



**Comox Valley Schools**

**A Community of Learners**

**INNOVATIVE • INQUISITIVE • INCLUSIVE**

## BOARD POLICY HANDBOOK

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**The Board of Education of School District No. 71 (Comox Valley)**

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

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

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

The development of two (2) separate and distinct documents is meant to reinforce the distinction in this district between the board's responsibility to govern and the superintendent's executive or administrative duties.

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

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### FOUNDATIONAL STATEMENTS

The Board of Education, in its role as governor and advocate for public education in our community, has developed the district's vision, mission, values and beliefs, and guiding principles to ensure students achieve their fullest potential. The guiding principles are meant to serve as lens which will guide the decisions and actions of every person in our district. The Universal Guiding Principles apply to every sector and person associated with our district, from board member to student. The Operating Guiding Principles provide more focused direction in regard to specific areas of district operations.

#### 1. **Vision Statement**

An inclusive learning community that embraces diversity, fosters relationships and empowers all learners to have a positive impact on the world.

#### 2. **Mission Statement**

To inspire engaged, compassionate, resilient lifelong learners and cultivate a collaborative community together.

#### 3. **Motto**

A community of Learners: Innovative, Inquisitive, Inclusive

#### 4. **Value and Belief Statements**

- 4.1 Trusting relationships based on respect, integrity and ethical behavior.
- 4.2 A commitment to Truth and Reconciliation with Indigenous peoples.
- 4.3 Equity, including, dignity, and acceptance for all.
- 4.4 Global awareness and environmental stewardship.
- 4.5 Innovation, creativity, problem solving, and critical thinking.
- 4.6 Accountability and shared responsibility.
- 4.7 Open and engaging communication.
- 4.8 Celebration of learning.

#### 5. **Universal Guiding Principles**

For everything we decide and do, we will hold ourselves accountable and we will ask:  
*Does it support student success?*

- 5.1 Will it promote, encourage, and foster learning for everyone?
- 5.2 Will it build trust and good relationships?
- 5.3 Do we engage our community in a meaningful way?
- 5.4 Is it the responsible thing to do now, and in the future?
- 5.5 Are we being open, fair and ethical?

## **6. Operating Guiding Principles**

### **6.1 *Student Success***

- 6.1.1 Organization will develop and maintain an understanding of what constitutes student success.
- 6.1.2 An inclusive and respectful learning environment will support students to become responsible and compassionate citizens.

### **6.2 *Educational Programs (Instruction)***

- 6.2.1 Individual learning paths for each student will be accommodated.
- 6.2.2 Educational instructional strategies / methods will optimize student success.
- 6.2.3 Innovative educational programs will be developed to support the unique needs of every learner.
- 6.2.4 Learning partnerships will be developed and valued.
- 6.2.5 Programs will be reviewed to determine if intended results are achieved.
- 6.2.6 Where appropriate, technology will be used across all curricula.
- 6.2.7 Students will learn about environmental stewardship and sustainability.

### **6.3 *Human Resources***

- 6.3.1 Well-being of staff will be promoted.
- 6.3.2 Employment contracts will be honoured.
- 6.3.3 Decisions will be sustainable and demonstrate best practices.
- 6.3.4 Processes will be transparent.

### **6.4 *Financial Management***

- 6.4.1 Budgets shall be developed in consultation with the educational community.
- 6.4.2 Financial reserves will be established and maintained in a strategic manner.
- 6.4.3 Budget decisions shall be sustainable in future years.

### **6.5 *Facilities and Operations***

- 6.5.1 Facilities will be available for community use.
- 6.5.2 Joint use and partnership agreements will be considered.
- 6.5.3 Facilities shall be maintained at the highest standard possible.
- 6.5.4 Long-term facility planning will occur.
- 6.5.5 Transportation services will be coordinated efficiently and in a safe manner.

### **6.6 *External Partnerships***

- 6.6.1 Community stakeholders will be engaged in decision-making processes whenever possible.

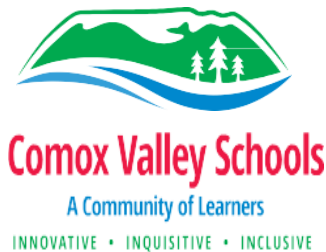
6.6.2 External partnerships will be developed to enhance operations and services for students.

6.6.3 We foster community partnerships that enrich the lives of our learners.

## 7. **Strategic Plan Priorities**

- 7.1 Educational Excellence: Optimize innovative practices and learning opportunities.
- 7.2 Community Engagement: Deepen integration of Indigenous ways and knowing & Foster relationships with community, parents, and educational partners.
- 7.3 Organizational Sustainability & Environmental Stewardship: Optimize infrastructure to support learning & Foster environmental stewardship.
- 7.4 Physical Health & Mental Well-Being: Invest in the holistic well-being of our people.

## 8. **The Logo Design and Use**



Our Logo represents our geographical location on Vancouver Island which is depicted by the ocean with its marine life, mountains and forest.

The logo is the property of the Comox Valley School Board and shall only be used by external organizations with prior approval of the Superintendent of Schools.

## 9. **Legal Name**

The Board of Education of School District No. 71 (Comox Valley).

## 10. **Operational Name**

Comox Valley Schools

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

Adopted: September 2019

### ROLE OF THE BOARD

The Board of Education, School District No. 71 (Comox Valley) is the corporate entity established by provincial legislation and is given authority by the *School Act* and attendant Regulations to provide overall direction and leadership to the district. It is accountable for the provision of appropriate educational programs and services to enrolled students of the district to enable their success, in keeping with the requirements of government legislation.

The board is charged with the responsibility for providing an education system that is organized and operated in the best interests of the students it serves. The *BC School Act* provides that the board is responsible for the improvement of student achievement in the school district. To that end the board shall make continual appraisals of the educational, administrative, and planning processes in light of the board's stated goals and objectives.

#### Specific Areas of Responsibility

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

The Board shall:

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

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

The Board shall:

- 2.1 Ensure board agendas reflect the board's commitment to improving student success.
- 2.2 Ensure the district's Strategic Plan identifies student learning key results.
- 2.3 Ensure the Framework for Enhancing Student Learning and the Indigenous Education Enhancement Agreement (IEEA) are reviewed at least annually including identification of trends and issues.
- 2.4 Ensure resources for approved initiatives to improve student outcomes are included in the annual operating budget.
- 2.5 Ensure the effectiveness of the superintendent's leadership in improving student outcomes is assessed annually.

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

The Board shall:

- 3.1 Assess community values and interests and incorporate them into the school system's foundational statements and engage staff, parents and the wider community in developing and supporting the district vision.
- 3.2 Make decisions that address the needs of all district students.
- 3.3 Establish processes and provide opportunities for community input and engagement.
- 3.4 Report district student learning outcomes at least once annually to the community.
- 3.5 Develop procedures for and hear appeals as required by statute and/or board policy.
- 3.6 Meet regularly with municipal government representatives, local provincial representatives and the Indigenous Education Council, and as required with other entities to achieve desired educational outcomes.
- 3.7 Model a culture of respect and integrity, openness and transparency.
- 3.8 Make decisions that reflect both individual community interests and values, and those of the entire school district.

### 4. *Strategic Planning*

The Board shall:

- 4.1. Provide overall direction for the district by establishing foundational statements which are developed in consultation with stakeholders.
- 4.2 Annually review district priorities and key results as indicated in the district's Strategic Plan.
- 4.3 Annually ensure evaluation of the effectiveness of the district in achieving established priorities and key results.
- 4.4 Approve district strategic plan and any adjustments thereto.

### 5. *Policy*

The Board shall:

- 5.1 Identify how the board is to function.
- 5.2 Delegate authority to the superintendent and define commensurate accountabilities.

- 5.3 Formulating policies and bylaws in conformity with this Act for the effective and efficient operation of schools in the school district.
- 5.4 Make the final decision as to the approval of all policy statements.
- 5.5 Develop, assess, review and revise policies as required to ensure intended results are being achieved and that policies are consistent with legislation.
- 5.6 Ensure motions which are intended to have continuing effect are integrated into existing or new policy statements.
- 5.7 Govern the district through board adopted policies and resolutions.
- 5.8 Monitor and evaluate the effectiveness of policies developed by the board in achieving the board's goals and desired outcomes.

6. *Board / Superintendent Relations*

The Board shall:

- 6.1 Select and hire the superintendent.
- 6.2 Provide the superintendent with clear board direction.
- 6.3 Delegate in writing, administrative authority and identify responsibility subject to the provisions and restrictions in provincial legislation and regulations.
- 6.4 Annually evaluate the superintendent in accordance with a pre-established performance appraisal mechanism.
- 6.5 Annually review superintendent compensation.
- 6.6 Respect the authority of the superintendent to carry out executive action and support the superintendent's actions which are exercised within the delegated discretionary powers of the position.
- 6.7 Ensure all board members interact with the superintendent in a respectful professional manner.
- 6.8 In consultation with the superintendent, review and adjust the annual Board Work Plan.
- 6.9 Promote a positive working relationship with the superintendent.
- 6.10 Promote the professional growth of the superintendent in continuing to provide quality district leadership.

7. *Political Advocacy/Influence*

The Board shall:

- 7.1. Become or retain membership in the BCSTA.
- 7.2. Make decisions regarding British Columbia School Trustee Association (BCSTA) and British Columbia Public School Employers' Association (BCPSEA) issues.
- 7.3. Advance district positions and priorities including through BCSTA where applicable.
- 7.4. Act as an advocate for public education and the district through the development of an annual plan for advocacy including focus, key messages, relationships and mechanisms.
- 7.5. Arrange meetings with elected provincial / federal / municipal government officials to communicate and garner support for the district's priorities and directions.
- 7.6. Advocate for public education.
- 7.7. Develop an annual advocacy plan and review its effectiveness annually. The plan shall include the advocacy focus, key messages and mechanisms.
- 7.8. Participate in provincial and/or national school board associations as deemed appropriate.

