when the committee's report on the matter is being considered by another committee or the Board.
- c) In both cases above, the minutes will reflect that the trustee did not participate in the discussion or vote on the matter, if related to a public matter, and that the trustee was not present for the discussion or vote if related to a private matter.
- d) A declaration of conflict of interest made at a private committee meeting, must be repeated when the report of the Committee of the Whole (Private Session) is being considered by the Board in public by saying, "I wish to declare a conflict of interest regarding a private (personal, legal, property, security, etc. matter contained in the private report of the Committee of the Whole."
- e) When a conflict of interest has not been declared due to the absence of a member, the declaration must be made at the next meeting.

GOVERNANCE PROCEDURES

Reporting Private Matters In Public

The purpose of the governance procedure is to provide a process for the Board to provide the most possible information to the public on private matters that are being recommended for Board approval at the time the Board is making the decision and subsequent to the Board meeting.

During a public meeting, the Board may resolve into Committee of the Whole (Private) to consider private matters. When the private CW meeting is concluded, the meeting reviews the Chair's report to the public and ends the meeting thereby making recommendations on private matters. The Board is required to vote on approving the private recommendations in public.

At this point, some of the private decisions or parts of decisions can immediately be made public and others cannot, as determined by the Director.

a) Matters that will never be made public

The decisions that cannot be made public immediately public, are voted on without disclosing the particulars of the matter. These matters include items that were simply received or discussed. The content of private agendas and discussions should remain private.

- (i) There would be no purpose to disclosing the nature of the matter at the time the private report of the Committee of the Whole is presented.
- (ii) The nature of the matter will be shown in the public minutes of the meeting at a later time, but the particulars (specific topic and recommendation) will not.

b) Matters that might be made public at a later time

Sometimes private decisions can be made public at a time subsequent to the meeting after required administrative steps have been concluded. In this instance, when appropriate, the Director will inform the trustees and publish the private decision.

- (i) There would be no purpose to disclosing the nature of the matter at the time the private report of the Committee of the Whole is presented.
- (ii) The nature of the matter will be shown in the public minutes including the recommendation or part of the recommendation of the Committee of the Whole that has been made public.

c) Matters that can be made immediately public

GOVERNANCE PROCEDURES
Reporting Private Matters In Public

At the conclusion of each private meeting of the Committee of the Whole, the Director, in consultation with the Chair and Vice-chair of the Board, will determine which recommendations or parts of recommendations of the private CW will immediately be made public.

- a) These recommendations or parts of recommendations will be read aloud by the chair of the CW upon presentation of the committee's report in public.
- b) The nature of the matter will be shown in the public minutes including the recommendation or part of the recommendation of the Committee of the Whole that has been made public.

Excerpt from the Education Act (Last amendment: 2012, c. 11, s. 21.)

Closing of certain committee meetings

207 (2) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,

- a) the security of the property of the board;
- b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
- c) the acquisition or disposal of a school site;
- d) decisions in respect of negotiations with employees of the board; or
- e) litigation affecting the board. R.S.O. 1990, c. E.2, s. 207 (2).

GOVERNANCE PROCEDURES
Reporting Private Matters In Public

Appendix I

Private Matters

1. Trustees shall maintain confidentiality with regards to private matters considered by the Board and shall not discuss or share information related to private matters with any person other than fellow trustees and the Director, or designate.
2. At the discretion of the Director, a person who is not a Board member or Board employee may be invited to participate in a presentation to the members in private after signing a confidentiality agreement.
3. Trustees shall maintain private agendas and related materials in a secure location.
4. Only the Director can decide if or when a private decision can be made public. Sometimes there are administrative follow-up requirements to complete before a matter can be made public and other times a decision must remain private indefinitely. Therefore, trustees shall not disclose any decision made in private session before the Director has provided permission to do so.
5. The Director shall maintain records of all private matters and decisions and these shall be maintained in the Director's Office and accessible to a trustee upon request.
6. The Director shall maintain the private minutes in a secure location from which they may not be removed.
7. The Director shall not permit any reproduction of private minutes.

Matters considered during private sessions of committees, including the Standing Committee, special committees, and Committee of the Whole , are governed by sections 207(1) and (2) of the Education Act, as follows:

- 1) The meetings of a board and, subject to subsection (2), meetings of a committee of the board, including a Committee of the Whole, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.
- 2) A meeting of a committee of a board, including a Committee of the Whole, may be closed to the public when the subject matter under consideration involves,

GOVERNANCE PROCEDURES
Reporting Private Matters In Public

- a) the security of the property of the board;
- b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
- c) the acquisition or disposal of a school site;
- d) decisions in respect of negotiations with employees of the board; or
- e) litigation affecting the board.

Student Trustees: A student trustee is not entitled to be present at a meeting that is closed to the public under clause 207 (2) (b). E.A. 55(5)

GOVERNANCE PROCEDURES

Submitting a Written Notice of Motion or Adding an Item to an Agenda

The following governance procedure is designed to provide a process for trustees to add an item to an agenda of a Board or Standing Committee meeting for consideration.

To submit a matter for consideration, a written notice of motion must be received by the Director before 4 p.m. on the same the day of the week one week prior to the meeting, for example notices of motion for a Monday meeting must be received by 4 p.m. on the previous Monday.

A motion is exclusively an action that occurs during a meeting, does not happen until moved by a trustee when a meeting is underway. A trustee who has submitted a written notice of motion for inclusion in an agenda is providing notice to other Trustees, staff and the community that the matter may be considered, and may withdraw or make editorial changes to it at the time it is moved.

Written notice of motion should suggest an action as concisely as possible, with no extraneous content, and leave no doubt as to what is being proposed.

Note: When considering a motion at a meeting of the Board the matter will frequently be referred to the Standing Committee or a special committee for consideration. The Board has taken “ownership” of the matter and it is published in the agenda of the committee as a matter referred by the Board, it is no longer a motion or a written notice of motion. When the Standing Committee or special committee considers a matter, the committee has taken “ownership” of it and may approve, defeat or amend it and present it as a recommendation of the committee in the committee’s report.

GOVERNANCE PROCEDURES
Submitting a Written Notice of Motion or Adding an Item to an Agenda

Example

Notice of motion to reconsider a previous decision

The following notice of motion is presented in accordance with Governance Bylaws 5.26 to 5.32.

(Bylaws 5.26 to 5.32 quoted here)

Be it resolved,

a) That the following decision of March 26, 2012, be reconsidered:

(Example) That the tentative agreement of purchase and sale regarding the disposition of the 100 Main Street West Hamilton property to McMaster University, subject to conditions as presented in the report, be approved.

AND if Part (a) is adopted, then:

b) That the decision be rescinded.

OR alternate proposal such as

b) That the decision be amended by changing “McMaster University” to “Mohawk College.”

GOVERNANCE PROCEDURES

Delegations

Note: The following governance procedure applies to Board, Standing Committee and Trustee Special Committees only. Different delegation processes and opportunities for public input and consultation may be established for other specific purposes.

The following governance procedure establishes a process for hearing public input and is an indicator of the Board's commitment to advocacy for students, parents and communities. The procedure provides for flexibility in managing the delegation process.

1. Subject Matter

- a) Trustees will hear delegations on matters that are shown on the agenda for either Standing Committee or Board meetings.
- b) Special committees will hear delegations on matters related to their mandates.
- c) Employees of the Board may make a delegation request on topics other than those concerning employment or professional interests for which other channels exist.

[See also Section 6, Limitations]

2. Confidential Matters

Requests by delegations to appear before a committee on matters which are deemed to be of a confidential nature, (Section 207 (1) and (2) of the Education Act), will be considered in private session.

