



PROCEDURAL BY-LAW

Give me now wisdom and knowledge to go out and come in before this people, for who can rule this great people of yours? 2 Chronicles 1:10

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PROCEDURAL BY-LAW

A by-law relating generally to the meeting procedures to be used by the Board of Trustees and its Committees at their meetings, made pursuant to Section 170(1)4 of the *Education Act* which provides that the School Board must fix the times and places for meetings of the Board of Trustees and the mode of calling and conducting them.

ARTICLE 1 RULES OF ORDER

- 1.1 **Rules of Order:** The procedural rules governing meetings of the Board of Trustees shall be those set out in this By-law, any policies and resolutions of the Board of Trustees and the current edition of *Roberts Rules of Order*.
- 1.2 **Order of Precedence:** To the extent of a conflict, the superior instrument shall take precedence over the inferior instrument as set out below:
 - a) *Education Act*
 - b) Applicable Laws other than the *Education Act* and the By-law
 - c) By-law
 - d) Code of Conduct
 - e) Board of Trustees' Policies and Resolutions
 - f) The current edition of *Robert's Rules of Order*

ARTICLE 2 DUTIES

“The elected [Board of Trustees] governs and the [Director/Secretary] manages the [School Board] on a daily basis. The [Board of Trustees] exercises its role through the adoption of policy, establishing goals, monitoring progress and engaging with its communities. The job of the [Director/Secretary] is to provide leadership in turning the broad directives of the [Board of Trustees] into reality throughout all the operations of the [School Board]. It is up to the [Director/Secretary], through [their] staff, to develop appropriate procedures and processes to ensure effective implementation of policy and strategic plans.”¹

“...Trustees will work with other trustees in a spirit of respect, openness, courtesy, and cooperation in spite of differences of opinion that may arise during debate.”²

2.1 **Board of Trustees:** The Board of Trustees is responsible for development of School Board policies versus their implementation. In addition to any other duties under Applicable Laws, the Board of Trustees shall:

- a) promote student achievement and well-being;
- b) carry out its role in accordance with the teachings of the Catholic faith;
- c) promote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability and any other areas identified by the Ontario Human Rights Commission as a protected ground;
- d) promote the prevention of bullying;
- e) ensure effective stewardship of the School Board’s resources;
- f) deliver effective and appropriate education programs to its pupils;
- g) develop and maintain policies and organizational structures that,
 1. promote the goals referred to in clauses (a) to (f), and
 2. encourage pupils to pursue their educational goals;

1. Ontario Education Services Corporation, *Good Governance for School Boards: Trustee Professional Development Program*, Module 7, online: <http://modules.ontarioschooltrustees.org/en>.

2. *Ibid.*, Module 4

- h) monitor and evaluate the effectiveness of policies developed by the School Board under clause (g) in achieving the School Board's goals and the efficiency of the implementation of those policies;
 - i) develop a multi-year plan aimed at achieving the goals referred to in clauses (a) to (f) (the "**Multi-Year Strategic Plan**");
 - j) annually review the Multi-Year Strategic Plan with the Director/Secretary or the supervisory officer acting as the Director/Secretary; and
 - k) monitor and evaluate the performance of the Director/Secretary, or the supervisory officer acting as the Director/Secretary, in meeting the following:
 - 1. their duties under Applicable Laws and the Multi-Year Strategic Plan; and
 - 2. other duties assigned by the Board of Trustees.
- 2.2 **Trustees:** Each Trustee, including each Student Trustee, shall at all times comply with Applicable Laws and the rules governing the conduct of Trustees including governance policies, the Code of Conduct and any resolutions of the Board of Trustees.
- 2.3 **Director/Secretary:** The Director/Secretary is responsible for the management of the day-to-day operations of the School Board, including the implementation and governance of School Board policies and decisions of the Board of Trustees. In addition to any duties assigned by the Board of Trustees and any other duties under Applicable Laws, the Director/Secretary shall:
- a) act as secretary to the Board of Trustees;
 - b) annually review with and deliver a report to the Board of Trustees regarding the Multi-Year Strategic Plan;
 - c) ensure that the Multi-Year Strategic Plan establishes the School Board's priorities and identifies specific measures and resources that will be applied in achieving those priorities and in carrying out its duties under the *Education Act*, in particular, its responsibility for student achievement set out in section 169.1(1)(f) of the *Education Act*;
 - d) implement and monitor the implementation of the Multi-Year Strategic Plan and report quarterly to the Board of Trustees on the status of its implementation;
 - e) immediately upon discovery bring to the attention of the Board of Trustees any act or omission by the School Board that in the opinion of the Director/Secretary may result in, or has resulted in, a contravention of the *Education Act*;
 - f) if the Board of Trustees does not respond in a timely and satisfactory manner to an act or omission brought to its attention under Section 2.3(e), advise the Minister or a Deputy Minister of the Minister of the act or omission;

- g) keep a full and correct record of the proceedings of every meeting of the Board of Trustees in the minute book provided for that purpose by the Board of Trustees and ensure that the minutes when confirmed are signed by the Chair or presiding member;
- h) transmit to the Ministry of Education copies of reports requested by it;
- i) give notice of all meetings of the Board of Trustees to each Trustee by notifying the Trustee personally or in writing or by sending a written notice to their residence;
- j) call a special meeting of the Board of Trustees at the written request of the majority of the Trustees;
- k) attend all meetings of the Board of Trustees and Committees in person or by designate;
- l) prepare or arrange to have prepared by a delegated representative minutes of all meetings of the Board of Trustees and of Committees;
- m) keep records or arrange to have records kept as required under Applicable Laws and subject to the directions of the Board of Trustees;
- n) conduct the official correspondence on behalf of the Board of Trustees;
- o) receive and pass on to the Board of Trustees or the relevant Committee all correspondence, petitions and reports of other officials;
- p) prepare, in consultation with the appropriate chair, the draft agenda of all meetings of the Board of Trustees and of all Committees;
- q) maintain an up-to-date policy database and make such database accessible to the public via the School Board's website;
- r) have charge of all correspondence, reports and other documents;
- s) promulgate all orders, policies and other directions of the Board of Trustees and other matters in accordance with requirements of Applicable Laws and subject to the directions of the Board of Trustees; and
- t) bring to the attention of the Board of Trustees any matter in respect of which, in the opinion of the Director/Secretary, may be necessary or useful for the Board of Trustees to be aware.