## 8. *Board Development*

The Board shall:

- 8.1. Annually develop a board development plan aligned with district priorities and board evaluation outcomes.
- 8.2. Annually evaluate the board's effectiveness.
- 8.3. Complete a skills matrix within three (3) months of election that identifies the skills the board requires to provide effective governance, as well as an assessment of the collective skills that trustees possess.

## 9. *Fiscal Accountability*

The Board shall:

- 9.1. Ensure the fiscal integrity of the district.
- 9.2. Approve budget process and timelines at the outset of the budget process.
- 9.3. In collaboration with the superintendent, identify budget assumptions and draft priorities to be used in the creation of the draft annual operating budget.
- 9.4. Approve the annual budget and allocation of resources to achieve desired results, including strategic priorities.
- 9.5. Annually approve the district's updated Five (5) Year Capital Plan.

- 9.6. Annually appoint the auditor and approve the terms of engagement.
- 9.7. Review annually the audit report and management letter and approve those recommendations to be implemented.
- 9.8. Annually review and approve remuneration for excluded staff.
- 9.9. Approve the acquisition and disposition of district land and buildings.
- 9.10. Approve the annual spending plan for the annual facilities grant.
- 9.11. Approve amended annual budget.
- 9.12. Monitor the fiscal management of the district through receipt of at least quarterly variance analyses and year-end projections and updates on capital spending against the budget.
- 9.13. Approve borrowing for capital expenditures within provincial restrictions.
- 9.14. Approve transfer of funds to/from restricted and non-restricted surplus funds.
- 9.15. Approve transportation assistance rates.
- 9.16. Approve changes to student fee schedules.
- 9.17. Establish an Audit and Finance Committee of the board. Terms of Reference for this committee are outlined in the Policy 8 Appendix will include oversight of audit and financial reporting, including review and approval of quarterly and annual financial statements, transfer of surplus between funds, financial risk management and internal controls. At least one (1) member of this committee to include a financial expert.
- 9.18. Establish budget principles and budget priorities, ensure resources are allocated to achieve desired results, and adopt an annual budget.
- 9.19. For significant capital projects receive regular status reports that set out progress on spending against budget, achievement of key milestones and risks related to delivering the project on time, on budget and against project specifications.
- 9.20. Receive a listing of the tenders for contracted work.
- 9.21. Receive a listing of all leases and agreements.
- 9.22. Approve allocations of one (1) time exceptional funding.
- 9.23. Establish trustee honoraria and reimbursement.

### **Additional Responsibilities**

The Board Shall:

1. Approve the naming or re-naming of schools and other district facilities.
2. Approve district calendar in accordance with legislation and collective agreements.
3. Approve Board Authority Authorized Courses.
4. Recognize students, staff and community members.
5. Approve contracts and agreements as required by legislation.
6. Review the student enrolment and staffing report.
7. Hear unresolved student or staff complaints of discrimination or harassment that cannot be heard by the superintendent.
8. Approval and cessation of academies and programs of choice and changes in fees.
9. Ratify Memoranda of Agreement with Bargaining units.
10. Review and approve district expense rates annually.
11. Review board compensation formula.
12. Approve catchment areas for schools and district programs.
13. Approve changes in grade configurations.
14. Approve the reopening of a closed school.

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

Adopted: September 2019

**Facilitated Board Self-Evaluation Process**  
School District No. 71 (Comox Valley)

## **Process**

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The annual externally facilitated board self-evaluation process shall be completed subsequent to the superintendent evaluation process described in the appendixes to Policy 12 and entitled, *Superintendent/CEO Evaluation Process, Criteria and Timelines*. The two (2) evaluation processes are complementary in nature.

## **Purpose**

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

1. How well have we fulfilled each of our defined roles as a board during the evaluation period?
2. How do we perceive our interpersonal working relationships?
3. How well do we receive input and how well do we communicate with those we represent?
4. How would we rate our board / superintendent relations?
5. How well have we adhered to our governance policies?
6. What have we accomplished this past year to improve student learning? How do we know? What else have we accomplished this past year?
7. What actions shall the board take during the next year to become more effective?
8. Determine what board development has been accessed during the past year and what board development is planned for the coming year.

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

## **Evaluation Principles**

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

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

## **Context**

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The board has chosen to retain the nine (9) areas of responsibility articulated in Policy 2 in order to carry out their governance role. These include:

1. Accountability to the Provincial Government
2. Development and Maintaining a Culture of Student Learning
3. Accountability to and Engagement of Community
4. Strategic Planning
5. Policy
6. Board / Superintendent Relations
7. Political Advocacy/Influence
8. Board Development
9. Fiscal Accountability

The annual facilitated board self evaluation process is focused on board performance in relation to these nine (9) areas.

Adopted: September 2019

### ROLE OF THE TRUSTEE

Trustees are elected in accordance with the *Local Government Act*. The British Columbia *School Act* prescribes eligibility requirements for running for the office of school trustee. The Board of Education of School District No. 71 is a corporate body elected by citizens of the Comox Valley.

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

The Board of Education is a corporation. The decisions of the board in a properly constituted meeting are those of the corporation. The *School Act* gives no individual authority to trustees. As members of the corporate board, trustees are accountable to the public for the collective decisions of the board, and for the delivery and quality of educational services. A trustee must serve the community as an elected representative, but the trustee's primary task is to act as a member of a corporate board. School board trustees collectively and individually have a public duty to carry out their responsibilities and the work of the board in good faith and with reasonable diligence. Trustees have one (1) overarching responsibility – a shared public duty to advance the work of the school board. A trustee's fiduciary duties are owed to the school board (not to themselves, their family or friends) which is, in turn, accountable to the electorate.

The trustee must balance the governance role with the representative role participating in decision making that benefits the whole district while representing the interest of their community.

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

#### Trustee Rights

Within the parameters of board policy and bylaws, trustees have a right to:

1. Voice opinions and perspectives in an open and respectful manner, and have such opinions and perspectives respected by fellow trustees and district staff;
2. Represent the interests of their constituents while maintaining a district-wide perspective;
3. Vote on issues free from pressure or lobbying by other trustees and/or district staff;
4. Receive remuneration and expense allowances as determined by the board and in compliance with the *School Act*;
5. Be provided with an orientation session when newly elected;

6. Request and receive information from the superintendent of schools or designate pertinent to district policy and operations; previous, current or pending board or board committee activities; and any other legitimate assistance pertaining to the role of the trustee or the business of the board; and,
7. Attend well-organized and purposeful meetings.

### **Trustee Roles and Responsibilities**

Within the parameters of board policy and bylaws, trustees have a responsibility to:  
Make a prescribed oath of office,

1. Attend meetings of the board; participate in, and contribute to, the decisions of the board in order to provide the best solutions possible for the education of children within the district. Those trustees interested will have the opportunity to Chair the open and closed Committee of the Whole meetings on a rotational basis.

*Note: The School Act indicates, 52 (2) If a trustee is continuously absent from board meetings for a period of three (3) consecutive months, unless the absence is because of illness or with the leave of the board, the office of the member is deemed to be vacant and the person who held the office is disqualified from holding office as a trustee until the next general school election.*

2. Be aware of and knowledgeable about the issues that require board decisions and attend orientation sessions for new trustees conducted by district staff and the B.C. School Trustees' Association (BCSTA).
3. Commit to the importance of the public education system in a democratic society.
4. Adhere to the direction of the chair of the board, and chair of a board committee, while attending meetings.
5. Adhere to confidentiality requirements regarding personnel and property issues as well as other matters discussed and determined at in-camera meetings.
6. Respect that the chair of the board or appropriate district staff communicate on behalf of the board, and when making statements to the media, PACs or employee groups make it clear that these are individual statements only and not necessarily the opinion of the board.
7. Become familiar with district policies, meeting agendas and reports in order to participate in board business.
8. Support a majority vote of the board to advance the work of the board and monitor progress to ensure decisions are implemented.
9. Refer governance queries, issues and problems not covered by board policy to the board for corporate discussion and decision.
10. Refer administrative matters to the superintendent.
11. Trustee contacts with staff shall be through the superintendent.

12. The trustee, upon receiving a complaint or an inquiry from a parent, staff member or community member about operations, will refer the parent, staff member or community member back to the teacher, principal, or district office personnel and will inform the superintendent of this action.
13. Keep the board and the superintendent informed in a timely manner of all matters coming to their attention that might affect the district.
14. Provide the superintendent with counsel and advice, giving the benefit of the trustee's judgment, experience and familiarity with the community.
15. Attend external committee meetings or meetings as a board representative, as assigned, and report to the board in a timely manner.
16. When delegated responsibility, will exercise such authority within the defined terms of reference in a responsible and effective way.
17. Participate in board/trustee development sessions so that the quality of leadership and service in the district can be enhanced.
18. Strive to develop a positive and respectful learning and working culture both within the board and the district.
19. Continue to carry out duties with integrity and responsibility during an election period.
20. Become familiar with, and adhere to, the Trustee Code of Conduct.

### **Trustee Orientation**

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

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

1. The district will offer an orientation program for all trustees following an election that provides information on:
  - 1.1 Role of the trustee and the board;
  - 1.2 Organizational structures and procedures of the district;
  - 1.3 Board policy, agendas and minutes;
  - 1.4 Existing district initiatives, annual reports, budgets, financial statements and long-range plans;
  - 1.5 District programs and services;
  - 1.6 Board's function as an appeal body;

- 1.7 Statutory and regulatory requirements, including responsibilities with regard to conflict of interest; and
- 1.8 Trustee remuneration and expenses.
- 2. The district will provide financial support for trustees to attend British Columbia School Trustees Association (BCSTA) sponsored orientation seminars.
- 3. The board chair and superintendent are responsible for ensuring the development and implementation of the district's orientation program for trustees. The superintendent shall ensure each trustee has access to the Board Policy Handbook and Administrative Procedures Manual at the organizational meeting following a general election or at the first regular meeting of the board following a by-election.