3. Requests to Make an Oral Delegation

- a) Requests by delegations and individuals to speak to a Committee must be submitted in writing by e-mail to Heather Miller, <mailto:hmillier@hwdsb.on.ca>, by 12 noon on the Friday before the meeting and speakers must address a topic in the agenda.
- b) If a request to make an oral delegation cannot be accommodated, the requestor will be invited to submit a written submission that will be distributed to the members at the meeting, distributed to all trustees in the weekly information package and posted on the Board's web-site.
- c) Requests by delegations and individuals to speak on a topic other than in (a) above, will be invited to speak to a special committee of the Board.
- d) Requests must include the following information:

GOVERNANCE PROCEDURES

Delegations

- (i) the topic that will be addressed
 - (ii) the name of the speaker or speakers if the time provided is to be shared by two members of an organization
 - (iii) address of the speaker
 - (iv) contact information for the speaker (preferably e-mail)
 - (v) the name of the organization, if the speaker is representing an organization such as a school council or community group
- e) Written submissions alone, on any topic and at any time, may be submitted to Heather Miller at hmillier@hwdsb.on.ca and will be distributed to all trustees and posted on the Board's website.

4. Time Allotted

Requestors may request either five or ten minutes, and will be accommodated at the discretion of the chair. At any time the chair may decide that a shorter time be allotted to facilitate the business of the meeting.

5. Questions of Clarification

Following presentations, members of the committee and other trustees may ask brief questions for clarification only, for a period of time which will be at the discretion of the Chair.

6. Limitations

The committees will hear up to three delegations at each meeting.

- a) Delegation requests will be approved or denied at the discretion of the chair, based on the anticipated time needed for completion of the agenda, variety of types of input (parent group, individual citizen, community organization), variety of viewpoints, number of times the requestor has previously had the opportunity to address the trustees. If denied, requestors will be invited to submit a written submission which will be distributed at the appropriate meeting.
- b) Delegates may speak once only on any particular matter.
- c) For issues such as school closings or school naming and renaming (in whole or in part), where the Board will be instituting an extensive consultation process outside

GOVERNANCE PROCEDURES**Delegations**

of the Board's regular business process, delegations will not be heard at committee meetings.

- d) If more delegation requests are received than can be accommodated, written submissions will be encouraged and these will be distributed to all Board members.

Adopted: April 2015

GOVERNANCE PROCEDURES

Consent Calendar

The following Governance Procedure is designed to assist the consideration of agendas for Board and Standing Committee and special meetings if the chair deems appropriate.

- a) Agenda items that might not require discussion before being received or approved will be placed on the Consent Calendar agenda item.
- b) When Approval of the Agenda is being considered, a member may move that an item on the Consent Calendar be removed and held for discussion and separate vote.
- c) If a motion to remove an item from the Consent Calendar is adopted by a majority vote, the item will be considered at the end of the meeting during consideration of New Business and Consent Calendar Items.
- d) The Consent Calendar will be moved by a member saying, "I move that the Consent Calendar items be received or approved, as appropriate."
- e) The procedural bylaws will be applicable with regards to amending the motion, i.e. any trustee may request that "the motion be amended by deleting an item and holding it for discussion."
- f) The governance bylaws will be applicable with regards to voting, i.e. a member may request that a separate vote be taken on each part of the Consent Calendar.

GOVERNANCE STATEMENTS

Code of Conduct

Maintaining the integrity and dignity of office

1. Trustees shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
2. Trustees, as elected officials of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property and shall at all times act with decorum and be respectful of other Trustees, staff, students and the public.
3. Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.
4. Trustees shall abide by a reasonable expulsion or exclusion from a meeting if deemed to be “guilty of improper conduct at a meeting” by the Chair or presiding officer. [*Education Act*, s. 207(3)]

Avoidance of exercising personal advantage

5. No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing his or her duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event. Also, this does not preclude and acceptance of reasonable hospitality or gifts in accordance with the Board’s Trustee Expense Directive, Policy 3.10.
6. No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

Civil behaviour

7. No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity¹ of the Board.

¹ **integrity** 1 moral uprightness; honesty, 2 wholeness; completeness, 3 soundness; unimpaired or uncorrupted condition. *Oxford Canadian Dictionary*, Oxford University Press Canada, 1998

GOVERNANCE STATEMENTS

Code of Conduct

8. Trustees shall not advance allegations of misconduct and/or a breach of this Code of Conduct against another Trustee that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature.
9. When expressing individual views, Trustees shall respect the differing points of view of other Trustees, staff, students and the public.

Respect for confidentiality

10. Trustees shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public as outlined in the Education Act, and keep confidential the substance of deliberations of such meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.
11. No Trustee shall use confidential information for either personal gain or to the detriment of the Board.
12. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of his or her position, except when required by law or authorized by the Board to do so.

Upholding decisions

13. Trustees shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.
14. Trustees shall uphold¹ the implementation of any Board resolution after it is passed by the Board.
15. Trustees may respectfully state a personal position on a decision provided it does not in any way undermine the implementation of the decision.
16. Trustees shall comply with the Board's policies, procedures, bylaws, and the Board's procedural bylaws.

¹ **uphold** confirm or maintain (a decision etc., esp. of another). *Oxford Canadian Dictionary*, Oxford University Press Canada, 1998

GOVERNANCE STATEMENTS**Code of Conduct**

17. The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Board or Chair of the Board to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

GOVERNANCE STATEMENTS

Code of Conduct

Governance Procedure: Trustee Code of Conduct

Identifying a Breach of the Code

1. A Trustee who has reasonable grounds to believe that a Trustee has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board.
2. Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board no later than six weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code be undertaken after the expiration of six months from the time the contravention is alleged to have occurred.
3. Any allegation of a breach of the Code of Conduct shall be investigated following the Informal *or* Formal Complaint Procedure below, as the case may be.
4. Whenever possible, any allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the Informal Complaint Procedure initially as it is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure; **this would be determined by the Chair and Vice Chair (or an alternate should the Chair or Vice not be able to participate in the investigation process)**. (RESOLUTION #20-175, Dec. 14 2020)

Chair or Presiding Officer

5. The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice-chair of the Board.
6. Each year two Trustees shall be chosen by the Board to play a part in the procedure when the circumstances warrant that one or both Trustees are needed in place of the Chair and/or Vice-chair of the Board to carry out any of the duties of the Trustee who is disqualified. The two Trustees will be designated and ranked as Code of Conduct Review, First Alternate, and Code of Conduct Review, Second Alternate,

GOVERNANCE STATEMENTS

Code of Conduct

- and, in that order, shall play a part in the procedure corresponding to the disqualified Trustee, if allowed.
7. Nothing in this procedure prevents the Chair or Presiding Officer of any meeting of the Board or committee of the Board from exercising their power pursuant to s. 207(3) of the Education Act to “expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.” For greater certainty, this may be done at the sole discretion of the Chair or Presiding Officer, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting. A Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.
 8. The Chair of the Board or presiding officer of any meeting of the Board or committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.
 9. The Chair of the Board or presiding officer shall follow the rules of order of the Board and/or the adopted rules of order and meeting procedures contained in any policy or by-Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the enforcement of the Code of Conduct, except for persistent improper use of the applicable rules of order by the Chair or presiding officer.

Informal Complaint Procedure

10. The Chair of the Board, on his/her own initiative, or at the request of a **Trustee who** alleges breach of the Code has occurred, and has completed the appropriate form*, may meet informally with a Trustee who is alleged to have breached the Code, to discuss the breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. The Informal Complaint Procedure is conducted in private. (RESOLUTION #20-175, Dec. 14, 2020)

*The form will be available in the Director's Office.