2.4 **Chair:** In addition to any duties assigned by the Board of Trustees and any other duties under Applicable Laws, the Chair shall:

- a) preside over meetings of the Board of Trustees;

- b) conduct the meetings in accordance with this By-law;
- c) enforce the *Code of Conduct*;
- d) establish the Agenda for meetings of the Board of Trustees, in consultation with the Director/Secretary;
- e) ensure that Trustees have the information needed for informed discussion of the Agenda items;
- f) act as spokesperson to the public on behalf of the Board of Trustees, unless otherwise determined by the Board of Trustees;
- g) convey the decisions of the Board of Trustees to the Director/Secretary; and
- h) provide leadership to the Board of Trustees in maintaining its focus on the Multi-Year Strategic Plan and the School Board's mission and vision.

2.5 **Vice Chair:** In addition to any duties assigned by the Board of Trustees and any other duties under Applicable Laws, the Vice Chair shall carry out all duties required of the Chair in the event the Chair is absent or otherwise unable or unwilling to act in that capacity.

ARTICLE 3 COMMITTEES OF THE BOARD

3.1 **Committees:** The Board of Trustees may establish Committees and shall determine the duties of such Committees. The Committees shall be categorized as follows:

- a) Committees, the mandates and terms of reference of which are established by the *Education Act* (“**Statutory Committees**”);
- b) Committees whose duties are normally continuous, whether required by statute or otherwise (“**Standing Committees**”) and
- c) Committees appointed for specific duties whose mandate shall expire with the completion of the tasks assigned (“**Ad Hoc Committees**”).

Statutory Committees: The following Committees are confirmed as the Statutory Committees of the Board of Trustees as at the date this By-law is enacted:

- a) Audit
- b) Special Education Advisory
- c) Supervised Alternative Learning
- d) Discipline
- e) Central Committee for Catholic School Councils

Standing Committees: The following Committees are confirmed as Standing Committees of the Board of Trustees as at the date this By-law is enacted:

- a) Administration and Finance
- b) Faith and Program
- c) Contract and Negotiations
- d) By-law/Policies Review

3.2 **Functions, Duties, Responsibilities and Powers of Committees:** The functions, duties, responsibilities and powers of all Committees shall be set out in the resolution of the Board of Trustees by which such Committee is established, or in terms of reference adopted by the Board of Trustees in respect of such Committee. At each of its inaugural meetings, each Committee will determine its terms of reference to be recommended to the Board of Trustees for approval. No Committee is authorized to exercise any delegated Board of Trustees authority unless expressly so authorized in the terms of reference or resolution adopted by the Board of Trustees in respect of the Committee.

- 3.3 **Committee Membership:** The Board of Trustees shall appoint the chair and members of each Committee. All persons appointed to Committees serve at the pleasure of the Board of Trustees. Committee terms of reference shall set out the composition of the Committee, and indicate what Board of Trustees resources are dedicated to support its work.
- 3.4 **Committee Procedures:** Unless the Board of Trustees adopts a policy or terms of reference, passes a resolution or enacts a by-law governing the Committee procedures generally or the procedures of any particular Committee, each Committee may determine its own procedures, subject to the following:
- a) All Committees, except the Audit Committee, shall be first convened as soon as reasonably possible following the date of the Board of Trustees' resolution appointing the members to the applicable Committee.
 - b) The first meeting of the Audit Committee shall take place no later than September 30 in each year.
 - c) At the Annual Organizational Meeting, the Board of Trustees shall elect Trustees as chair and vice-chair of the Committees, one of whom shall be responsible for reporting the Committee's activities to the Board of Trustees.
 - d) At the first meeting of the Audit Committee, in each fiscal year, the members of the Audit Committee shall elect the chair and vice-chair of the Audit Committee for the fiscal year of the Board of Trustees from either Trustees or external members. If, at any meeting of the Audit Committee, the chair and vice-chair are not present, the members present may elect a chair for that meeting.
 - e) The process to meet in-camera set forth in Article 6 applies to Committee meetings with necessary modifications, provided that the respective chairs of the Contract and Negotiations Committee and the Audit Committee shall remain the respective chairs for the in-camera meetings of such Committees.
 - f) The rules of order described in Article 1 shall apply to Committee meetings.
 - g) If a Committee does not determine its own procedures, it shall be subject to the meeting procedures set out in this By-law, with necessary modifications, until changed by the Committee or the Board of Trustees.

ARTICLE 4
THE INAUGURAL/ANNUAL ORGANIZATIONAL MEETING,
ELECTION OF OFFICERS AND APPOINTMENTS

- 4.1 **Date and Time** : Subject to any statutory requirements, the Inaugural Meeting and each subsequent Annual Organizational Meeting shall be held on the first Tuesday in December at 7:00 p.m., following a 6:00 p.m. mass.
- 4.2 **Meeting Procedure**: The procedure at the Inaugural Meeting and each subsequent Annual Organizational Meeting shall be as follows:
- a) At the Inaugural Meeting (but not subsequent Annual Organizational Meetings), the Director/Secretary shall:
1. read the returns of the election to the Board of Trustees as certified by the municipal clerks;
 2. ascertain that the Trustees have met all procedural requirements and are eligible to take office;
 3. administer to each Trustee a declaration of office and oath of allegiance; and
 4. declare the Board of Trustees to be legally constituted.
- b) At the Inaugural Meeting and each Annual Organizational Meeting, the Director/Secretary shall serve as chair of the meeting until the Chair is elected, but the only business to be conducted while the Director/Secretary is so serving is the election of the Chair, which shall be conducted as follows:
1. The Director/Secretary shall appoint three (3) scrutineers, whose names shall be recorded in the minutes;
 2. The Director/Secretary shall then call for nominations, which will not require a seconder (and a Trustee may self-nominate).
 3. All nominees shall be asked by the Director/Secretary to confirm whether they wish to allow their name to stand in nomination.
 4. Confirmed nominees will be invited, in the order they were nominated, to address the Board of Trustees.
 5. Trustees may ask questions of each candidate.
 6. The election shall then proceed by secret ballot.