Legal Reference: Sections 49, 50, 52, 65, 85 *School Act*  
Local Government Act  
A Guide for School Trustee Candidates 2018 BCSTA

Adopted: September 2019

## **SERVICES, MATERIALS AND EQUIPMENT PROVIDED TO TRUSTEES**

The following shall be made available to trustees upon their election to the board:

### **Equipment**

- Ipad
- Cell phone or the option to use their own and receive a monthly phone allowance

### **Services**

- Technology support

District equipment shall be considered the property of the district and shall be returned to the district at the conclusion of the term of office. Should the trustee wish to purchase the equipment at the end of their term this may be done at the discounted value.

Adopted: September 2019

### TRUSTEE CODE OF CONDUCT

Trustees as members of the corporate Board of Education shall act prudently, ethically and legally, in keeping with the requirements of provincial legislation. This includes proper use of authority and appropriate decorum in terms of group and individual behaviour.

#### Guidelines and Procedures

##### 1. *Integrity and Dignity of the Office*

Trustees of the Board Shall:

- 1.1 Discharge their duties loyally, faithfully, impartially and in a manner, that will inspire public confidence in the abilities and integrity of the board;
- 1.2 Act as a trustee of this district and work carefully to ensure that it is well maintained, fiscally secure, and operating in the best interest of those we serve;
- 1.3 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 students in the district;
- 1.4 Work together with fellow trustees to communicate to the electorate accurate information about the district and our schools;
- 1.5 Do their utmost to attend regular board meetings, committee of the whole, and meetings of the board committees to which they have been appointed, and meetings for which they have been appointed to serve as board representatives;
- 1.6 Provide leadership to the community through setting goals and policies for district operations and educational programs and by regularly evaluating to determine if intended results are achieved; and
- 1.7 Not use the position of trustee for personal advantage or to the advantage of any other individual apart from the total interest of the district, and resist outside pressure to so use the position.

##### 2. *Compliance with Legislation*

Trustees of the Board Shall:

- 2.1. Observe bylaws and rules of order, the policies and procedures of the district, and the laws, rules and regulations governing education in British Columbia; and
- 2.2. Respect and understand the roles and duties of the individual trustees, board of education, superintendent of schools and the chair of the board.

### 3. *Civil Behaviour*

Trustees of the Board Shall:

- 3.1. Represent the board of education responsibly in all board-related matters and act with decorum at all times. (Decorum: behaviour that is controlled, calm, and polite);
- 3.2. Work with fellow trustees, the superintendent of schools and the district as a whole, in a spirit of respect, openness, harmony and co-operation, encouraging the free exchange of diverse views on any topic at all times and expressing any contrary opinions in a respectful and constructive manner;
- 3.3. Not make disparaging remarks in or outside board meetings, about other board members or their opinions, and be respectful of staff, students and the public;
- 3.4. Use social media responsibly, including an acknowledgment that opinions expressed are those of the individual not the board.

### 4. *Upholding Decisions*

Trustees of the Board Shall:

- 4.1. Base their decisions on all available facts, data and perspectives of an issue, respect the opinions of others and diligently pursue what they believe to be in the best interest of the students and others of the district;
- 4.2. Accept that authority rests with the board and that no trustee has individual authority to direct district staff other than that delegated by the board;
- 4.3. Uphold publicly the majority decisions of the board of education and the implementation of any board resolutions; and
- 4.4. Accept that 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 chair of the board or 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.

### 5. *Respect for Confidentiality*

Trustees of the Board Shall:

- 5.1. 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 (in-camera) to the public, and keep confidential the substance of deliberations of a meeting closed (in-camera) to the public unless required to divulge such information by law or authorized by the board to do so;
- 5.2. Not use confidential information for personal gain or to the detriment of the board or district; and

- 5.3. Not divulge confidential information, including personal information about an identifiable individual or information subject to lawyer-client privilege that a trustee becomes aware of because of their position, except when required by law or authorized by the board to do so.

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

Adopted: September 2019

## **TRUSTEE CODE OF CONDUCT SANCTIONS**

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

### **Code of Conduct Sanctions other than a Failure of Security**

2. A trustee who believes that a fellow trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
3. Conciliatory measures will normally include:
  - 3.1 The trustee who believes a violation has occurred will engage in an individual private conversation with the trustee affected.
  - 3.2 Failing resolution through the private conversation the parties will engage the board chair, vice-chair to gain resolution. If the concern is with the board chair, the concern is to be raised with the vice-chair.
  - 3.3 The chair and at the chair's option the chair and vice-chair will attempt to resolve the matter to the satisfaction of the trustees involved.
4. A trustee who wishes to commence an official complaint, under the Code of Conduct shall file a letter of complaint with the board chair within thirty (30) days of the alleged event occurring and indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the trustee. The trustee who is alleged to have violated the Code of Conduct and all other trustees shall be forwarded a copy of the letter of complaint by the board chair, or where otherwise applicable in what follows, by the vice-chair, within five (5) days of receipt by the board chair of the letter of complaint. If the complaint is with respect to the conduct of the board chair, the letter of complaint shall be filed with the vice-chair.
5. When a trustee files a letter of complaint, and a copy of that letter of complaint is forwarded to all trustees; the filing, notification, content and nature of the complaint shall be deemed to be strictly confidential, the public disclosure of which shall be deemed to be a violation of the Code of Conduct. Public disclosure of the complaint and any resulting decision taken by the board may be disclosed by the board chair only at the direction of the board, following the disposition of the complaint by the board at a Code of Conduct hearing.
6. To ensure that the complaint has merit to be considered and reviewed, at least one (1) other trustee must provide to the board chair within three (3) days of the notice in writing of the complaint being forwarded to all trustees, a letter indicating support for having the complaint heard at a Code of Conduct hearing. Any trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon, the complaint at

a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.

7. Where no letter supporting a hearing is received by the board chair in the three (3) day period referred to in section 5 above, the complaint shall not be heard. The board chair shall notify all other trustees in writing that no further action of the board shall occur.
8. Where a letter supporting a hearing is received by the board chair in the three (3) day period referred to in section 5 above, the board chair shall convene, as soon as is reasonable, a closed (in-camera) meeting of the board to allow the complaining trustee to present their views of the alleged violation of the Code of Conduct.
9. At the closed (in-camera) meeting of the board, the board chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted.

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

- 9.1 The Code of Conduct complaint shall be heard at a Code of Conduct hearing, at a closed (in-camera) board meeting convened for that purpose. All preliminary matters, including whether one (1) or more trustees may have a conflict of interest in hearing the presentations regarding the complaint, shall be dealt with prior to the presentation of the complaint on behalf of the complaining trustee.
- 9.2 The sequence of the Code of Conduct hearing shall be:
  - 9.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
  - 9.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
  - 9.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
  - 9.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
  - 9.2.5 The remaining trustees of the board shall be given the opportunity to ask questions of both parties;
  - 9.2.6 The complaining trustee shall be given the opportunity to make final comments; and
  - 9.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 9.3 Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall deliberate in private, without assistance from administration, other than the continuing presence of the secretary treasurer, shall remain in compliance. The board may, however, in

its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution(s).

- 9.4 If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.
- 9.5 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.
- 9.6 The remaining trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the respondent trustee.
- 9.7 The presiding chair shall reconvene the parties to the Code of Conduct hearing.
- 9.8 All documentation that is related to the Code of Conduct hearing shall be returned to the superintendent immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
- 9.9 The presiding chair shall call for a resolution(s) to be placed before the board.
- 9.10 The presiding chair shall declare the closed (in-camera) board meeting adjourned.
10. A violation of the Code of Conduct may result in the board instituting, without limiting what follows, any or all of the following sanctions:
  - 10.1 Having the board chair write a letter of censure marked “personal and confidential” to the offending trustee, on the approval of a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the board;
  - 10.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the board;
  - 10.3 Having a motion to remove the offending trustee from one (1), some or all board committees or other appointments of the board passed by a majority of those trustees present and allowed to vote at the closed (in-camera) meeting of the board.
  - 10.4 Having a motion to remove the offending trustee from one (1), some or all board committees or other appointments of the board passed by a majority of those trustees present and allowed to vote at the public meeting of the board.
11. The board may, in its discretion, make public its findings where the board has not upheld the complaint alleging a violation of the Trustee’s Code of Conduct or where there has been a withdrawal of the complaint or under any other circumstances that the board deems reasonable and appropriate to indicate publicly its disposition of the complaint.

## Failure of Security

12. The Trustee Code of Conduct requires that trustees shall respect the confidentiality appropriate to issues of a sensitive nature. Failure to comply with this requirement constitutes a failure of security. An individual trustee may bring a suspected breach of security to the attention of the board, at a closed (in-camera) meeting of the board. If by majority vote the board agrees that a failure has occurred, the failure shall be recorded by the board and the following procedure shall be invoked:
  - 12.1 The board chair shall request that the superintendent (as head of the district under the *Freedom of Information and Protection of Privacy Act*), appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at a closed (in-camera) meeting of the board. This decision shall immediately be approved in a public meeting of the board.
  - 12.2 The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the board chair and to the superintendent.
  - 12.3 The board chair shall present at a closed (in-camera) meeting of the board, the report of the independent investigator. At this time, the trustee in question shall have an opportunity to present any additional, relevant information.
  - 12.4 If it is determined by a majority vote of the board that a willful violation of security has occurred, for a first occurrence, a motion to write a letter of censure marked "Personal and Confidential" is required to be discussed and agreed upon by a majority of trustees present at a closed (in-camera) meeting of the board. This decision requires immediate approval by a majority vote of trustees at a public meeting of the board.
  - 12.5 For subsequent occurrences, a motion of censure against the trustee in question may be brought directly to a public meeting of the board. This motion shall be approved by a majority vote of trustees present at such a meeting.