GOVERNANCE STATEMENTS

Code of Conduct

11. The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation's Professional Development Program for School Board Trustees. If the Chair of the Board and the Trustee alleged to have breached this Code cannot agree on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.

Formal Complaint Procedure

NOTE: Item 12 was removed as per RESOLUTION #20-175, December 14, 2020)

12. ~~A Trustee who has reasonable grounds to believe that another Trustee has breached the Board's Code of Conduct may bring the breach to the attention of the Board by first providing to the Chair of the Board* a completed form** which will constitute a written, signed complaint setting out the following: (i) the name of the Trustee who is alleged to have breached the Code; (ii) the alleged breach or breaches of the Code; (iii) information as to when the breach came to the Trustee's attention; (iv) the grounds for the belief by the Trustee that a breach of the Code has occurred; and (v) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach. Except as provided below, if a written complaint is filed with the Chair of the Board then a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.~~

~~** see #19 for steps in formal inquiry~~

~~**The form will be available in the Director's Office.~~

13. In an election year for Trustees, a code of conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.
14. The Chair of the Board shall provide to all Trustees a confidential copy of the complaint within ten (10) days of receiving it. The complaint, any response to the

GOVERNANCE STATEMENTS

Code of Conduct

complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached the Code.

Refusal to Conduct Formal Inquiry

15. If the Chair and Vice-chair are of the opinion that an outside consultant should conduct the inquiry, the consultant will be appointed by the Director.
16. If the Chair and Vice-chair of the Board or outside consultant, if engaged, are of the opinion that the complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, a formal inquiry shall not be conducted and a confidential report stating the reasons for not doing so shall be provided to all Trustees.
17. If the Chair and Vice-chair of the Board cannot agree on the above then a full formal inquiry shall be conducted.
18. If an allegation of a breach of the Code of Conduct on its face is with respect to the non-compliance with a more specific Board policy with a separate complaint procedure, the allegation shall be processed under that procedure.

Steps of Formal Inquiry

19. If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Chair and Vice-chair of the Board, if appropriate, or any two of the Chair, Vice-chair and the alternate Trustees, or outside consultant, if engaged.
20. Regardless of who undertakes the formal inquiry the following steps shall be followed.
21. The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.
22. Procedural fairness and unbiased process shall govern the formal inquiry. The formal inquiry will be conducted in private.

GOVERNANCE STATEMENTS

Code of Conduct

23. The formal inquiry may involve both written and oral statements by any witnesses, the Trustee bringing the complaint and the Trustee who is alleged to have breached the Code of Conduct.
24. The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal inquiry and in writing.
25. It is expected that the formal inquiry will be conducted within a reasonable period of time which will depend on the circumstances of the case. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within ten (10) days of receiving the written allegation, or such extended period of the time as the investigators deem appropriate in the circumstance.
26. If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in his/her absence.
27. Once the formal inquiry is complete, the investigators shall provide a confidential draft copy of their report containing the findings of fact to the Trustee who is alleged to have breached the Code of Conduct and the Trustee who brought the complaint for their written comment to the investigator(s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. The two Trustees shall have ten (10) days (or such reasonable period of time as deemed appropriate by the investigators) from the receipt of the draft report to provide a written response. Written responses will be attached to the final report.
28. The final report will outline the finding of facts as determined by the investigator(s) and, subject to clause 29, a recommendation as to whether the Code of Conduct has been breached and, if deemed appropriate, a recommendation regarding the imposition of a sanction as determined by the Chair and Vice-chair.
29. If the Chair and Vice-chair of the Board conduct the inquiry and cannot agree on the final finding of facts, it shall be referred to an outside consultant to complete the formal inquiry. The outside consultant will be appointed by the Director.
30. If the Chair and Vice-chair are not able to agree on the recommendation(s), the final report will be presented to the Board without recommendations.

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Code of Conduct

Suspension of Formal Inquiry

31. If the investigators, when conducting the formal inquiry, discover that the subject-matter of the formal inquiry is being investigated by police, that a charge has been laid, or is being dealt with in accordance with a procedure established under another *Act*, the formal inquiry shall be suspended until the police investigation, charge or matter under another Act has been finally disposed of. This shall be reported to the rest of the Board of Trustees.

Decision

32. Upon completion of the final report and as soon as practical, the Chair shall present the final report to the Board of Trustees so that the Board may decide whether or not the Code of Conduct has been breached and whether to impose a sanction.
33. Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.
34. If the Board of Trustees determines that there has been no breach of the Code of Conduct or that a contravention occurred, although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.
35. The determination of a breach of the Code of Conduct and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting. The reasons for the decision shall be recorded in the minutes of the meeting.
36. Despite s. 207 (1) of the *Education Act*, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) being:
 - (a) the security of the property of the Board;

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Code of Conduct

- (b) the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board or a pupil or his or her parent or guardian;
 - (c) the acquisition or disposal of a school site;
 - (d) decisions in respect of negotiations with employees of the Board; or
 - (e) litigation affecting the board.
37. The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.
38. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but shall not participate in the deliberations, and shall not be required to answer any questions at that meeting.
39. The Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed, influence the vote on the decision of breach or sanction, except as permitted below after these decisions have been made.

Sanctions

40. If the Board determines that the Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:
- (a) Censure of the Trustee.
 - (b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
 - (c) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.
41. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.

GOVERNANCE STATEMENTS

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42. A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.
43. The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the *Education Act* regarding absences from meetings.

Reconsideration

44. If the Board determines that a Trustee has breached the Board's Code of Conduct the Board shall,
 - (d) give the Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;
 - (e) the notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least fourteen (14) days after the notice is received by the Trustee; and
 - (f) consider any submissions made by the Trustee and shall confirm or revoke the determination and confirm, vary or revoke a sanction, if applicable, within forty-five (45) days after the submissions are received.
45. If the Board revokes a determination, any sanction imposed by the Board is revoked and, within fourteen (14) days, the Chair shall give the Trustee written notice of the determination.
46. If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.
47. The Board decisions to confirm or revoke a determination or confirm, vary or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the

GOVERNANCE STATEMENTS

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determination together with reasons for the decision and written notice of any decision to confirm, vary or revoke a sanction. The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. [*Education Act*, s. 218.3(12)] The Trustee who brought the complaint may vote.

48. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.
49. If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.

GOVERNANCE STATEMENTS

Electronic Participation

Purpose

To establish a policy for electronic participation in accordance with O. Reg. 463/97, Electronic Participating.

Terminology

Electronic participation refers to participating in a meeting in a manner whereby the trustee can hear and be heard by using a two-way voice or video conferencing capability

Policy Statements

- a) Electronic participation shall be available to Trustees for all meetings of the Board and committees of the Board.
- b) The Chair shall conduct meetings in accordance with the appropriate rules of order while being mindful of the Trustee who is participating electronically.
- c) Electronic participation shall be made available in a manner that allows the participating member to hear and be heard. [O. Reg. 463, s.3.(1)2]
- d) The Trustee who is participating electronically shall inform the Chair of every instance they enter and leave the meeting to ensure;
 - I. That the Chair knows at all times who is “in the room”;
 - II. That the secretary can confirm in the record that a Trustee has complied with Conflict of Interest requirements by absenting him/herself when required;

Note: A Trustee must not be present during discussion on a private matter for which the Trustee has declared a conflict of interest. When appropriate for the Trustee to return to the meeting, the Trustee will be notified by text message or email.
 - III. That the student trustees are only present when permitted in accordance with O. Reg. 7/07, Student Trustees, s.55(5).