7. The Trustee who receives the most votes shall be declared elected, but only if the number of votes received by such Trustee is equal to the majority of the number of the Trustees present at the meeting and entitled to vote.
 8. If the condition in Section 4.2(b)(7) is not satisfied, the scrutineers shall announce the result and the name of the Trustee receiving the smallest number of votes shall be dropped. The Board of Trustees shall then proceed to vote anew, to a maximum of three (3) rounds of votes, until the condition in Section 4.2(b)(7) is satisfied. The successful Trustee shall serve as the Chair until the next Inaugural/Annual Organizational Meeting.
 9. In the case of an equality of votes, the candidates shall draw lots to fill the position pursuant to subsection 208(8) of the *Education Act*.
- c) The elected Chair shall succeed the Director/Secretary as chair of the meeting.
 - d) The Chair shall conduct an election for the office of Vice-Chair, chairs and vice-chairs of Committees using the process set out above, with necessary alterations, and deliver their inaugural address to the Board of Trustees.
 - e) At least every five years, the Board of Trustees shall appoint its auditors for the ensuing one to five years
- 4.3 **Term of Office:** The term of office for all positions and appointments described in this Article 4 shall be for a period of one year, unless otherwise specified.

ARTICLE 5

PROCEDURES AT MEETINGS OF THE BOARD OF TRUSTEES

- 5.1 **Quorum:** A majority of Trustees constitutes a quorum.
- a) If a quorum is not present within 15 minutes after the time appointed for the meeting or it is lost, the Board of Trustees shall not convene and the Director/Secretary shall record the names of the members present.
 - b) Where the Chair has knowledge that a Trustee will arrive within the half hour of the posted commencement time of a meeting, the Chair may unilaterally extend the start time for the meeting beyond the stated 15 minutes to an additional 15 minutes, totaling no more than 30 minutes from the posted commencement time of the meeting. If a quorum is still not present after the additional 15 minutes, the Board of Trustees meeting shall not convene and the Director/Secretary shall record the names of the members present. The Chair may call a recess of up to 15 minutes should quorum be lost or for any other reason as they so determine. In order for the Board of Trustees meeting to be re-called, a quorum must be present.
 - c) Subject to 5.1(a) and (b), the Board of Trustees shall adjourn a convened meeting whenever a quorum is no longer present and the Director/Secretary shall then record the time of adjournment and the names of the members present.
 - d) The foregoing is subject to Section 7(1) of the *Municipal Conflict of Interest Act*.
- 5.2 **Regular Meetings:** The Board of Trustees may establish dates for its regular meetings, at a place and time determined by the Board of Trustees. Ordinarily, regular meetings shall commence at 7:00 p.m. and adjourn at 11:00 p.m. or upon completion of the item being discussed at 11:00 pm, unless otherwise determined by the Board of Trustees. The Chair may cancel or reschedule a regular meeting by giving notice to all persons entitled to receive notice of the meetings of the Board of Trustees, provided that the Chair may only cancel a regular meeting in extraordinary circumstances, such as when there is a strong indication that quorum would not be present at such meeting.
- 5.3 **Meeting Materials:** To the extent practicable, on the Friday prior to any meeting of the Board of Trustees, the Chair shall cause the meeting Agenda and all necessary or desirable meeting materials to be delivered by or on behalf of the Director/Secretary to the Trustees and the meeting Agenda to be posted on the School Board's website for public access. The content of the Agenda shall be determined by the Chair in consultation with the Director/Secretary.

5.4 **Agenda for Regular Meeting:** The Agenda and order of business for regular meetings of the Board of Trustees will normally be as follows:

- a) Routine Matters
 - 1. Call to Order and Attendance
 - 2. Acknowledgement of First Nations Sacred Territory
 - 3. Opening Prayer
 - 4. Declaration of Interest
 - 5. Approval of Agenda
 - i) Approval of Calendar Items
 - 6. Approval of Minutes
 - i) Business Arising from the Minutes
- b) Awards and Presentations
- c) Pastor's Remarks
- d) Delegations
- e) Updates/Information/Reports from Trustees for Receipt
 - 1. Regular Reports
 - 2. Good News Items
- f) Information/Reports from Committees for Receipt
- g) Information/Reports from Administration for Receipt
- h) Trustee/Committee/Administration Reports Requiring Action
- i) Notices of Motion
- j) Additional Business
- k) Questions Asked of, and by, Board Trustees
- l) Declared Interest Items
- m) In-Camera Session
- n) Rise and Report
- o) Future Meetings
- p) Adjournment

5.5 Adding to Agenda

- a) At the discretion of the Chair, a Trustee may add an item to the Agenda for a meeting by submitting a written request for this purpose to the Chair at least seven (7) days in advance of the meeting.
- b) The Board of Trustees may include additional items on the Agenda for a meeting by a two thirds (2/3) majority vote of the Trustees present at such meeting.
- c) The order of business at any meeting shall be in the same order as on the Agenda for such meeting, but may be changed by a majority vote of the Trustees present at such meeting.
- d) No variation of the Agenda during the meeting shall be permitted unless all Trustees are present and unanimously agree to such variation.