Legal Reference: Sections 49, 50, (Part 5 Sections 55-64), 65, 85, 94, 95 *School Act*

Adopted: September 2019

### ROLE OF THE BOARD CHAIR

The Board of Education shall at its inaugural meeting and subsequently at each annual meeting or at anytime determined by the board, *elect* one (1) of its members to serve as board chair, to hold office at the pleasure of the board.

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

#### Specific Responsibilities

The board delegates and assigns to the chair the following powers and duties:

1. Prior to each board meeting, meet with the vice-chair, the superintendent and secretary treasurer to determine the items to be included in the agenda, and to become thoroughly familiar with them.
2. To preside over all public board meetings and ensure that such meetings are conducted in accordance with the *School Act*, the bylaws, and policies as established by the board.
3. To perform the following duties during board meetings:
  - 3.1 Maintain the order and proper conduct and decorum of the meeting so that motions may be formally debated;
  - 3.2 Ensure that issues being presented for the board's consideration are clearly articulated and explained.
  - 3.3 Display firmness, courtesy, tact, impartiality and willingness to give everyone an opportunity to speak on the subject under consideration in order that a board decision can be reached
  - 3.4 Direct the discussion by trustees to the topic being considered by the board.
  - 3.5 Decide questions of order and procedure, subject to an appeal to the rest of the board. The board chair may speak to points of order in preference to other members and shall decide questions of order, subject to an appeal to the board by any member duly moved. The chair shall conduct all meetings of the board according to the following rules of order firstly, ensuring compliance with the *School Act*; secondly, compliance with the board's own policies and lastly where the *School Act* or the board's own policies do not address the matter, Robert's Rules of Order shall govern the conduct of meetings, where applicable.
  - 3.6 Determine disposition of each motion by a formal show of hands.
  - 3.7 Extend hospitality to Trustees, officials of the board, the press and members of the public.

4. To convey directly to the superintendent any concerns or questions as are related to the chair by trustees, parents, students or employees which may significantly affect the administration of the district.
5. To be in regular contact with the superintendent to maintain a working knowledge of current issues and events within the district.
6. To bring to the board all matters requiring a corporate decision of the board.
7. To act as chief spokesperson for the board by stating positions consistent with board decisions and policies (except for those instances where the board has delegated this role to another individual or group).
8. To act as an ex-officio non-voting member of all committees appointed by the board.
9. To act as a signing officer for the district.
10. To represent the board, or arrange alternative representation, at board events, meetings with other levels of government or other organizations or at hearings. When representing the board at official meetings or in an official function, the chair is limited to speaking for positions the board has determined through passing motions. The chair will bring back issues to the board for consideration if the board has not yet adopted motions on the matter or provided direction. The chair will share with the board all information from meetings with other levels of government or external organizations at which the chair attended as the board's representative.
11. To ensure that the board engages in regular assessments of its effectiveness as a board.
12. Following consultation with trustees recommend to the board trustee appointments to:
  - 12.1 Standing committees
  - 12.2 School liaison appointments;
  - 12.3 Representative to organization; and
  - 12.4 Other board committees.
13. Address inappropriate behaviour on the part of a trustee as per policy 4 sanctions.
14. Assist with the board orientation program for new trustees.
15. Manage the CEO contract on the board's behalf by bringing any relevant matters to the boards attention in a timely manner. In addition, each month the chair shall sign off on the superintendent's expenses as well as vacation and sick leave, days earned, taken and accumulated.

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

Adopted: September 2019

## Policy 6

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### ROLE OF THE VICE-CHAIR

The Board of Education shall at its inaugural meeting and subsequently at each annual meeting or at anytime determined by the board, *elect* one (1) of its members to serve as vice-chair, to hold office at the pleasure of the board.

#### Specific Responsibilities

1. The vice-chair shall act on behalf of the board chair, in the latter's absence and shall have all the duties and responsibilities of the board chair.
2. The vice-chair shall chair all In-Camera Meetings.
3. The vice-chair shall assist the board chair in ensuring that the board operates in accordance with its own policies and procedures and in providing leadership and guidance to the board.
4. Prior to each board meeting, meet with the chair, the superintendent and secretary treasurer to determine the items to be included in the in-camera agenda, and to become thoroughly familiar with them.
5. The vice-chair shall be an alternate signing officer for the district.

Legal Reference: Sections 65, 67, 85 *School Act*

Adopted: September 2019

### BOARD OPERATIONS

The board's ability to discharge its obligations in an efficient and effective manner is dependent upon the development and implementation of a sound organization design. In order to discharge its responsibilities to the electorate of the district, the board shall hold meetings as often as necessary. A quorum, which is a simple majority of the number of trustees, must be present for every duly constituted meeting.

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

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

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

In order to carry out its responsibilities effectively, the board will hold periodic meetings of several types. Formal meetings, at which all formal and legal business of the board as a corporate body shall be done, may be designated as Inaugural, regular, or special meetings, or in-camera.

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

#### 1. Board Composition and Elections

- 1.1 The Board of Education for the school district is comprised of a total of seven (7) trustees selected from the following trustee electoral areas:
  - 1.1.1 Two (2) trustees from Trustee Electoral Area 1, being the Corporation of the City of Courtenay;
  - 1.1.2 One (1) trustee from Trustee Electoral Area 2, being the Town of Comox;
  - 1.1.3 One (1) trustee from Trustee Electoral Area 3, being the Corporation of the Village of Cumberland
  - 1.1.4 One (1) trustee from Area 4 – Electoral Area A, being from the Comox Valley Regional District.
  - 1.1.5 One (1) trustee from Area 5 – Electoral Area B, being from the Comox Valley Regional District

- 1.1.6 One (1) trustee from Area 6 – Electoral Area C, being from the Comox Valley Regional District

## **2. Inaugural Meetings**

- 2.1 After the general local election of trustees in the school district, the secretary treasurer must convene a first meeting of the board within thirty (30) days from the date that the new board begins its term of office. The first order of business shall be to elect a chairperson and vice-chair of the board.
- 2.2 The chair of the inaugural meeting shall be the secretary treasurer until such time as the board chair has been elected.
- 2.3 The secretary treasurer shall announce the results of trustee elections.
- 2.4 The secretary treasurer shall administer the two (2) oaths of office; the Declaration by Trustee and the Oath of Confidentiality before taking their seats on the board.
- 2.5 The secretary treasurer shall call for nominations for board chair (seconding is not required) and conduct a vote by secret ballot in which that person receiving a clear majority cast shall be elected board chair for the ensuing year. If no person receives a clear majority, further ballots shall be taken until the same is achieved or, if after a third ballot a tie shall occur the Board shall recess and reconvene at a time of its choosing in order to conduct a fourth vote. If a tie still occurs after the fourth vote the decision shall be made by lot.
- 2.6 The chair so elected shall assume the chair for the remainder of the meeting.
- 2.7 The board shall proceed to elect a vice-chair, BC School Trustees Association representative and alternate, and a BC Public School Employers' Association representative and alternate, in the same manner as the election of the chair.
- 2.8 Following the elections, the order of business shall be:
- 2.8.1 Passage of banking resolutions and appointment of signing officers. These appointments may be amended at a regular board meeting as required.

## **3. Annual Election of Officers of the Board**

- 3.1 In years when inaugural meetings are not necessary, the board shall meet at a time, place and location as determined by the board to elect the officers of the board. This will normally be done annually; however, the *School Act* allows an election at any time.
- 3.2 The chair of the meeting shall be the secretary treasurer until such time as the board chair has been elected.
- 3.3 The secretary treasurer shall call for nominations for board chair (seconding is not required) and conduct a vote by secret ballot in which that person receiving a clear majority cast shall be elected board chair for the ensuing year. If no person receives a clear majority, further ballots shall be taken until the same is achieved or,

if after a third ballot a tie shall occur the board shall recess and reconvene at a time of its choosing in order to conduct a fourth vote.

3.4 The chair so elected shall assume the chair for the remainder of the meeting.

3.5 The board shall proceed to elect a vice-chair.

#### **4. Regular Public Meetings**

4.1 Prior to the end of each school year, the board shall establish a schedule of regular public meetings of the board for the ensuing school year. A regular meeting shall be held at least once per month. Additional meetings shall be held as the board may decide.

4.2 A quorum of the board for a regular meeting shall be a majority of the trustees holding office at the time of the meeting.

4.3 At the appointed time for commencement of a meeting, the chair shall ascertain that a quorum is present before proceeding to the business of the meeting. If a quorum has not been made within one-half (1/2) hour after the appointed time, the meeting shall stand adjourned until the next regular meeting date or until another meeting shall have been called in accordance with this policy.

4.4 If, prior to the meeting, the chair and/or the secretary treasurer have received information suggesting there will not be a quorum, the meeting may be cancelled, and attempts will be made to contact all trustees.

4.5 Trustees may be allowed to participate in or attend a meeting of the board by telephone or other means of communication if all trustees and other persons participating in or attending the meeting are able to communicate with each other.

4.6 If a trustee participates in or attends a meeting of the board by telephone or other means of communication (as provided above), the trustee is to be counted for the purposes of determining a quorum and voting.