GOVERNANCE STATEMENTS
Electronic Participation

- e) The following persons must be physically present in the meeting room: [O. Reg. 463, s.5. (1)(2)]

Regular Board and Special Board Meetings	Board Committee Meetings
<ul style="list-style-type: none"> ➤ Chair of the Board, or designate ➤ At least one additional member ➤ The Director of Education, or designate 	<ul style="list-style-type: none"> ➤ Chair of the committee, or designate ➤ The Director of Education, or designate

Further to O. Reg. 463, s. 5.1(1), the Chair of the Board or of a Committee of the Board or his or her designate may participate electronically in a Board or Committee Meeting if any of the following conditions exist (Resolution #18-106, September 2018):

- The distance from the Chair's or designates residence to the meeting location exceeds 200 kilometres
- The weather conditions do not allow the Chair or designate safe travel to the meeting location
- The Chair or designate cannot be present due to health-related issues

The Chair of the Board or Chair of a Board committee may refuse to provide a member with electronic means of participation in a meeting of the Board, a meeting of a Board committee, where to do so is necessary to ensure compliance with this section. [O. Reg. 463, s.5 (3)]

- f) The Trustee who is participating electronically shall be responsible for correcting technical problems including disruptive noise and accidental disconnections that occur as a result of problems with the caller's environment or equipment.
- g) A Trustee shall be physically present in the meeting room for at least three regular meetings of the board in each 12 month period beginning December 1. [Education Act, s. 229 (1)]

GOVERNANCE STATEMENTS

Electronic Participation

Electronic Participation Procedure

Purpose

To establish a procedure for implementing electronic participation in accordance with Governance Statement 2C: Electronic Participation.

Terminology

Electronic participation refers to participating in a meeting in a manner whereby the trustee can hear and be heard by using a two-way voice or video conferencing capability

Procedure

- a) If a Trustee anticipates that they will be participating by electronic means, the Trustee will inform the Office of the Director, through the Officer of Trustee Services, as soon as possible, and hopefully no later than 10 a.m. of the day of the meeting.
- b) Where a meeting or part of a meeting is to be held in closed session, the Trustee participating electronically must not be in a location where an unauthorized individual is able to hear the Trustee or the meeting discussion.
- c) Trustees participating electronically will inform the Chair when they enter the meeting electronically and when they leave, whether it is temporary or permanent absence, so the Chair knows who is “in the room” at all times.
- d) The record of the meeting shall indicate that the Trustee was present and participated by electronic means.

GOVERNANCE STATEMENTS

Board Trustee Committees

The following are the Board's Trustee Committees:

- a) Finance and Facilities Committee
- b) Governance Committee
- c) Human Resources Committee
- d) Policy Committee
- e) Program Committee

1. Terms of Reference

1.1 The Board's Trustee Committees are subject to the terms and rules of order as outlined in the Board's Governance Bylaws (see Trustee Committees, page 13 and Rules of Order for Standing Committee, Committee of the Whole and Trustee Committees, page 15).

The bylaws provide direction regarding the following:

- a) How Trustee Committees are established
- b) Routine member
- c) First meeting and election of committee chair
- d) Term of office
- e) Ex officio members
- f) Attendance requirement
- g) Schedule of meetings and special meetings
- h) Agenda preparation
- i) Reporting structure
- j) Creating the Agenda
- k) Rules of Order for meetings

2. Membership

2.1 Finance and Facilities Committee - the committee membership will be made up of three to five trustees, appointed by the Board

2.2 Governance Committee – the committee membership will be the Chair and Vice-chair of the Board, and three other members, appointed by the Board, one of whom may be the past-Chair of the Board. Preferably, for continuity, the past chair of the Governance Committee would be one of the three members

2.3 Human Resources Committee - the committee membership will be made up of three to five trustees, appointed by the Board

GOVERNANCE STATEMENTS

Board Trustee Committees

- 2.4 Policy Committee - the committee membership will be made up of three to five trustees, appointed by the Board
- 2.5 Program Committee - the committee membership will be made up of three to five trustees, appointed by the Board
- 2.6 All Chairs of the Trustee Committees will be available for consultation with staff at his/her request
- 2.7 Quorum is defined as the majority of the members as outlined in the Governance Bylaws under General Provisions

3. Staff Resources

- 3.1 The Director shall assign staff resources as necessary, including a senior staff person and an administrative assistant.
- 3.2 The senior staff resource person(s) shall provide the Board's Trustee Committees with information when requested and if that information is readily available.
- 3.3 The administrative assistant shall be responsible for distribution of the agenda, meeting arrangements and completion and routing of the committee report.

GOVERNANCE STATEMENTS

Board Trustee Committees

Mandate

4.0 Finance and Facilities Committee: to make recommendations to the Board of Trustees on matters related to financial management and facilities management.

4.1 Financial Management

- a) Non-grant revenue management
- b) Procurement
- c) Budget Planning and Development
 - Provide advice on budgetary matters and on non-budgeted expenses that occur and report to the Board of Trustees
 - Participate in the development and implementation of a communications and consultation plan to provide budget information to the community and to receive from staff comments from parents, students, staff and other stakeholders on budget funding formula and related priorities
 - Consider the impact of other budgetary pressures that may be unique to the Board and make recommendations to the Board of Trustees on the budget assumptions/parameters to guide the development of the budget each fiscal year
 - With administration, conduct workshops for all Trustees on the development of the annual budget
 - Monitor provincial budget issues and consider the impact of provincial issues, initiatives and announcements on the Board

4.2 Facilities Management

- a) Planning and Pupil Accommodation
 - To monitor and update the Board's Long-Term Facilities Master Plan
 - To review, comment and approve Capital Funding Strategies
 - To review and provide comment on the Board's Annual School Renewal Plan and other school renewal strategies and initiatives
 - To review, comment and approve Accommodation Planning and Property Management strategies and initiatives
- b) Monitor provincial initiatives and consider their potential impact on the four divisions of Facilities Management including Capital, Planning & Accommodation, Caretaking and Maintenance & Energy

GOVERNANCE STATEMENTS

Board Trustee Committees

Mandate

5.0 Governance Committee: to make recommendations to the Board of Trustees on matters related to governance procedures.

5.1 To monitor the function of the Board of Trustees, review and develop Governance statements, and procedures

5.2 To develop, with the Director, a Director's Performance Appraisal

5.3 To maintain an annual governance workplan to include Trustees' professional development in terms of Good Governance and to support Trustee orientation

5.4 To develop political advocacy with all levels of government and associated agencies

GOVERNANCE STATEMENTS

Board Trustee Committees

Mandate

6.0 Human Resources Committee: to make recommendations to the Board of Trustees on matters related to human resources.

6.1 Labour Relations/Employee Relations

- a) To develop mandates for negotiations with employee groups
- b) To receive and give advice on matters related to collective bargaining and grievances
- c) To review and provide advice on salary, benefit adjustments and terms/conditions of employment for all non-union administrative employees
- d) To consider matters referred by the Board of Trustees or by administration which may be related to, but not necessarily specified in employee group collective agreements
- e) To monitor the health and wellness of HWDSB employees through data such as staff turnover, retention rates, staff satisfaction surveys, grievances etc.

6.2 Staff Engagement

- a) Monitor our culture of trust, high expectations and efficacy in the system through professional learning and through leadership development
- b) Support HWDSB Service departments in providing Exemplary Service

6.3 To inform the Board of Trustees of legislative and provincial changes and the impact those changes may have on HWDSB

GOVERNANCE STATEMENTS
Board Trustee Committees

Mandate

7.0 Policy Committee: to make recommendation to the Board of Trustees on matters related to policy.

7.1 To review and evaluate Board policies

7.2 To maintain a regular process for policy review and evaluation

7.3 Receive input that has been sought and received from community, staff, students and parents

7.4 To receive and/or request directives for discussion, and to offer suggestions for consideration

7.5 To ensure the maintenance of accurate and current records of all Board policies

GOVERNANCE STATEMENTS
Board Trustee Committees

Mandate

8.0 Program Committee: to make recommendations to the Board of Trustees on matters related to programming offered to students at Hamilton-Wentworth District School Board.