5.6 **Special Meetings:** In addition to the Director/Secretary's duty to call a special meeting pursuant to Section 2.3(n), special meetings of the Board of Trustees may be called at the discretion of the Chair, provided that in all circumstances special meetings may only be held to address matters of a time-sensitive nature which may result in financial loss or other harm to the School Board and to the Board of Trustees or an employee or student of the School Board if the matters are not dealt with before the next scheduled meeting of the Board of Trustees or a Committee. Special meetings require no less than two (2) business days' notice, unless such minimum notice requirement is waived in writing by the Chair. The notice calling a special meeting shall state the business to be considered thereat, and no other business may be considered at a special meeting, unless all Trustees are present and unanimously agree to consider such business. The Chair may cancel a special meeting by giving notice of cancellation if the Chair deems that the need for the special meeting no longer exists.

5.7 **Consequence of Repeated Absence from Meetings:** In accordance with the *Education Act*, a Trustee is deemed to vacate their seat if they absent themselves from three (3) consecutive regular meetings of the Board of Trustees, unless authorized by a resolution of the Board of Trustees.

5.8 **Record of Attendance:** A register of Trustee attendance at Board of Trustee and Committee meetings will be established and maintained by or on behalf of the Chair. The register will be available to the public upon written request. Attendance records for all meetings shall record instances where Trustees are required to arrive late or leave prior to adjournment. A Trustee absent from a meeting(s) while acting on approved Board of Trustee or School Board business or while serving as an officer of a Trustee association will be recorded as such.

- 5.9 **Electronic Participation in Meetings:** The Board of Trustees shall allow attendance at meetings by electronic means in accordance with the *Education Act* and School Board Policy No. 1.06, as amended or replaced. Trustees acknowledge the importance of meeting in person and accept that participation in meetings through electronic means is not the preferred method of participation.
- 5.10 **Selection of Chair of Meeting:** If the Chair and the Vice-Chair are both absent from a meeting, or unable or unwilling to act in that capacity, and if quorum is present, the Director/Secretary shall call the meeting to order and the members present shall select a chair of the meeting, who shall preside and act as chair of the meeting, but only until such time as the Chair or Vice-Chair arrives at the meeting or is willing or able to act in that capacity.
- 5.11 **Director/Secretary Responsible for Meeting Minutes:** The Director/Secretary shall cause the minutes of Board of Trustees and Committee meetings to be recorded and maintained.
- 5.12 **Content:** Each set of meeting minutes shall contain the following:
- a) the type of meeting (“regular”, “special”, etc.);
 - b) the date and place of the meeting;
 - c) the names of Trustees, Staff, and guests present, the names of Trustees absent, and the time of arrival, departure and/or re-entry of Trustees not present for the entire meeting;
 - d) the minutes of the previous meeting(s) and, where approved, an indication of any changes therein;
 - e) disclosure of conflicts of interest;
 - f) all motions and points of order and appeals, and the disposition thereof;
 - g) the time of adjournment; and
 - h) the time, date and place of the next meeting.

ARTICLE 6
IN-CAMERA MEETINGS – BOARD OF TRUSTEES AND COMMITTEES

- 6.1 **Principle of Open Meetings:** All meetings of the Board of Trustees and, subject to Section 6.2 below, all Committee meetings, 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 as determined by the chair of the meeting in their absolute discretion.
- 6.2 **In-Camera Meetings - Committees:** A meeting of a Committee, including Committee of the Whole, may be closed to the public, but only to the extent the subject-matter under consideration involves one or more of the following:
- a) the security of the property of the School Board;
 - b) the disclosure of intimate, personal or financial information in respect of a Trustee, member of a Committee, an employee or prospective employee of the School Board, or a student or their parent or guardian;
 - c) the acquisition or disposal of a school site;
 - d) decisions in respect of negotiation with employees of the School Board; and
 - e) litigation affecting the School Board.
- 6.3 **In-Camera Meetings – Board of Trustees and Committees:** A meeting of the Board of Trustees or of a Committee shall be closed to the public when the subject matter under consideration involves an ongoing investigation under the *Ombudsman Act* respecting the School Board.
- 6.4 **Persons Entitled to Attend In-Camera Meetings of the Committee of the Whole:** The only persons entitled to attend In-Camera Meetings of the Committee of the Whole are Trustees and the Director/Secretary (except if the subject matter of the In-Camera Meeting of the Committee of the Whole is directly related to the performance of the Director/Secretary, in which case the Director/Secretary is not entitled to attend that portion of the meeting), but the Board of Trustees may invite any person (including appropriate Staff) to participate as guests in In-Camera Meetings of the Committee of the Whole.
- 6.5 **Private Meetings:** If the In-Camera Meeting of a Committee includes only Trustees and the Director/Secretary, then such meeting shall be referred to as a “Private Meeting-Trustees and Director Only”. If the In-Camera Meeting of the Committee of the Whole includes only the Trustees, then such meeting shall be referred to as a “Private Meeting-Trustees Only”. For certainty, Private Meetings-Trustees Only may only occur when the subject matter of the meeting is the contract or performance of the Director/Secretary, in which case, the Committee may have legal counsel present as determined by a majority of the Trustees. Immediately following the portion of the Private Meeting during which

the contract or performance of the Director/Secretary is discussed, the Chair shall invite the Director/Secretary to return to the meeting.