4.7 The agenda will be set by the Agenda Setting Meeting, which consists of the board chair, vice-chair, superintendent and secretary treasurer, no later than the Monday of the week prior to the public meeting. Items for the agenda are to be submitted to the office of the secretary treasurer by 4:00 p.m. on the Tuesday of the week prior to the board meeting.

4.8 Written notice of each meeting, together with the proposed agenda, must be given at least forty-eight (48) hours in advance to each trustee by delivery to the place designated by him or her, or via email. Non-receipt by a trustee shall not void the proceedings.

4.9 The agenda will include the following items:

- 4.9.1 Minutes of the previous regular meeting
- 4.9.2 Summary of closed/in-camera meetings
- 4.9.3 Minutes of any special meetings held since the previous Regular meeting;
- 4.9.4 Board Committee and Committee of the Whole reports;

- 4.9.5 Briefing notes for any items requiring a decision;
  - 4.9.6 Copies of information items;
  - 4.9.7 Notice or items of new business to be considered;
  - 4.9.6 Copies of board correspondence to be considered.
- 4.10 The Order of Business at all regular board meetings, unless varied by motion, shall be as follows:
- 4.10.1 Call to Order
  - 4.10.2 Welcome and Acknowledgement of Traditional Territory
  - 4.10.3 Agenda – Changes/Additions
  - 4.10.4 Adoption of Agenda
  - 4.10.5 Adoption of Minutes/Reports of Prior Meetings
  - 4.10.6 Report on Closed/In-Camera Meetings
  - 4.10.7 Presentation/Delegation
  - 4.10.8 Announcements
    - 4.10.8.1 Board Chair
    - 4.10.8.2 Superintendent
  - 4.10.9 Standing Committee Reports
  - 4.10.10 Decision items
  - 4.10.11 Information items
  - 4.10.12 Board Business
  - 4.10.13 Correspondence
  - 4.10.14 Public Question Period
  - 4.10.15 Adjournment
- 4.11 A change to the prescribed order of business may be proposed by any trustee and shall require majority consent, without debate.
- 4.12 New business shall not be considered at any regular meeting unless it arises directly out of correspondence, reports, or other matters arising during the regular order of business, provided that the members present at any regular meeting of the board may, by unanimous resolution, waive the giving of notice. New business may only be introduced by a member as provided herein through a *Notice of Motion*.
- 4.13 Referral to a committee of any matter arising during the course of any regular meeting may be made upon resolution of the meeting.
- 4.14 Minutes shall be kept by the Secretary of the board of all proceedings of the board, with the minutes to be concise and to record decisions, but not the contents of speeches.
- 4.15 All meetings shall stand adjourned at 9:00 p.m. or two (2) hours after their commencement, whichever comes first. Meetings maybe extended to 9:30 pm or an additional 30 mins by a majority vote by those present in favour of the extension. Meetings may continue past 9:30 pm or the 30 mins extension provided that all the members present at the meeting unanimously resolved continuation. No meeting shall continue past 11:00 pm.
- 4.16 All regular public meetings of the board shall be open to the public and to the media and no person shall be excluded except for improper conduct.

- 4.17 The presiding officer may expel and exclude from a board meeting, any person whom they consider has been guilty of improper conduct.
- 4.18 If, in the opinion of the board, the public interest so requires, the board may order a meeting or part thereof to be closed (in-camera) to the public to discuss topics pertinent to that meeting and may exclude persons other than trustees and officers.
- 4.19 Fifteen (15) minutes will be set aside on each regular Board Meeting Agenda to give members of the public an opportunity to ask questions to the board.
  - 4.19.1 The primary purpose of the "Public Question Period" is to ask questions about items on the current agenda. The Question Period is not a platform for presentations or personal statements
  - 4.19.2 The chairperson may refer the question to executive officers or fellow trustees. Whenever possible, the questions relating to the current agenda will be answered immediately. All other questions will be referred to staff for a response at a later date.
- 4.20 A review of board operations, procedures and policies will be conducted at a time and place to be determined by the board.

## **5. Public Participation**

### **Preamble:**

The board welcomes and provides for a variety of forms of public participation by members of the community. Public participation may be through presentations either by individuals or by a group, through formal question/comment periods in regular board meetings or in the form of written communications. Such opportunities shall not be used to address matters which must be dealt with in Closed (in-camera) meetings as noted elsewhere in this policy. For example, individual student matters must not be dealt with in a public setting. In addition, structures have been defined in legislation and collective agreements to deal with labour management issues. The public participation opportunities noted below are not to be used to deal with such matters. The board respects and honors employee groups' contracts and official representatives and will therefore deal with labour management issues through defined legislated and collective agreement processes.

### **5.1 Delegations**

The following guidelines will govern groups or individuals wishing to appear or present to the Board of Education.

- 5.1.1 A delegation is a group or individual requesting permission to appear before the board to make a presentation or to speak on a matter relating to the business of the board. Requests to appear as a delegation or to present to the Board must be submitted in writing fourteen (14) calendar days prior to a scheduled meeting. The request must outline the purpose of the delegation and the nature of the presentation.
- 5.1.2 After receiving a written request to appear before the Board, the Board Chair, in consultation with the Superintendent, and the Secretary Treasurer shall determine whether the request will be granted.

- 5.1.3 After permission to appear and or present to the Board has been granted, the Board chair in consultation with the Superintendent and Secretary Treasurer will determine the best venue for the presentation (Committee of the Whole, Public Board meeting or Special Board Meeting). The Individual or delegation will be notified of the decision 7 days prior to the scheduled date.
- 5.1.4 Normally, a delegation representing a group previously heard on a topic will not be heard a second time unless the delegation presents, in advance, material or information not previously considered that is germane to any decision. A motion of the board to hear the delegation a second time must be passed by having a majority of all its members cast an affirmative vote.
- 5.1.5 Speakers and or presentations shall be allotted fifteen (15) minutes. An additional 5 minutes may be allotted for a brief Trustee question period.
- 5.1.6 Any written material to be provided to trustees in conjunction with a Delegation or presentation must be made available to the school board office by the five (5) calendar days preceding the meeting. Fifteen (15) copies are required. If the material provided must be returned following the meeting, this must be specified at the time it is provided.
- 5.1.7 Decisions or responses on any requests made by a delegation or through a presentation are not normally made at the meeting at which the individual(s) is/are heard. However, if the board believes the matter is of an urgent nature, it may consider the matter during the new business portion of the meeting and provide a response at that time.

## **6. Special Meetings**

- 6.1 A special meeting of the board may be called by the chair, or upon written request by a majority of the trustees, shall be called by the secretary treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.
- 6.2 Written notice of a special meeting and an agenda shall be given to each trustee at least forty-eight (48) hours in advance of the meeting. Delivery of a written notice and the agenda may be waived by resolution, provided all reasonable steps have been taken to notify all trustees of the meeting.

## **7. Closed (In-Camera) Meetings**

- 7.1 The board may convene a meeting without the public, or without the public and staff present, at which matters of a confidential nature shall be discussed. No trustee shall disclose to the public, the proceedings of a closed (in-camera) meeting unless a resolution has been passed at the closed meeting to allow disclosure.
- 7.2 Closed (In-Camera) meetings can occur in both a regular meeting and committee of the whole format
- 7.3 Minutes of a closed (in-camera) meeting shall be kept in the same manner as a regular meeting but shall be approved only by the board in a closed (in-camera) meeting and shall not be filed with the minutes of the regular meetings.

- 7.4 A general summary of matters discussed, and the nature of decisions made at in-camera meetings shall be prepared following each meeting and, after approval of the in-camera meeting minutes, this statement will be attached to the agenda of the regular meeting immediately following.
- 7.5 Unless otherwise determined by the board, the following matters shall be considered in a closed (in-camera) meeting:
- 7.5.1 Student disciplinary cases;
  - 7.5.2 Information regarding appointment, employment or dismissal of an employee;
  - 7.5.3 Matters of collective negotiations with employees;
  - 7.5.4 Matters related to the purchase or sale of land;
  - 7.5.5 Matters of a personal nature that are subject to the Freedom of Information and Protection of Privacy Act;
  - 7.5.6 Such other matters where the board decides that the public interest so requires.

Notwithstanding any rule limiting reconsiderations of the agenda, a trustee may make a motion to move a matter from the agenda of a closed (in-camera) meeting or session to the agenda of the open meeting, or the reverse. The motion requires a seconder, is debatable, and requires a simple majority in order for the matter to be considered in a closed (in-camera) meeting.

## **8. Presiding Officers**

- 8.1 If the chair is absent, or unable to act, the vice-chair shall preside at meetings of the board. If the vice-chair is absent or unable to act, the members shall elect one (1) of their number to preside at the meeting.
- 8.2 The chair may vacate the chair in order to enter debate or propose or second a motion, in which case the vice-chair, if present or another member appointed by the chair shall preside until the issue is disposed of (which seldom should be done).
- 8.3 In the event that neither the chairperson nor the vice-chairperson are able or willing to take the chair, the presiding officer shall be such person as the board may elect for that meeting.
- 8.4 The chair shall rule on all points of order and shall state their reasons and the authority for ruling when making a ruling. The chair's ruling shall be subject to appeal to the board. An appeal may only be requested immediately after a ruling and before resumption of business.
- 8.5 In discussing matters with a delegation, the chair of the board shall act as spokesperson.