8.1 To review program-related issues

8.2 To receive program-related reports from Staff

8.3 To monitor implementation and evaluation of HWDSB's Program Strategies

GOVERNANCE STATEMENTS

Community Advisory Committees

Community Advisory committees are established by the Board in support of Board Policy No. 2.0, Engagement Pillar.

1. General

1.01 The mandate for Community Advisory Committees is to provide the Board of Trustees with advice from the community on specific areas of Board policy or program consistent with the Education Act and the policies of the Board, and on services that affect the educational success and well-being of HWDSB students.

1.02 The establishment and membership of a community advisory committee shall be considered by the Board each year between September 1 and November 30.

1.03 Should a community advisory committee not meet with quorum at least once per school year, the committee will cease to exist and will not be re-established the following academic year.

1.04 The following community advisory committees have been established by the Board. This list will be automatically updated to reflect Board approval of community advisory committees.

(a) First Nations, Métis and Inuit Community Advisory Committee

(b) French as a Second Language Community Advisory Committee

(c) Rural Schools Community Advisory Committee

(d) Faith Community Advisory Committee (Resolution #16-196, Nov. 21 2016)

(e) Human Rights & Equity Advisory Committee (Resolution #18-72, May 28 2018)

2. Membership

2.01 The Director, shall recommend members for appointment to a community advisory committee no later than November 30.

2.02 Members of a community advisory committee shall be appointed by the Board.

2.03 A community advisory committee shall have no more than 13 community members and no fewer than seven.

2.031 Quorum shall be determined as 50% plus 1 of committee members.

GOVERNANCE STATEMENTS
Community Advisory Committees

- 2.04 Students attending a Board secondary school may be members.
- 2.05 A community advisory may have one or two Trustees, appointed by the Board, who may participate in the meetings but will not count towards quorum or have voting privileges. Trustee membership will be decided at the Organizational Board Meeting in December.
- 2.06 A community advisory committee shall appoint a chair or co-chairs from among its members at the first meeting each year.
- 2.07 The term of office for a member of a community advisory committee shall be one or two years commencing on September 1 and ending on June 30.
- 2.08 When a community advisory committee is established the members shall be divided into members willing to serve for a one-year term and those willing to serve for a two-year term in order to initiate staggered terms.
- 2.09 Under normal circumstances a member who has served for more than two consecutive terms or partial terms shall be replaced by a new member; however the Board may approve that an individual member be appointed for more than two consecutive terms or partial terms.
- 2.10 If a member is appointed mid-term, the committee shall recommend whether the term should end on June 30 of the current year or the following year.

3. Duties of Members

- 3.01 If absent from a meeting, a member shall be permitted to send a person as the member's replacement. The replacement person shall be permitted to participate in the discussion, but may not vote on behalf of the appointed member. The replacement person shall be responsible for reporting on the activities of the meeting to the appointed member.
- 3.02 If a member is absent from three consecutive meetings, without the permission of the committee, the position shall be considered vacant and a replacement member shall be appointed.

4. Agenda Items

- 4.01 The chair or co-chairs, in consultation with the senior resource person, shall be responsible for the content of the agenda.

GOVERNANCE STATEMENTS
Community Advisory Committees

4.02 A community advisory committee shall consider matters related to the mandate of the committee: (a) as referred to the committee by the Board or the Director, or (b) of significant importance to the committee members.

5. Staff Resources

5.01 The Director shall provide a community advisory committee with meeting space.

5.02 The Director shall assign staff resources as necessary, including a senior staff person and an administrative assistant.

5.03 The senior staff resource person shall provide the community advisory committee with information when requested and if that information is readily available.

5.04 The administrative assistant shall be responsible for distribution of the agenda, meeting arrangements and completion and routing of the committee report.

5.05 A community advisory committee shall not cause a significant amount of staff work to be undertaken or cause the duties of the administrative assistant to be expanded.

6. Meetings

6.01 A community advisory committee shall meet at least once per year, with quorum and provide a committee report to the Board of Trustees.

6.02 A community advisory committee shall not meet during July or August unless requested to do so by the Chair of the Board.

6.03 A community advisory committee meeting shall be open to the public for observation and notice of the meeting shall be posted on the Board's website.

7. Rules of Order

7.01 A community advisory committee shall follow the Board's Governance Bylaws with respect to the rules of order for committees, where applicable.

8. Reporting

8.01 After each meeting of a community advisory committee a committee report shall be prepared in lieu of minutes.

GOVERNANCE STATEMENTS
Community Advisory Committees

- 8.02 The administrative assistant shall be responsible for preparation of the committee report.
- 8.03 The community advisory committee report shall be in the same format as those for the Board's other committees.
- 8.04 A community advisory committee report shall be presented to a special committee of the Board, the Standing Committee or the Board, at the discretion of the Chair of the Board and the Director.
- 8.05 The Director may decide that commentary, background or contextual information, and/or a recommendation from staff is necessary to ensure that trustees have comprehensive information on which to base a decision. When this is deemed necessary, the Director will issue a separate staff report to accompany the community advisory report.

ADVISORY COMMITTEES

Statutory Committees: Special Education Advisory Committee

The establishment of a special education advisory committee is a requirement under the *Education Act* subsection 57.1 (1) which states: “Every district school board shall establish a special education advisory committee.”

O. Reg. 464/97, Special Education Advisory Committees, sets out the requirements for special education advisory committees.

Terms of Reference

The following is a table of contents for information that is set out in O. Reg. 464 and the section numbers referenced relate to the regulation.

1. Members, Alternates, ss. 2, 3
2. Qualifications, s. 5
3. Term, s. 6
4. Vacancy, ss. 7, 8
5. Chair, Vice-chair, Meetings, s. 9
6. Resources, s. 10
7. Mandate, s. 11
8. Annual review, annual budget process and financial statements, s. 12

IN ADDITION TO the provisions of O. Reg. 464, the Board has made the following decisions related to its Special Education Advisory Committee.

9. Membership: The membership of its SEAC shall reflect the range of exceptionalities within the school district.
10. Rules of Order: The Board’s rules of order for special committees (Governance Bylaws, section 9) shall govern the order and conduct of the meeting of the Special Education Advisory Committee.
11. Responsibilities of Members
Each member is expected:
 - a) To respond to the needs of all exceptional students under the jurisdiction of the Board
 - b) To protect the right to privacy of individual pupils and family members by not discussing or sharing information about individual students

ADVISORY COMMITTEES

Statutory Committees: Special Education Advisory Committee

- c) To acquire and maintain a working knowledge of the Special Education programs and services provided by the Board
 - d) To present to the Committee the interests, concerns and suggestions of the association which the member represents regarding the programs and services of the Board
 - e) To suggest items of concern for inclusion on the agenda
 - f) To suggest appropriate educational topics for discussion
 - g) To make motions for consideration
 - h) To keep the association which the member represents informed of the proceedings of the Committee
 - i) To be available as an informed and knowledgeable resource to the parents of exceptional children, potentially providing information on the Special Education programs, services and procedures of the Board including in particular the Identification, Placement and Review process and appeals
 - j) To be available as an informed and knowledgeable resource for schools and the community
 - k) To attend meetings on a regular basis, or to inform the alternate and the Committee chair or secretary when the member cannot attend a meeting and to arrange for the alternate to attend the meeting on behalf of the member.
12. Resources Provided
- a) The Board will make available the personnel and facilities necessary for the proper functioning of the committee
 - b) The Board will provide the members of SEAC and their alternates with timely information and orientation regarding
 - (i) The role of SEAC and the Board in relation to special education
 - (ii) Ministry and Board policies and Board decisions relating to Special Education programs and services
 - c) Prior to making a decision on a recommendation made by SEAC, the Board will provide an opportunity for SEAC to make a delegation to the appropriate committee in accordance with the Board Governance Procedure, Delegations

ADVISORY COMMITTEES

Statutory Committees: Supervised Alternative Learning for Excused Pupils Committee

The establishment of a supervised alternative learning committee is a requirement under the *Education Act*, section 11 (8) which states: “Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations governing the excusal of persons who are at least 14 years old from compulsory attendance at school under Part II.”