6.6 **Process to Meet In-Camera as Committee of the Whole:** When the Board of Trustees determines it is necessary to meet in-camera:

a) The motion shall be:

“THAT the Board of Trustees meeting be adjourned and the Trustees immediately convene an In-Camera **[or a Private]** Meeting of the Committee of the Whole in respect of *[describe reason for matter to be discussed in-camera, with reference to the criteria set out above]*”.

b) Unless otherwise provided herein with respect to a Committee, the Chair shall relinquish their role as presiding officer of the meeting and shall call the Vice-Chair or another Trustee to act as chair.

c) As soon as the In-Camera Meeting of the Committee of the Whole is concluded, the Board of Trustees shall reconvene, with the Chair acting again as chair of the meeting of the Board of Trustees.

d) The chair of the In-Camera Meeting of the Committee of the Whole shall present the report of the meeting of the Committee of the Whole and move its adoption. The motion shall be:

“THAT the Board of Trustees receive the confidential report of the Committee of the Whole In-Camera / Private Meeting *[describe reason for matter to be discussed in-camera with reference to criteria set out above]* and recommend adoption of the recommendations set out therein”.

6.7 **Confidential Nature of In-Camera Materials:** All materials disclosed to Trustees in connection with In-Camera Meetings, all deliberations at, all minutes of, and all reports in respect of In-Camera Meetings are strictly confidential and shall not be disclosed to any person unless required by Applicable Laws or otherwise authorized by the Board of Trustees.

6.8 **Minutes of In-Camera Meetings:** Minutes of In-Camera Meetings shall be maintained in the same format as other Board of Trustees meeting minutes, provided that they shall be maintained in a segregated manner that protects their confidential nature to ensure they are only properly disclosed to authorized persons in accordance with Applicable Laws.

6.9 **Student Trustees:** Student Trustees may attend In-Camera Meetings of the Committee of the Whole and any Committee on which a Student Trustee is appointed, except they are not entitled to attend In-Camera Meetings convened in respect of matters involving the

disclosure of intimate, personal, or financial information in respect of a Trustee or member of a Committee, an employee or prospective employee, or a student or their parent or guardian, or other matters expressly prohibited by the *Education Act*.

ARTICLE 7 DELEGATIONS AND SUBMISSIONS

- 7.1 **Delegations and Submissions:** The School Board encourages the public to provide advice and information to the Board of Trustees to assist Trustees in making informed decisions. Written and in person delegations to the Board of Trustees may be made in accordance with the following:
- a) Subject to Section 7.1(e), delegates are required to register using the prescribed form no later than by 1:00 p.m. five (5) business days before the date of the applicable meeting. A failure to complete the registration requirement will result in the delegation request being denied. All other written materials/presentations of delegates, including revisions to those previously submitted, must be submitted in their final form by noon on the Monday immediately prior to the meeting
 - b) The Director/Secretary (or designate) and/or the Chair reserve the right to refuse any delegation to ensure compliance with Applicable Laws, including privacy protection requirements.
 - c) If the delegate intends to use, or begins to use, the name/title/position of Staff members, or discloses any personal or other confidential information with respect to the Board of Trustees, a Committee or a student or their parent or guardian, the Chair may rule that the delegation is out of order, or may require that the delegation be reconvened in-camera.
 - d) The public is strongly encouraged to make delegations to the appropriate Committee addressing the matter of concern prior to the matter coming before the Board of Trustees for consideration, to allow Staff to consider and make recommendations to the Board of Trustees in connection with any matter raised in a delegation. For certainty, an individual or group making a delegation to a Committee may register to make the same or substantially similar submission or delegation to the Board of Trustees.
 - e) Up to five (5) delegations in total may be received by the Board of Trustees or a Committee at any meeting. Notwithstanding the foregoing, the Chair, in consultation with the Director/Secretary, may approve delegations in excess of five (5) if such delegations comply with Section 7.1 (a). In circumstances where there are more than five (5) delegations proposed and such additional delegations are not in compliance with Section 7.1(a), a majority of the Board of Trustees present and entitled to vote at a meeting may pass a motion to allow one or more additional delegations or may call an additional meeting. Each delegation will be limited to five (5) minutes unless otherwise determined by the Board of Trustees.
 - f) Once the delegate has completed their presentation, Trustees shall have an opportunity to ask questions of the delegate. Once Trustee questions to the delegate are completed, the delegate will leave the podium and be seated or, if the delegation occurs in an In-Camera meeting, the delegate will leave the room.

Trustees may ask questions of Staff at an open meeting, but not while the delegate is at the podium. Trustees may ask questions of Staff at an In-Camera meeting, but not while the delegation is present in the room.

- g) Delegations deviating from the subject matter set out in the applicable registration form will be ruled out of order, however an individual making a delegation may answer questions asked by Trustees on any topic.
- h) During both public and In-Camera Meetings, it is the responsibility of the Chair to stop or caution the delegate if they begin to make specific derogatory comments about any person. The Chair will remind the delegate of the requirement to avoid negative, critical or derogatory words and to focus on their concerns with respect to an issue or decision. If the delegates refuse to comply, the Chair may rule the delegation out of order. If the delegate becomes unruly, the Chair may, in their absolute discretion, remove the delegate(s) from the meeting for improper conduct in accordance with the *Education Act*.
- i) If the Board of Trustees refers a matter to Staff in respect of which a submission or delegation is made, the Director/Secretary shall ensure the persons involved in the delegation are informed of the time and date at which the Staff report on the matter is to be reviewed by the Board of Trustees or Committee and information may be shared with the persons involved in the delegation in the discretion of the Director/Secretary.

7.2 **Persons Ineligible to Make Delegations:** Generally, all persons may make a delegation in respect of any Board of Trustees-related matter. However, Staff may not make submissions or delegations to the Board of Trustees or a Committee in respect of the following matters:

- a) collective agreements to which the School Board is a party; or
- b) employee organizations (of which the speaker is, or is eligible to be, a member).