## **9. Rules of Order**

- 9.1 The current edition of Robert's Rules of Order shall govern points of order and procedures not provided for in the *School Act* or in this Policy Handbook. Where there is an inconsistency between the *School Act* and this Policy Handbook, the *School Act* shall apply.
- 9.2 The board may adopt a procedural rule for one (1) meeting by resolution approved by majority vote of the trustees present at the meeting.
- 9.3 A rule other than the requirement for notice of meetings may be suspended for one (1) meeting by unanimous consent of the trustees' present.
- 9.4 This policy may be amended by resolution of at least majority vote of the entire board approving the amendment. Notice of intention to propose the amendment must be given at the previous meeting and Trustees must be given at least forty-eight (48) hours' notice.
- 9.5 The presiding officer's ruling on a point of order shall be based on rules of order as stated in s9.1.
- 9.6 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of trustees' present. The challenger and the presiding officer have the right to state briefly the reason for their positions. When an appeal is successful it does not necessarily set a precedent.
- 9.7 A copy of the Board Policy Handbook shall be available for inspection at all reasonable times by any person.

## **10.0 Bylaw**

- 10.1 The board shall not give a bylaw more than two (2) readings at anyone (1) meeting unless the members of the board who are present at the meeting unanimously agree to give the bylaw three (3) readings at that meeting. The follow matters shall be dealt with only by bylaw:
  - 10.1.1 Adoption of the budget;
  - 10.1.2 A capital bylaw;
  - 10.1.3 The acquisition or disposal of property;
  - 10.1.4 Amendments to bylaws;
  - 10.1.5 Where required by the *School Act*.
- 10.2 Written notice of intention to propose a bylaw shall be given in the notice of the meeting where the bylaw is to be proposed.
- 10.3 Every bylaw shall be dealt with in the following stages:
  - 10.3.1 First reading – no debate or amendment;
  - 10.3.2 Second reading - discussion of the principle of the bylaw;
  - 10.3.3 Third reading – consideration of amendments and final decision.
- 10.4 The secretary treasurer shall certify on a copy of each bylaw, the readings and the times thereof and the context of any amendment passed.

- 10.5 A proposed bylaw or amendment may be withdrawn at any stage with unanimous consent of the board.

## **11. Motions**

- 11.1 Unless expressly required to be exercised by bylaw, all powers of the board shall be exercised by resolution (motion).
- 11.2 A motion, when introduced, brings business before the meeting for possible action. A motion shall be worded in a concise, unambiguous and complete form and, if lengthy or complex, shall be submitted in writing.
- 11.3 The presiding officer may divide a motion containing more than one (1) subject and it shall be voted on in the form in which it is divided.
- 11.4 All motions shall be seconded.
- 11.5 All motions are debatable except the following:
- 11.5.1 Motion to call the question;
  - 11.5.2 Motion for adjournment of debate or for adjournment of a meeting unless such a motion contains a time for recommencement of debate or for a new meeting;
  - 11.5.3 Motion to fix time for adjournment of a meeting;
  - 11.5.4 Motion to proceed to the next business;
  - 11.5.5 Motion to go into closed (in-camera) session.
- 11.6 An amendment is a motion to modify the wording of a pending motion. An amendment must be germane, i.e. closely related to or having a bearing on the subject of the motion to be amended. A motion can be amended more than once; however, there can only be one (1) amendment on the floor at a time and it shall be dealt with before another amendment is presented, or the motion is decided. An amendment to an amendment must be germane to the first amendment and cannot be amended.
- 11.7 All motions shall be subject to amendment except the following:
- 11.7.1 Motion that the question be now put;
  - 11.7.2 Motion for adjournment of debate or adjournment of a meeting;
  - 11.7.3 Motion to table unless such a motion contains a date for further consideration of the matter tabled;
  - 11.7.4 Motion to refer to committee;
  - 11.7.5 Motion to proceed to next business.

## **12. Reconsideration and Rescind**

- 12.1 A motion that has been defeated at a previous meeting can be moved again at a subsequent meeting only if the mover had previously voted on the prevailing side.
- 12.2 Motions to rescind a motion previously adopted can be considered only if notice has been given at a previous meeting or in the call for the present meeting and if no action has been taken which it is too late to undo. Such motions are debatable. There is no time limit for these motions, and they can be moved by any member. A majority vote is required for approval.

## **12. Debate**

- 13.1 Debate shall be strictly relevant to the motion before the meeting and no trustee shall speak for more than five (5) minutes at one time. The presiding officer shall warn speakers who violate this rule or who persist in tedious or repetitious debate.
- 13.2 Speakers shall be recognized by the chair and shall address all remarks to the chair.
- 13.3 Each trustee has the right to speak twice on the same question on the same day but cannot make a second speech if any trustee who has not spoken on that question desired to speak.
- 13.4 A point of privilege (a matter dealing with the rights or interests of the board as a whole or of a trustee personally), may be raised at any time and shall be dealt with forthwith before resumption of business.
- 13.5 No trustee shall interrupt another trustee who has the floor except to raise a point of order, a point of privilege, or to disclose a conflict of interest.

## **14. Voting**

- 14.1 All trustees present at a meeting must vote on each issue unless they are in a conflict of interest or abstain.
- 14.2 If a trustee has a conflict of interest, they must abstain from voting and the quorum will not be affected.
- 14.3 Any declared conflicts of interest shall be recorded.
- 14.4 Voting shall be by show of hands unless otherwise provided in board policy.
- 14.5 All questions shall be decided by a majority of the votes of the trustees present and voting, save as otherwise provided for in Board Policy Handbook or the *School Act*.

## **15. Minutes**

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

- 15.1 The minutes shall record:

- 15.1.1 Date, time and place of meeting;
- 15.1.2 Type of meeting (inaugural, regular or special);
- 15.1.3 Name of presiding officer;
- 15.1.4 Names of those trustees and administration in attendance;
- 15.1.5 Approval of preceding minutes;
- 15.1.6 Only motions will be recorded in the minutes. Preamble, rationale, or discussions will not be recorded in the minutes, unless directed by the board through resolution;
- 15.1.7 Points of order;
- 15.1.8 Appointments;
- 15.1.9 Recommended motions proposed by committees; and,
- 15.1.10 Trustee declaration pursuant to Section 56, 57 or 58 of the *School Act*.

15.2 The minutes shall:

- 15.2.1 Be prepared as directed by the superintendent;
- 15.2.2 Be considered an unofficial record of proceedings until such time as adopted by a resolution of the; and
- 15.2.3 Upon adoption by the board, be deemed to be the official and sole record of the board's business.

15.3 The superintendent shall ensure that, upon acceptance by the board, appropriate initials are appended to each page of the minutes, and that appropriate signatures and the corporate seal of the district are affixed to the concluding page of the minutes.

15.4 As part of its ongoing effort to keep staff and the public fully informed concerning its affairs and actions, the board directs the superintendent to institute and maintain effective and appropriate procedures for the prompt dissemination of information about decisions made at all board meetings.

15.5 The approved minutes of a regular or special meeting shall be posted to the website as soon as possible following approval. The superintendent is responsible to post the approved minutes.

15.6 Upon adoption by the board, the minutes of meetings other than Closed (in-camera) meetings shall be open to public scrutiny.

**16. Correspondence**

- 16.1 Correspondence is at times sent to the board and at other times to individual trustees. Even when correspondence is addressed to an individual trustee the contents may be more appropriately addressed by the corporate board. Where correspondence is addressed to the board or its contents are more appropriately addressed by the corporate board the following processes shall be adhered to. The intended outcomes of these processes are: to ensure board correspondence is acknowledged in a timely fashion, the corporate board is aware of the public input provided and where required, a corporate response is provided in a timely manner.

- 16.1.1 Where non-routine correspondence is received that appears to require a formal board response, that correspondence shall be placed on the agenda of the next regular board meeting.
- 16.1.2 Where non-routine correspondence is received that does not appear to require a formal board response, that correspondence, together with any response issued by the superintendent, shall be circulated to the trustees.
- 16.1.3 Where an individual trustee receives correspondence that in the trustee's judgement is more appropriately a corporate board matter, the correspondence will be directed to the chair who will acknowledge the correspondence, and act in accordance with 16.1.1 or 16.1.2 above.

## **17. Audio/Video Recording Devices**

- 17.1 The board requires that anyone wanting to use recording devices at a public board meeting must obtain prior approval of the board chair. This shall be communicated by the board chair at the beginning of the Regular or Special Meeting.

## **18. Trustee Participation in Meetings through Electronic Means**

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

- 18.1 Trustees participating in a meeting of the board by electronic means or other communication facilities are deemed to be present at the meeting.
- 18.2 The chair of the board may refuse to allow a Trustee to participate in a meeting by electronic means or other communication facilities where the required electronic equipment is not available or where Special meetings are held in private and or for the purpose of hearing appeals or conducting hearings related to employee matters, or any board matters which attract the principles of natural justice.
- 18.3 Notwithstanding the requirements of these procedures, a Trustee cannot attend more than three (3) consecutive Regular meetings of the board electronically without being authorized by resolution of the board to do so.
- 18.4 Trustees who connect to a meeting of the board by video conference, teleconference or other means of electronic transmission will be considered in attendance at the meeting and form part of the quorum.

## **19. Trustee Remuneration**

### **19.1 *Recommendation***

19.1.1 Effective July 1, 2023, the following Trustee Remunerations will be in effect:

- a) Chair \$24,749
- b) Vice-Chair \$22,861

c) \$21,523

19.1.2 Annual adjustments of trustee remuneration shall be made July 1 of each year, based on the BC Consumer Price Index (All Items) for the May-to-May comparison.

## 20. Trustee Expense Reimbursement

Trustees shall use the prescribed trustee expense form when submitting expenses. This to be submitted to the secretary treasurer, board chair/vice chair for approval.

20.1 Reimbursement of expense rates for trustees shall be the same as provided to staff. Such expense rates shall be reviewed and if necessary, adjusted annually as part of the budget setting process.