Terms of Reference

O. Reg. 374/10, Supervised Alternative Learning and Other Excusals From Attendance at School sets out the requirements for supervised alternative learning committees.

The regulation stipulates that at one trustee shall be appointed to supervised alternative learning committees.

ADVISORY COMMITTEES

Statutory Committees: Parent Involvement Committee

The establishment of a parent involvement committee is a requirement under the *Education Act* subsection 17.1 (1) which states: “The Lieutenant Governor in Council may make regulations respecting parent involvement committees, including regulations requiring boards to establish parent involvement committees and regulations relating to their establishment, composition and functions.”

O. Reg. 612/00 School Councils and Parent Involvement Committees, Part III, sets out the requirements for parent involvement committees.

Terms of Reference

The following is a table of contents for information that is set out in O. Reg. 612, Part III, and the section numbers referenced relate to the regulation.

<http://www.hwdsb.on.ca/pic/files/2012/07/Terms-of-Reference.pdf>

1. Purpose, ss. 27-28
2. Continuation and Establishment of Committees, s. 29
3. Composition of Committees, Transition, ss. 30-32
4. Composition of Committees, General, s. 33
5. Parent Members, s. 34
6. Vacancies, ss. 35-36
7. Term of Office, s. 37
8. Officers, s. 38
9. Remuneration, s. 39
10. Meetings, s. 40
11. Subcommittees, s. 41
12. Voting, s. 42
13. By-laws, s. 43
14. Minutes and Financial Records, s. 44
15. Incorporation, s. 45
16. Delegation by the Director of Education and the Board Member, s. 46
17. Consultation by Board, s. 47
18. Consultation by Ministry, s. 48
19. Consultation by Parent Involvement Committee, s. 49
20. Summary of Activities, s. 50

ADVISORY COMMITTEES

Statutory Committees: Parent Involvement Committee

IN ADDITION TO the provisions of O. Reg. 612, Part III, the Board has made the following decisions related to its Parent Involvement Committee.

Value of a Parent Involvement Committee

Members of the Parental Involvement Committee (PIC) are valued partners of the Hamilton-Wentworth District School Board. Advice from the parental perspective is much needed, and appreciated. The PIC will champion and demonstrate a commitment to parental engagement, contribute to productive meetings, participate in subcommittees when required, represent the broad parent interest with respect to all PIC work and deliberations, provide input and feedback and raise issues as a members of the advisory committee.

ADVISORY COMMITTEES
Statutory Committees: Suspensions Appeals and Expulsion Hearings
Committees

The Education Act, Part XIII, Behaviour, Discipline and Safety, includes provisions for suspension appeals and expulsion hearings. The relevant sections of the Education Act are:

Terms of Reference

1. Appeal of suspension, s. 309.
2. Hearing of appeal, s. 309. (6)
3. Appeal process, 309. (7)
4. Powers on appeal, 309. (10)
5. Decision final, 309. (11)
6. Committee, 309. (12)
7. Expulsion hearing by board, s. 311.3
8. Submissions and views of parties, s. (5)
9. Decision, s. (6)
10. Factors board must consider, s. (7)
11. Restriction on expulsion, s. (8)
12. Committee, s. (9)

IN ADDITION TO the provisions of the Education Act, the Board has made the following decisions related to its suspension appeals and expulsion hearings.

1. Membership of the suspension appeal and expulsion hearing committees: The Education Act perform powers and duties on behalf of the board...” related to suspension appeals and suspension appeal and expulsion hearing committees.
2. Quorum: Three members
3. Meetings: Meetings will be called by the Chair of the Board at the request of the Superintendent of Safe Schools to ensure meetings fall within the statutory deadlines.

GENERAL INFORMATION

Role of a School Board

The Education Act provides for the establishment of four types of district school boards: English public, English Catholic, French public, and French Catholic. Locally elected school boards are responsible for operating publicly funded schools within their jurisdiction and for the delivery and quality of educational programs and services. Legal accountability for the decisions of the Board of Trustees applies to the school board as a corporate entity rather than to individual trustees.

A Board of Trustees must be able to function as a cohesive whole, providing a clear sense of purpose and direction to the entire system and the community it serves. Its focus is on the big picture, improving student achievement through effective policy-making, visionary planning, evaluating student outcomes and identifying major implications for the school district. The Director of Education is responsible for the day-to-day operation of the board.

The Hamilton-Wentworth District School Board has broad areas of accountability. These partly reflect obligations to stakeholder groups served. They also include critical processes that the Board of Trustees must put in place in order to provide effective governance and fulfill its obligations under the Education Act. Key areas are as follows: accountability for student achievement; accountability to the community; accountability to the Provincial Government; accountability for Board-Director relations, and for governance processes.

The Board of Trustees has the following major areas of responsibility:

1. Accountability for Student Achievement

- a) Promoting a culture that supports student success
- b) Ensuring that effective educational programs are available for all students
- c) Making decisions that reflect the Board's philosophy and belief statements that all students can learn
- d) Promoting clear, consistent expectations that focus on a successful outcome for all students

2. Accountability to the Community

- a) Making decisions that reflect the Board's philosophy, belief statements and strategic plan, and that represent the interests of the entire organization
- b) Establishing processes that provide the community with opportunities for input

GENERAL INFORMATION
Role of a School Board

- c) Providing opportunities for communication between the Board and school councils and home and school associations
- d) Providing reports outlining Board results in accordance with provincial policy
- e) Developing policy to hear appeals in accordance with appropriate statutes and Board policies

3. Accountability to the Provincial Government

- a) Acting in accordance with the Education Act, regulations, and other statutory requirements to ensure the implementation of provincial and education standards and policies
- b) Performing the functions required by provincial legislation and Board policy
- c) Providing advice to the Ministry of Education and the provincial trustee association regarding regional and local implications of funding and policy recommendations

4. Policy Development, Implementation and Review

- a) Developing policies that outline how the Board will successfully function
- b) Ensuring that all new policies have in place a purpose statement prior to development
- c) Approving policy statements that meet the criteria identified by the Board
- d) Regularly reviewing the Board's policies to ensure that they reflect the desired impact and/or purpose

5. Board-Director Relations

- a) Selecting the Director of Education
- b) Providing the Director with a clear job description and corporate direction
- c) Delegating, through policy, administrative authority and responsibility subject to the provisions and restrictions of the Education Act and regulations
- d) Evaluating the Director annually or bi-annually; using the Director's job description and Strategic Plan as the basis for the evaluation

GENERAL INFORMATION
Role of a School Board

- e) At least once a year at the Director's request, providing the Director with an opportunity to meet alone with the Board of Trustees in closed session
- f) Periodically reviewing the compensation of the Director and senior staff
- g) Promoting a positive working relationship with the Director of Education