ARTICLE 8
BY-LAW AMENDMENTS

- 8.1 **By-law Amendments:** Except when coming to the Board of Trustees as a recommendation from a Committee, no amendment, alteration, or addition to this By-law or the Board of Trustees' policies may be made unless due notice thereof in writing, setting forth the proposed amendment, alteration, or addition has been given at a Board of Trustees meeting previous to that at which the same comes up for consideration, unless supported by majority of the Trustees as appropriate.
- 8.2 **Annual Review of By-law:** This By-law shall be reviewed annually by the By-law/Policy Review Committee.
- 8.3 **Repeal of Prior By-laws:** All previous by-laws of the School Board related to the subject matter hereof are repealed on the enactment of this By-law. Such repeal shall not affect the validity of any act done or right or privilege acquired or obligation or liability incurred under such by-law prior to its repeal. All officers and persons acting under any by-law so repealed shall continue to act as if appointed under this By-law and all resolutions of the Board of Trustees with continuing effect passed under any repealed by-law shall continue to be good and valid except to the extent inconsistent with this By-law, but only until amended or replaced by the Board of Trustees.
- 8.4 **Suspension of Application of this By-law:** The provisions of this By-law may not be suspended, except for debate on an emergency issue, subject to the provisions of the Applicable Laws. The provision to suspend the rules for an emergency debate requires two-third (2/3) of those Trustees present at a duly called and regularly constituted meeting.

ARTICLE 9 INDEX

9.1 In this By-law, unless the context otherwise requires, the following definitions apply:

- a) **“Agenda”** means a list of items that are to be discussed at a meeting of the Board of Trustees.
- b) **“Annual Organizational Meeting”** means the meeting at which the Chair and the Vice-Chair of the Board of Trustees are elected, and members of Committees are appointed, in each year other than a year in which an Inaugural Meeting is held.
- c) **“Applicable Laws”** means the *Education Act*, this By-law, the *Municipal Conflict of Interest Act* and any act, regulation, principle of common law or equity, municipal by-law, or other written requirement of a governmental authority having the force of law applicable to the School Board or the Board of Trustees.
- d) **“Board and Committee Information Officer”** means the recording secretary of the Board of Trustees and custodian of its records (except those records specifically assigned to others such as the treasurer’s books).
- e) **“Board of Trustees”** means the Board of Trustees of the School Board.
- f) **“By-law”** means this procedural by-law of the School Board.
- g) **“Chair”** means the Trustee elected to the position of chairperson of the Board of Trustees, having the duties set forth in Section 2.4.
- h) **“Code of Conduct”** means School Board Policy No. 1.02 entitled *“Code of Conduct – Trustees”* adopted by the Board of Trustees in accordance with Section 218.2(1) of the *Education Act*.
- i) **“Committee”** means any committee of the Board of Trustees established in accordance with this By-law.
- j) **“Committee of the Whole”** means a meeting of the Trustees that is not a meeting of the Board of Trustees.
- k) **“Director/Secretary”** means the individual serving as director of education of the Board of Trustees and as secretary of the Board of Trustees.
- l) **“Education Act”** means the *Education Act*, R.S.O. 1990, c.E.2, as amended, and includes the regulations enacted thereunder.
- m) **“In-Camera Meeting”** means a portion of a meeting of the Board of Trustees or of a Committee that is closed to the public in accordance with the *Education Act*.

- n) **“Inaugural Meeting”** means the meeting following a municipal election at which the Chair and the Vice-Chair of the Board of Trustees are elected.
- o) **“Minister”** means the Minister of Education and Minister Responsible for Early Years and Child Care.
- p) **“Municipal Conflict of Interest Act”** means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, and includes the regulations enacted thereunder.
- q) **“Municipal Elections Act”** means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended, and includes the regulations enacted thereunder.
- r) **“School Board”** means the Dufferin-Peel Catholic District School Board.
- s) **“Staff”** means the staff of the School Board.
- t) **“Student Trustee”** means a senior secondary student elected pursuant to the *Education Act* to represent all students of the School Board. A Student Trustees is not a member of the Board of Trustees and is not entitled to exercise a binding vote.
- u) **“Trustee”** means a person elected, acclaimed, or appointed to the office of trustee of the Board of Trustees according to the provisions of the *Education Act* or the *Municipal Elections Act*.
- v) **“Vice Chair”** means the Trustee elected to the position of vice chairperson of the Board of Trustees, having the duties set forth in Section 2.5.

APPENDIX A – THE CHAIR’S ROLE

There is a strong collegial relationship between the [C]hair and the members of the [B]oard [of Trustees]. In electing a fellow trustee to this leadership position, they are placing confidence in the [C]hair to facilitate the [B]oard [of Trustees] in its work. They expect that the [C]hair will:

- *ensure that they have the information needed for informed discussion of the agenda items;...*
- *provide leadership and focus with regard to the [B]oard [of Trustees]’ mission, vision, multi-year plan and policy-making;...*
- *set a tone for [Board of Trustee] meetings that stimulates respect and focused discussion on the issues;*
- *ensure that meetings are run effectively and that all voices are heard;*
- *be impartial in handling the business of the [B]oard [of Trustees] and in professional relationships with all [T]rustees;... 3*

1.1 **Rules of Order.** The Chair or, in their absence, the Vice-Chair shall preside at all meetings.

1.2 **Attendance.** The Chair shall cause the Board and Committee Information Officer to do the following:

- a) record the names of the Trustees present and absent at the beginning of the meeting as well as when a Trustee leaves or arrives; and
- b) maintain the record of attendance referenced in Section 5.8 of this By-law.

1.3 **Chair Participation.** Should the Chair elect to take part in any debate or discussion or for any other reason, they shall vacate the position of chair and call upon the Vice-Chair or, if the Vice-Chair is absent, one of the other Trustees to fill their place in the following order until the matter under discussion is decided: Past Chair, chair of Contract and Negotiations Committee, chair of any other Committee. The Vice-Chair or any other Trustee temporarily acting as chair, shall discharge all the duties and enjoy all the rights of the Chair, but not participate in the discussion. Following such discussion, the Chair shall revert to their role.