20.2 Expense reimbursements for trustees representing the board on official business shall be handled as follows:

### 20.2.1 *Transportation*

20.2.1.1 The board will pay the following:

- |     |                      |   |
|-----|----------------------|---|
| (a) | <b>Fares:</b>        | All out-of-pocket transportation costs, with air fare being "economy class" where available.                  |
| (b) | <b>Taxis or bus:</b> | Out-of-pocket expenses for taxis or bus to/from airport, hotel, train, etc.                                   |
| (c) | <b>Kilometrage:</b>  | The maximum amount claimable at current provincial government rates, plus parking costs necessarily incurred. |
| (d) | <b>Ferries:</b>      | Car and passenger fares at cost.  |

Although it is practical to travel by air, trustees or approved employee out of district travel may travel by personal vehicle, provided vehicle kilometrage and incidentally related costs do not exceed economy air fare and associated ground transportation expenses.

### 20.2.2 *Meals*

20.2.2.1 Each trustee will be reimbursed a per diem pursuant to the provincial government policy for Group 3 employees (refer to section 7 below).

20.2.2.2 This per diem includes gratuities and all other expenses such as dry cleaning, portage, and personal telephone calls.

### 20.2.3 *Accommodation*

20.2.3.1 The board will reimburse each trustee for the actual cost of reasonable hotel accommodation. Where private accommodation is used, the current provincial rate in lieu of commercial accommodation amount \$25.00 per day may be claimed.

### 20.2.4 *Registration*

20.2.4.1 The board will pay the travelling trustee any associated registration fees.

### 20.2.5 *Additional Allowances*

20.2.5.1 In any case not provided for in this regulation, the board may approve by resolution the payment of a special allowance for a special cause.

### 20.2.6 *Form of Claim*

20.2.6.1 Claims for reimbursement of expenses shall be made on the approved Travel & Expense Warrant—Trustees (Form 653), with receipts attached for other than kilometrage, per diem, and private accommodation.

### 20.2.7 *BC Provincial Government Travel Allowance*

20.2.7.1 [http://www2.gov.bc.ca/assets/gov/careers/all-employees/pay-and-benefits/work-related-expenses-allowances/travel\\_allowances.pdf](http://www2.gov.bc.ca/assets/gov/careers/all-employees/pay-and-benefits/work-related-expenses-allowances/travel_allowances.pdf)

## 21. **Trustee Development Form**

Trustees shall use the prescribed trustee development form, to be submitted to the secretary treasurer and or board chair/vice-chair for approval.

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

Adopted: September 2019

Updated: October 2021

Updated: March 2023

Updated: October 2023

**TRUSTEE ELECTIONS BYLAW**  
**Board of Education**  
**School District No. 71 (Comox Valley)**  
**Trustee Elections Bylaw No. 1C**

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

**Preamble:**

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

In School District No. 71 (Comox Valley), under section 37 of the *School Act*, trustee elections in the following trustee electoral areas are the responsibility of the following authorities:

<b>Trustee Electoral Areas</b>	<b>No. of Trustees</b>	<b>Authority</b>
<i>Area 1 – Corporation of the City of Courtenay</i>	Two	Corporation of the City of Courtenay
<i>Area 2 – Town of Comox</i>	One	Town of Comox
<i>Area 3 – Corporation of the Village of Cumberland</i>	One	Corporation of the Village of Cumberland
<i>Area 4 – Electoral Area A, Comox Valley Regional District</i>	One	Comox Valley Regional District
<i>Area 5 – Electoral Area B, Comox Valley Regional District</i>	One	Comox Valley Regional District
<i>Area 6 – Electoral Area C, Comox Valley Regional District</i>	One	Comox Valley Regional District

Trustee elections which are the responsibility of the school board may be conducted by the school board directly or by a local government under an agreement with the school board made pursuant to section 38 (4) of the *School Act*.

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

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

## 1. Definitions

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

- “Election” means a trustee election including general school elections and by-elections.
- “Board” or “School Board” means the Board of Education of School District No. 71 (Comox Valley).

## 2. Application

This bylaw applies to elections carried out by the school board and by other authorities, except as otherwise indicated.

## 3. Resolution of Tie Votes After Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with sections 45(1) and 46(4) of the *School Act* and section 151, of the *Local Government Act*.

## 4. Application of Local Government Bylaws

- 4.1 In Trustee Electoral Area 1, the election bylaws of the Corporation of the City of Courtenay, as they may be amended from time to time, apply to the trustee elections conducted by the Corporation of the City of Courtenay except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit or any other matter on which the local government bylaws may not by law apply to a trustee election.
- 4.2 In Trustee Electoral Area 2, the election bylaws of the Town of Comox, as they may be amended from time to time, apply to trustee elections conducted by the Town of Comox except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit or any other matter on which the local government bylaws may not by law apply to a trustee election.
- 4.3 In Trustee Electoral Area 3, the election bylaws of the Corporation of the Village of Cumberland, as they may be amended from time to time, apply to trustee elections conducted by the Corporation of the Village of Cumberland except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit or any other matter on which the local government bylaws may not by law apply to a trustee election.
- 4.4 In Trustee Electoral Area 4, if the Comox Valley Regional District conducts all or a part of the trustee election, the elections bylaws of the Comox Valley Regional District, as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after

judicial recount, requiring a nomination deposit or any other matter on which the local government bylaws may not by law apply to a trustee election.

4.5 In Trustee Electoral Area 5, if the Comox Valley Regional District conducts all or a part of the trustee election, the elections bylaws of the Comox Valley Regional District, as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit or any other matter on which the local government bylaws may not by law apply to a trustee election.

4.6 In Trustee Electoral Area 6, if the Comox Valley Regional District conducts all or a part of the trustee election, the elections bylaws of the Comox Valley Regional District, as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit or any other matter on which the local government bylaws may not by law apply to a trustee election.

## **5. Public Access to Election Documents**

The board authorizes public access to the nomination documents of trustee candidates during regular office hours at the board's office and by posting of nomination documents of trustee candidates on the website of the Board of Education, School District No. 71 (Comox Valley) until 30-days after declaration of the election results.

The board authorizes, but does not require, chief election officers to post nomination documents of trustee candidates for public access on any or all of the websites: Corporation of the City of Courtenay, Town of Comox, Corporation of the Village of Cumberland and Comox Valley Regional District, until such time as established by the bylaws of the relevant local government up to a maximum of 30-days after declaration of election results.

## **6. Minimum Number of Nominators**

For certainty, the minimum numbers of qualified nominators for a trustee candidate is two (2).

## **7. Required Advance Voting Opportunities**

7.1 Unless the board is exempted from the requirement by Order of the Minister of Education, an advance voting opportunity will be held on the tenth day before general voting day.

7.2 Unless the board is exempted from the requirement for an additional advance voting opportunity by Order of the Minister of Education an additional advance voting opportunity will be held:

7.2.1 in Trustee Electoral Area 1, on the date specified in the bylaws of the Corporation of the City of Courtenay;

- 7.2.2 in Trustee Electoral Area 2, on the date specified in the bylaws of the Town of Comox; and
- 7.2.3 in Trustee Electoral Area 3, on the date specified in the bylaws of the Corporation of the Village of Cumberland.
- 7.2.4 in Trustee Electoral Areas 4, 5 and 6, for the general school elections, on the date specified in the bylaws of the Comox Valley Regional District as they may be amended from time to time; and for by-elections, 2 days before general voting day.

## 8. **Additional Advance Voting Opportunities**

The chief election officer is authorized to establish additional advance voting opportunities for each election and to designate the voting places, establish the date and the voting hours for these voting opportunities.

## 9. **Order of Names of the Ballot**

The order of the names of candidates on the ballot will be as follows:

- 9.1 For Trustee Electoral Area 1, the order of names on the ballot will be determined by lot.
  - 9.2 For Trustee Electoral Area 2, the order of names on the ballot will be determined by lot.
  - 9.3 For Trustee Electoral Area 3, the order of names on the ballot will be alphabetical.
  - 9.4 For Trustee Electoral Areas 4, 5 and 6, the order of names on the ballot will be alphabetical.
10. This Bylaw may be cited for all purposes as “Board of Education of School District No. 71 (Comox Valley) Trustee Elections Bylaw No. 1C.

## 11. **Repeal**

School District No. 71 Trustee Elections Bylaw No. 1B is hereby repealed.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read a third time finally passed and adopted \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Secretary Treasurer

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Board Chair

Adopted: September 2019  
Amended: April 2022

### BOARD COMMITTEES

As much as possible, the board's business of governance will be conducted by the full Board of Education in a Committee of the Whole structure. The board may establish additional Ad Hoc or standing committees of the board to assist it with governance functions. In addition, the board may hold its sub-committee meetings in a separate, stand-alone format, when necessary. Committees of the board shall never interfere with delegation of authority from board to superintendent. The board may delegate specific powers and duties to committees of the board that are established by the board, subject to the restrictions on delegation in the *School Act*.

The primary purpose of all committees of the board shall be to act in an advisory capacity to the board. Unless specific powers have been delegated by the board the power of all committees shall be limited to making recommendations to the board and shall not include that of acting on behalf of the board unless specifically authorized for individual issues. The chair of the committee shall place all recommendations before the board at a regular business meeting of the board in the form of a proper motion. No action of any committee of the board shall be binding on the board until the action is formally approved by the board.

A quorum shall be a majority of the trustees appointed to the Ad Hoc committee or in the case of the Committee of the Whole, the trustees in attendance.

#### General Requirements

1. The board may establish Standing Committees and Ad Hoc Committees and shall prescribe their purpose, powers and duties, membership, and meetings.
2. The chair of the board shall be an ex-officio non-voting member of all board committees to which the chair has not been appointed. The board vice-chair may act as ex-officio in the absence of the board chairperson. The board chairperson may take the place of any trustee member or alternate who is absent to complete the committee quorum.
3. The chair of the board shall recommend, and the board shall appoint committee chairs and members of any standing or ad hoc committee. The only exception is that that the chair of the Committee of the Whole will rotate through interested trustees.
4. Committees shall provide written reports to the board on any matters discussed by the committee.