6. Board Development

- a) Annually or biannually reviewing the effectiveness and performance of the Board of Trustees
- b) Developing an annual plan for trustee development (both collectively and individually) by increasing knowledge of the role, processes, and issues
- c) Using the expertise of the Director of Education, and other provincial organizations, i.e. the Ontario Public School Boards' Association, the Council of Directors of Education and the Ontario Public Supervisory Officers' Association, to help develop and support the Board of Trustees' development plan

7. Strategic Planning

- a) Providing overall direction for the Board by establishing the purpose (mission), and vision and belief statements
- b) Annually setting priorities with outcomes (Strategic Plan)
- c) Annually approving the Strategic Plan in public session for distribution
- d) Annually using the Strategic Plan to drive the budget process
- e) Annually evaluating the effectiveness of the Board in relation to the Strategic Plan
- f) Monitoring progress toward the improvement of student achievement

8. Fiscal Responsibility

GENERAL INFORMATION
Role of a School Board

- a) Developing a budget review process to help determine annual resource allocations using the Strategic Plan and other provincial and local directions
- b) Annually approving the budget to ensure that the financial resources are allocated to achieve the desired results
- c) Approving, as per legislation, all capital plans and other planning documents that will drive budget decisions
- d) Having in place an audit committee in accordance with O. Reg. 361/10, Audit Committees
- e) Soliciting advice from the Director of Education and the Ontario Public School Boards' Association in setting the parameters for negotiation with employee groups
- f) Ratifying memoranda of agreements with all bargaining units and non-union groups

9. Political Advocacy and Communication

- a) Annually developing an advocacy plan for the Board, including the focus, key messages and advocacy mechanisms
- b) Annually developing a plan to ensure that the Board of Trustees is communicating with the community, city council, members of the provincial parliament and other stakeholders
- c) Annually reviewing political advocacy and building on successes

10. Recognition

- a) Develop mechanisms to ensure that the Board recognizes students and student achievement
- b) Developing mechanisms to ensure that the Board recognizes staff and staff achievements
- c) Developing mechanisms to ensure that the Board recognizes community members and volunteers

11. The Board of Trustees also has the following responsibilities:

- a) Approving school year calendars

GENERAL INFORMATION
Role of a School Board

- b) Naming educational facilities
- c) Approving disposition of land and buildings
- d) Approving education development charges
- e) Approving the issuance of debentures
- f) Designating a coordinator to administer the requirements of the Municipal Freedom of Information and Protection of Privacy Act
- g) Approving the Board's auditor
- h) Approving the Board's lawyers

GENERAL INFORMATION

Role of the Chair of the Board

The Chair of Hamilton-Wentworth District School Board safeguards the integrity of the Board's processes and represents the Board of Trustees to the broader community. The chair ensures that each trustee has a full and fair opportunity to be heard and understood by the other members of the Board in order that collective opinion can be developed and a corporate decision reached. The Board's ability to discharge its obligations is enhanced by the leadership and guidance provided by the Chair.

The Chair of the Board has the following duties

1. To be the chief spokesperson for the Board in relation to Board policy except where this has been delegated by the Chair to another individual or group
2. To promote the interests of the entire school system
3. To aid in establishing good relations with all external and internal stakeholders which the Board serves
4. To preside at Board meetings, both public and in camera sessions and at informal meetings of the trustees
5. To ensure that the Board engages in an annual review or self-evaluation of its effectiveness
6. To present an address in celebration of achievements of the Board over the past year at the November Board meeting
7. To be a member of the Governance Committee
8. To meet with the Director of Education to keep an overview of the Board's business and to provide support as appropriate
9. To establish effective strategies to communicate with the other trustees, and to consult in a timely fashion with fellow trustees regarding pertinent information concerning Board business and actions privy to the Board Chair
10. To make use of training and access resources such as corporate communications
11. To be an ex officio member of committees comprised of trustees only with voting privilege only if his/her attendance is needed to make a quorum
12. To act as one of the signing officers of the Board

GENERAL INFORMATION
Role of the Vice-chair of the Board

The Vice-chair of the Board is elected by the Board of Trustees to share the leadership role of the Chair. The Vice-chair assists the Chair in ensuring that the Board operates in accordance with its own policies. The Board's ability to discharge its obligations is enhanced by the leadership and guidance provided by the Vice-chair.

The Vice-chair of the Board has the following duties

1. To perform all the duties of the Chair when the Chair is absent
2. To preside at Standing Committee/Committee of the Whole sessions, both public and in-camera
3. To participate in developing and tracking the agendas of the Standing Committee/Committee of the Whole meetings.
4. To be a member of the Governance Committee
5. To be an ex officio member of committees comprised of trustees only with voting privilege only if his/her attendance is needed to make a quorum
6. To perform duties and responsibilities assigned by the Board Chair
7. To be an alternate signing officer of the Board
8. To act as mentor the for Student Trustees in the absence of another designated Trustee

GENERAL INFORMATION

Student Trustees

Hamilton-Wentworth District School Board supports the election of Student Trustees, as per the provisions for the position set out in the *Education Act*, subsection 55 (1) which states: “*The Minister may make regulations providing for elected student trustees to represent, on district school boards and on boards established under section 67, the interests of pupils in the last two years of the intermediate division and in the senior division.*”

Hamilton-Wentworth District School Board is committed to hearing the voices of the student population through the elected student trustees on an annual basis and appreciates that the student perspective is considered in the decisions of the members of the Board of Trustees, and provides our students with valuable learning opportunities and experiences.

This document shall be in accordance with Ontario Regulation 7/07, made under the *Education Act*, and with any policies and guidelines established by the Minister under paragraph 3.5 of subsection 8 (1) of the *Act*.

1. Number of Students

Two student trustees will be elected to represent the interests and voices of all students across the district.

2. Eligibility

A student is qualified to act as a student trustee if he or she is enrolled in a senior division with HWDSB and is,

- a) a full-time pupil or
- b) an exceptional pupil in a special education program for whom the board has reduced the length of the instructional program on each school day under subsection 3 (3) of Regulation 298 of the revised Regulations of Ontario, 1990 (Operation of Schools – General) made under the Act
- c) if under the age of 18, provide written confirmation of support and acknowledgement of their responsibilities from their parent/guardian/caregiver
- d) commit the necessary time to attend meetings and perform the duties and responsibilities of a student trustee
- e) sign a Declaration (Appendix A) agreeing to follow the rules of the Board of Trustees, represent the voices of the entire student population to the best of their

GENERAL INFORMATION
Student Trustees

ability and to maintain confidentiality with respect to board business dealt with in closed sessions of the board and/or committee meetings

3. Disqualification

A student trustee who ceases to be qualified, must resign from the position. The Officer of Trustee Services and Superintendent responsible for student trustees will monitor the student trustees' qualifications and advise the Chair of the Board should any concerns arise during the student's term of office.