1.4 **Appeal of Chair’s Ruling.** A Trustee may appeal the Chair’s ruling. The Trustee may indicate the reason for challenging the Chair, to a maximum time of one (1) minute. No other debate can take place on this item. The Board of Trustees will then vote to sustain or overturn the Chair’s ruling by a simple majority and the Director/Secretary shall conduct the vote and assume the Chair until the vote is taken.

APPENDIX B – OBTAINING THE FLOOR

- 1.1 **Obtaining the Floor.** Any Trustee desiring to speak shall indicate by an up-raised hand or the words, "Mr. or Madam Chair", and, upon recognition by the Chair who shall call the Trustee by name, the Trustee may then, but not before, proceed to speak. Trustees proceeding to speak before they have been recognized by the Chair shall be considered out-of-order.
- a. **Multiple Speakers.** When two or more Trustees attempt to speak at the same time, the Chair shall name the Trustee who is to speak.
 - b. **Scope of Debate.** Every Trustee shall confine themselves to the question in debate and shall avoid all discourteous language and personal references to staff and to other Trustees.
 - c. **Limitation on Floor Time.** No Trustee shall have the floor for more than three (3) minutes for the same issue at the discretion of the Chair. Response time to the question is not included in this time. The mover of the original motion, but not any amendment thereto, may have three (3) minutes to reply. The foregoing limitations on time may be extended up to a maximum of an additional three (3) minutes per Trustee speaking on the same issue with the consent of at least a majority of the Trustees present and entitled to vote.
 - d. **No Interruptions.** A Trustee, who has the floor, shall not be interrupted, except for questions of privilege or procedural rules of order as set out in Appendix "C". The Chair will deal with the question of privilege and procedural rules of order before the Trustee, who has the floor, resumes speaking.
 - e. **Discipline.** Trustees who resist the rules of the Board of Trustees, disobey the decision of the Chair or of the Board of Trustees on points of order or make any disorderly noise or disturbance, may, unless they make an apology that is accepted by the Chair, be ordered by the Chair to leave their seats for the remainder of the meeting. In case of a refusal to do so, on the order of the Chair, such persons may be removed from the meeting room and Board of Trustees' office by any police officer or security personnel. The Meeting Rules shall govern all Trustee actions.

APPENDIX C – MOTIONS AND VOTING

A. GENERAL PROCEDURES FOR MOTIONS

- 1.1 **Notices of Motions:** Trustees who wish to introduce new business, not on the agenda, shall give notice at one meeting of intention to move a specific motion at the next regular meeting of the Board of Trustees. Such notice requires no seconder and is not, at that time, debateable. The Notice of Motion has the affect of giving notice to the other Trustees, staff and the public of the matter to be considered at the next regular meeting. In the case of urgent and pressing matters, with two-thirds' consent of Trustees present and eligible to vote, the motion may be dealt with immediately. All motions are to be conducted in accordance with the procedures set out in this Appendix "C" and may only be brought by a Trustee who is entitled to vote on it.
- 1.2 **Motions in Writing.** In order to be debated and put to a vote, motions must be in writing, **except** the following motions:
 - (a) to receive reports;
 - (b) to refer;
 - (c) to postpone;
 - (d) to lay on the table;
 - (e) to put the question to a vote;
 - (f) to file;
 - (g) to go into Committee of the Whole;
 - (h) to rise and report;
 - (i) to adjourn; and
 - (j) such short oral motions as the Chair may accept.
- 1.3 **Speaking on Proposed Motion.** A Trustee may propose a motion and speak to it before it is seconded.
- 1.4 **Motions to be Seconded.** Every motion, at a Board of Trustees meeting, shall be seconded and disposed of only by a vote of the Board of Trustees, unless the mover and seconder, by permission of the Board of Trustees, withdraw the motion. No seconder shall be required for motions brought at Committee meetings.
- 1.5 **Request to Read Motion.** Any Trustee may request the Board and Committee Information Officer to read the motion under discussion, for information, at any time in the course of the debate, provided that no such request shall be made so as to interrupt another Trustee.
- 1.6 **Motions on the Agenda.** Notwithstanding a motion to defer consideration of a matter coming before the Board of Trustees (which is not debateable), a Trustee who submits a notice of motion, which appears on the agenda, shall be given an opportunity to address the Board of Trustees for a period not exceeding three (3) minutes on such notice of motion and, similarly, the Director/Secretary (or their delegate) shall be given an

opportunity to address the Board of Trustees on a report at the time the notice of motion shall be discussed.

1.7 **Division of Motions.** When the motion under consideration contains two or more distinct propositions, any particular proposition, upon the request of any Trustee, may be considered and voted upon separately. A motion cannot be divided unless each part presents a proper question that can be acted upon if none of the other parts are adopted, and unless the effect of adopting all of the parts will be exactly the same as adopting the original motion. A motion cannot be divided if the division violates the exact logical equivalence of the motion. A motion must be divided at the request of a single Trustee where a series of independent resolutions or main motions is offered in one motion.

1.8 **Motions Interrupting Debate.** When a motion is under debate, the only motion in order shall be:

- (a) to adjourn;
- (b) to lay on the table;
- (c) to put the question to a vote;
- (d) to postpone;
- (e) to refer; and
- (f) to amend;

which shall have precedence as listed above. Motions to adjourn, to lay on the table or to put the previous question shall be decided without debate.

1.9 **Point of Order:** A Trustee may advise the Chair and the Board of Trustees that a rule is being deviated from or being used incorrectly. It is a demand that the Chair rule on the point of order and to correct the deviation. Any Trustee who believes that the Chair has ruled incorrectly on the point of order may appeal the decision of the Chair. The Chair may turn the decision over to the Board of Trustees to decide. The Board of Trustees then debates and votes on the matter.