A student Trustee will not be qualified to act as a Student Trustee if he or she,

- a) is not a full-time pupil of the board
- b) is suspended or expelled
- c) is serving a sentence of imprisonment in a penal or correctional institution
- d) is absent from three consecutive regular Board meetings without approval
- e) if confidentiality requirements are breached

4. Honorarium and Term of Office

- a) Student Trustees shall receive an honorarium of \$2,500 per annum, prorated as necessary when required
- b) The term of office for student trustees shall be one year commencing August 1 to and including July 31 of the following year

5. Responsibilities

- a) To regularly attend Board and Standing Committee meetings including closed sessions. Student trustees are excused from discussions in which the subject matter includes intimate, personal or financial information of a member of the Board or committee, an employee or prospective employee of the board or a pupil or his or her parent(s), guardian(s) or caregiver(s)
- b) Will participate with other trustees in discussion, and represent students' positions during such discussions at the Board table
- c) To be knowledgeable about, and comply with the statements, procedures, etc. contained in the Governance Handbook, including the Trustee Code of Conduct

GENERAL INFORMATION

Student Trustees

- d) To maintain standing in or be co-chair of Student Senate
- e) To serve as a student liaison on behalf of the Board at events such as community events, provincial student conferences, and other Board activities, as appropriate
- f) Will report the work of the student trustees both from a local level and from a provincial level through oral reports at monthly Board meetings

6. Conferences and Expenses

- a) Student trustees may attend all Ontario School Trustees' Association (OSTA) conferences, when possible
- b) When travel is required outside the jurisdiction of the Board when carrying out the responsibilities of a student trustee, and when under the age of 18, parental consent is required
- c) Any expenses incurred for conferences or otherwise reasonably incurred in connection with carrying out the duties of student trustee will be reimbursed

7. Mentors and Orientation

- a) HWDSB Board of Trustees will appoint one Trustee to act as mentor to coach and guide student trustees in their general activities related to the school board.
- b) Table mentors will be assigned to student trustees to sit with and advise during Board meetings
- c) Orientation for the newly-elected student trustees* shall be provided by the Trustee Mentor, outgoing student trustees, Officer of Trustee Services and Superintendent responsible for student trustees. Orientation sessions will take place prior to the end of the term of the outgoing student trustees and throughout the school year. During their term, student trustees may request additional information or assistance, as required.

**if the incoming student trustee(s) are under the age of 18, the parent/guardian/caregiver will be invited to attend the initial meeting*

8. Access to Board Resources

Student trustees have the same access to professional development opportunities, conference, etc., as provided to Board members. The student trustees shall have the same

GENERAL INFORMATION

Student Trustees

access to material and information as Trustees to allow for participation at meetings of the Board and at meetings of committees of the Board.

9. Conflict of Interest

Since student trustees are not members of the board, the conflict of interest provisions in the *Municipal Conflict of Interest act* does not apply to them. However, they are bound by the Attendance and Conflict of Interest Guidelines (Appendix B) which state that they must declare their conflict and excuse themselves from discussions that would lead to a conflict of interest, as set out in the Guidelines.

10. Election Process and Vacancy

- a) Student trustees for HWDSB will be elected indirectly, by student representatives, with an election being held no later than April 30 in each year (see Appendix C)
- b) If the Board determines that a vacancy shall be filled, it shall be filled by a by-election

GENERAL INFORMATION
Student Trustees



Appendix A

Oath of Office for Student Trustees

Declaration

I, _____, having been elected by my peers to represent the elementary and secondary students of Hamilton-Wentworth District School Board, do solemnly declare that;

1. I will truly, impartially and to the best of my ability execute the Office of Student Trustee.
2. I will respect the rules, policies and conduct of this Board including maintaining the confidentiality of the Board with regards to matters that are dealt with in closed session.
3. I will represent students to the best of my ability and will present the best interests of students for the benefit of the Board; and
4. I will serve as an advocate and representative of the Hamilton-Wentworth District School Board at all times.

Signature of Student Trustee

Declared before me at Hamilton in the Province of Ontario
this ___ day of _____, 20XX.

Signature of Officer of Trustee Services

GENERAL INFORMATION

Student Trustees

Appendix B

MINISTRY OF EDUCATION

STUDENT TRUSTEES: ATTENDANCE AND CONFLICT OF INTEREST

GUIDELINES

PURPOSE

The purpose of this guideline is to address the issues of attendance and conflicts of interest in relation to student trustees. This guideline was created with the intention of having the same principles that apply to board members under the *Municipal Conflict of Interest Act* and the *Education Act* apply to student trustees.

Under the *Education Act* student trustees are not considered members of the board. As a result, they are not covered by the *Municipal Conflict of Interest Act* and are not subject to the same conflict of interest and attendance criteria that apply to board members.

These guidelines are established by the Minister of Education under the authority of paragraph 8(1)3.5 of the *Education Act* and are effective upon release.

ATTENDANCE

A student trustee must resign from their position if they are absent from three consecutive regular meetings of the board without being authorized by a resolution of the board. Authorizations by resolution must be provided to student trustees in the same manner as they are to board members and must be recorded in the meeting minutes.

Student trustees are considered present at a meeting in which they participate through teleconferencing, videoconferencing or other electronic means.

CONFLICTS OF INTEREST

A conflict of interest arises when a student trustee (or a student trustee's parent, spouse or child) has a direct or indirect financial interest in a matter being discussed at a board or committee meeting.

An indirect financial interest arises when a student trustee (or a student trustee's parent, spouse or child): 1) owns shares or is a senior officer in a privately-held company, 2) has a controlling interest or is a senior officer of a publicly-held corporation, or 3) is the member of a body that has a financial interest in the matter being discussed at a board or committee meeting.

For there to be a conflict, the financial interest must be of such a nature that it could reasonably be regarded as likely to exert influence over the student trustee.

When a student trustee realizes he or she is in a conflict of interest, the student trustee must declare this conflict to the board or to the committee. The declaration must be recorded in the minutes of the meeting.

April 13, 2007

Student Trustees: Attendance and Conflict of Interest Guidelines

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GENERAL INFORMATION

Student Trustees

During discussion of the matter that gives rise to a conflict, the student trustee cannot participate in the discussion, cannot attempt to influence the vote of board members, is not entitled to a recorded vote and cannot suggest a motion.

In the event that there is a conflict of interest at a closed meeting, the student trustee must leave the meeting during the time that the matter giving rise to the conflict is being discussed. When a student trustee leaves for this reason, this must be recorded in the minutes of the meeting.

GENERAL INFORMATION

Student Trustees

Appendix C

Election of Student Trustees (Indirect Elections)

1. Student trustees for Hamilton-Wentworth District School Board shall be elected by student representatives of the Board no later than April 30 of each school year.
2. Notice shall be sent to each secondary school no later than February 15 advising students of the opportunity to be a student trustee for the following school year.
3. Interested students must attend a Student Trustee Info Session meeting to gain further information on the role of student trustee and to have an opportunity to address questions or concerns regarding the role to the current student trustees. This information meeting shall take place no later than the Friday preceding March Break. This session is open to parents/guardians/caregivers, school staff and Principals who are interested in learning more about the role of student trustee and how to support students should they be elected.
4. Students interested in the position of student trustee will be asked to complete an application and submit a resume detailing their qualifications and experiences for the position. The application shall be submitted no later than the last Friday of March each year.
5. All candidates who have applied for the positions of student trustee and meet the eligibility criteria will be invited to attend the Student Trustee Elections Meeting.
6. The electors will consist of student representatives in Grades 7 to 12 across the district.
7. The student body will vote individually through secret ballot and decide on the successful candidates for the position of student trustee.
8. The votes will be tabulated at the meeting under the supervision of the Superintendent responsible for student trustees, the outgoing student trustees* and the Officer of Trustee Services. Once the votes have been calculated, an announcement will be made prior to the end of the meeting indicating who the new incoming student trustees will be for the upcoming school year
**in the event that one or both current student trustees are running for re-election, one or 2 student representatives will be selected to observe the tabulating of votes.*
9. In the event of a tie, whereby the top two candidates cannot be determined, the tie shall be broken by the drawing of names of the candidates who are tied, under the supervision of the Superintendent and Officer of Trustee Services.
10. The Officer of Trustee Services shall advise the Board as soon as possible following an election of the names of the student trustees elected, and shall provide the Ministry of Education with these names, no later than 30 days after the election.