1.10 **Motions at Committee Meetings:** For certainty, motions passed at Committee meetings, including meetings of the Committee of the Whole, become recommendations to the Board of Trustees for determination.

1.11 **Motions Restricted in In-Camera Meetings.** In-Camera Meetings cannot entertain a motion to refer, to postpone or to table a subject referred to it.

B. SPECIFIC MOTIONS

Type of Motion	Specifics
To amend	<p>A motion to amend is a motion to change a resolution or a motion by adding, striking out or substituting a word or phrase. After a motion is made and seconded, where required, a motion to amend may be made, as well as, a motion to amend the amendment; however, no further motion to amend shall be made until those have been decided.</p> <p>Only one amendment to the motion shall be on the floor at any one time.</p> <p>An amendment modifying the subject of the motion shall be in order, but an amendment in conflict with or relating to a different subject shall not be in order, and should be ruled out of order.</p> <p>Every amendment submitted shall be decided upon or withdrawn before the main question shall be put to a vote, and if the vote on the amendment(s) is decided in the affirmative, the main question as amended shall be put to a vote.</p>
To reconsider	<p>A motion to reconsider is a motion to review a previous decision and vote on it again. It must be made by a person who voted on the prevailing (winning) side of the motion it seeks to reconsider. A motion to reconsider cannot be moved more than once to reconsider the same motion.</p> <p>After a vote has been taken on any question (except one of indefinite postponement), such vote may, with the consent of two-thirds (2/3) of all Trustees present, be reconsidered at any meeting held thereafter, provided that the notice of motion procedure has been followed.</p> <p>A motion to reconsider made at a previous meeting and decided in the negative, shall not again be entertained for a period of six (6) months, unless approved by two-thirds (2/3) of all Trustees present.</p>
To adjourn	<p>A motion to adjourn shall be in order, except when a Trustee is speaking, or a vote is being taken, or when the previous question has been called. A motion to only adjourn shall not be open to amendment or debate, but a motion to adjourn to a certain time may be amended and debated. No second motion to adjourn shall be made until some business has been transacted after the first motion has failed.</p>

Type of Motion	Specifics
To lay on the table	A motion to lay on the table places a main motion and all pending amendments aside temporarily with the intent of bringing them back for action at a later time in the same meeting. A motion to lay on the table requires a seconder, is not debatable, cannot be amended, and requires a majority vote.
To put the question to a vote	The motion to put the question to a vote shall preclude all further amendment or debate, and shall be submitted by the Chair in this form: "Shall the main question in debate be now put?" or "Call the vote?" If adopted, the Chair shall at once proceed to put the main question, first putting amendments pending, to the vote of the Board of Trustees.
To postpone indefinitely	A motion to postpone indefinitely is a motion to reject the main motion. The adoption of this motion kills the main motion for the duration of the session.
To postpone to definite time	A motion to postpone to a definite time, if passed, would defer consideration of a main motion and all attached motions until a future date. This motion requires two thirds (2/3) vote. At the time to which it is postponed, the matter will be brought up again under unfinished business. This motion will have priority on the next agenda.
To rescind	A motion to rescind is a motion to nullify a vote taken at a previous meeting. A motion to rescind can be made by anyone, but only if no action has been taken on the vote it seeks to nullify. It requires two-thirds (2/3) vote for adoption.

C. VOTING

- 1.1 **No Further Debate:** After the Chair has put a question to a vote, there shall be no further debate. The decision of the Chair as to whether the question has been finally put shall be final.
- 1.2 **Trustee Participation:** Each Trustee present at the meeting, either in person or through electronic means, who has not declared a conflict of interest under the *Municipal Conflict of Interest Act* and/or the *Code of Conduct*, shall vote on all questions on which the Trustee is entitled to vote. Trustees who have declared a conflict of interest shall remove themselves from the meeting room prior to discussion ensuing.
- 1.3 **Student Trustees:** While a Student Trustee is not a member of the Board of Trustees and is not entitled to exercise a binding vote on any matter before the Board of Trustees or its Committees, a Student Trustee is entitled to require that a matter before the Board of Trustees or a Committee on which the Student Trustee sits be put to a recorded vote. In such circumstances, the following shall occur:
 - (a) A recorded non-binding vote that includes the Student Trustee's vote; and
 - (b) A recorded binding vote that does not include the Student Trustee's vote.
- 1.4 **Majority Vote:** Except as otherwise provided in Applicable Laws, an affirmative vote shall require a majority of the votes of the Trustees present either in person or electronically and entitled to vote.
- 1.5 **Method:** Every matter considered by the Board of Trustees shall be disposed of by a recorded vote of all Trustees entitled to vote in one of the following ways (preference being given in the following sequence):
 - (a) by general (or unanimous) consent, in which case the Chair, exercising discretion, states that the motion will be adopted in the absence of objection;
 - (b) by show of hands, in which case each Trustee entitled to vote raises the Trustee's own hand in response to the request of the Chair for the votes, in the affirmative and in the negative, as the case may be, until the votes are counted;
 - (c) by rising, in which case each Trustee, as able, stands in response to the requests of the Chair for the votes, in the affirmative and in the negative, as the case may be, until the votes are counted and counted;
 - (d) by ballot, in which case each Trustee entitled to vote shall mark on a paper provided by the Director/Secretary, the Trustee's choice from among the available alternatives, the papers being collected and counted immediately thereafter; and

- (e) by an electronic voting method, in which each Trustee shall indicate the Trustee's choice from among the available alternatives.

For certainty, votes in favour and against shall not be recorded upon any question unless requested by at least one Trustee, and such request shall be made before the Chair calls upon the Trustees to vote upon same.

- 1.6 **No Further Debate.** After the Chair has put a question to a vote, there shall be no further debate on the issue. The decision of the Chair as to whether the question has been finally put to a vote is final.