#### **Predominately, the Standing Committees of the Board are conducted within the Committee of the Whole in a sub-committee format:**

Standing sub-committees consist solely of trustees and are established to assist the board with work of an ongoing or recurring nature. Additional Standing Committees can be created as required, either within or out of the Committee of the Whole.

The number of trustees appointed to a committee, other than a Committee of the Whole, shall not constitute a quorum of the board.

On an annual basis, the Board shall approve the Committee of the Whole meeting and rotational chair schedule, ideally when approving its other regular meeting schedule. The chairperson of the committee may cancel regularly scheduled meetings for proper cause. Proper cause will include insufficient business to require a meeting of the committee. The chairperson of the committee may also call special meetings of the committee not included on the schedule. All board members will receive notification as well as the agenda for any regularly scheduled or special meetings of the committee.

The resource staff assigned to each committee by the superintendent shall keep notes of each committee meeting, prepare the agenda, and distribute material to be considered by the committee.

Committee of the Whole meeting minutes shall be distributed to all members of the board at the board meeting at which the committee report is given. The chairperson of the standing committee shall determine which portion of the report will be given In-Camera and which portion will be given in Public.

The Committee of the Whole agenda and accompanying material shall be distributed at least 48 hours before any regular meeting of the committee. A copy of each committee agenda shall be distributed to all members of the board. Items may be added to the committee agenda of any regular or special meeting of the committee at the beginning of each meeting with the consensus of those committee members present.

Committees' rules of order may be relaxed at the discretion of the committee chair to encourage open and in-depth discussion. Speakers must still be recognized, speak no longer than five (5) minutes at one time, stay relevant to the agenda item under consideration, and the chair shall offer speaking priority to those who have not yet participated in each discussion.

Committees shall make recommendations to the board in writing, with final wording agreed upon at the committee meeting. No recommendation of any committee shall be binding on the board until the action is formally approved by the board.

The Standing Sub-Committees included within the Committee of the Whole format include the committees outlined in Policy 8 – Appendix. Additionally, other topics, presentations and agenda items can be added to the Committee of the Whole as necessary.

## **1. Community Engagement Committee**

- 1.1 Use responsive communication tools that provide public education stakeholders with information that is relevant to their interests
  - 1.1.1 Develop and implement diverse communications strategies that focus on preferred communications of the community and respond directly to the expressed interests and concerns of public education stakeholders.
  - 1.1.2 Evaluate the efficacy of communication efforts and apply learning about successes and challenges to future efforts to improve the communications work.

- 1.2 Re-structure its commitment to how it works with the community and makes decisions in collaboration with them
  - 1.2.1 Develop a Community Engagement and Planning (CEP) Task Force that can assist in the creation of a School District 71 Community Engagement Plan, with the understanding that the CEP Task Force will include Trustees, Staff, students, and community stakeholders. A Terms of Reference for the CEP Task Force will be developed and include, at a minimum, the following:
    - 1.2.1.1 A purpose statement for the CEP Task Force that can include a commitment to developing and fostering a culture of community engagement excellence within School District 71;
    - 1.2.1.2 A description of the specific types of activities it is charged to complete and the specific deliverables it will produce;
    - 1.2.1.3 A set of guiding principles that can include a commitment to evidence based practice, community voice, transparency in decision making, openness, diversity of representation and trust;
    - 1.2.1.4 A description of the relationship between the Board of Trustee's legislated decision making duties, the role of SD staff in decision making and supporting decision making, and the advisory support that the CEP Task Force will provide in service of staff and the Board's deliberations. In other words, the line that separates Board decision making authority from staff, advisory support and community input must be clearly drawn;
    - 1.2.1.5 An initial term of service for the CEP Task Force of 12 months (with possibility of renewal) based on Board approval.
- 1.3 Based on the Community Engagement Forum Summary Report and under the leadership of the CEP Task Force, develop the School District 71 Community Engagement Plan. The Plan will include, at a minimum:
  - 1.3.1 An illustrated diagram that explains the scope of possible involvement of a community stakeholder in receiving information and participating in dialogue and decision making on priority issues affecting the local public education system.
  - 1.3.2 A description and rationale for a limited number of 3-5 priority public education issues around which community engagement and planning activities need to take place in the short and medium term.
  - 1.3.3 A process model that explains how community input can be developed into future education system directions. The process model should attend to best practices in translating community voice into educational directions, which includes option modelling that involves evidence review, cost benefit analysis, and feasibility assessments. Any educational

direction that reaches the Board should go through such a process and be capped with a Board recommendation report from staff.

- 1.3.4 A detailed implementation strategy that outlines how community engagement and planning will happen in an ongoing way, during specified time frames, with required resources (to be determined) and in relation to a limited number of 3-5 priority public education issues.

- 1.4 Provide regular and relevant information to stakeholders on the work of developing the Community Engagement Plan and its implementation to show the commitment of the District Trustees and its Staff.

## **2. Ad Hoc Committees**

Ad hoc committees may be established to assist the board on a specific project for a specific period of time and can either be open or closed meetings. The terms of reference for each ad hoc committee shall be established by board motion at the time of the formation of the committee. Such ad hoc committees shall cease to exist when the purpose has been achieved. The chair of the board shall recommend membership on ad hoc committees while the board retains authority to approve such appointments.

## **3. Resource Personnel**

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

Legal Reference: Sections 65, 85 *School Act*

Adopted: September 2019

Updated: March 2023

# COMMITTEE OF THE WHOLE – TERMS OF REFERENCE

## Policy Statement

The Committee of the Whole is the primary structure to conduct the work of the Board regarding Education, Governance, Policy, Operations and Finance in addition to other matters and issues within the board's area of responsibility.

The Committee of the Whole provides an opportunity for all members of the board to participate in discussion and debate that results in final recommendations to the board.

### 1. Mandate

- 1.1 The Committee of the Whole provides recommendations to the board and serves as the vehicle for regular reports to the board which will contain both informational and actionable items.

### 2. Composition and Term

- 2.1 The Committee of the Whole is comprised of all members of the board and members of the executive leadership staff as topics require. In addition, other staff or stakeholders can be included depending on the agenda items.
- 2.2 The term of the Committee of the Whole is four years, to coincide with the term of the board.
- 2.3 The Chair of the Committee of the Whole will be determined by the Board on a rotational basis. Those trustees interested will have the opportunity to chair the open and closed Committee of the Whole meetings on a rotational basis.

### 3. General Responsibilities

- 3.1 The Committee of the Whole shall be responsible directly to the board for all reports and presentations coming from Education, Strategic Direction, Policy, Facilities & Operations, Finance, Audit, and Budget Development.
- 3.2 Committee of the Whole meetings will be divided into closed and open meetings. The closed meetings are divided into four sections:
  - 3.2.1 Finance and Operations
  - 3.2.2 Policy
  - 3.2.3 Strategic Direction
  - 3.2.4 Governance

The open meetings are divided into five sections:

- 3.2.5 Education
- 3.2.6 Operations
- 3.2.7 Strategic Direction
- 3.2.8 Audit
- 3.2.9 Budget Development

3.3 All items appearing before the Committee of the Whole will be added to one section of the agenda by the secretary treasurer in consultation with superintendent and the chair and vice chair of the Board.

#### **4. Delegated Authority**

- 4.1 The superintendent and other staff members may be called upon by the board to conduct work and report back to the Committee of the Whole.
- 4.2 The Committee of the Whole may, without the board's approval, refer items back to the superintendent or defer items to another time. Direction which requires significant adjustments to existing workplans, however, may not proceed without board approval. The chair, in consultation with the superintendent and secretary treasurer, is responsible for determining when staff direction requires board approval.
- 4.3 In closed meetings the Committee the Whole may, without board approval, approve procedural matters and give direction to staff, officers, or agents of the district. Any such approvals or direction shall be in accordance with the School Act.

#### **5. Operating Procedures**

- 5.1 Reporting to the Board
  - 5.1.1 The Committee of the Whole will report to the board with recommendations for approval.
- 5.2 Procedural Rules
  - 5.2.1 The Procedural Bylaw shall govern the proceedings of Committee of the Whole meetings.

#### **6. Open Committee of the Whole shall include but is not limited to:**

- 6.1 The **Education** scope of responsibilities includes:
  - 6.1.1 Educational Programs & Services
  - 6.1.2 Framework for Enhancing Student Learning

and shall review and consider the governance of educational issues including curriculum, programs, student assessment, student welfare and student achievement.
- 6.2 The **Operations** scope of responsibility includes:

- 6.2.1 Operational items requiring consultation with the public e.g., boundary consultation, enrollment projections and transportation. Key responsibilities will be to annually review student enrollment for impacts on Facilities, Capital and catchments and to prepare the five-year capital plan.
- 6.2.2 Additional items may include updates to the Long Range Facilities Plan, Naming or Renaming of schools, and school closures
- 6.3 The **Strategic Direction** scope of responsibility includes:
- 6.3.1 Reports from the superintendent, assistant superintendent, and the secretary treasurer
- 6.4 The **Audit** scope of responsibilities includes:
- External Audit
  - Financial Reporting & Accountability
  - Reporting Responsibilities
  - Annual Financial Statements
  - Auditor Performance and Review
  - Reporting Responsibilities
  - Specific Audit Responsibilities
- 6.5 **External Audit**
- 6.5.1 Includes the committee and 2 members of the general public who have financial expertise.
- 6.5.2 Review the external auditor's proposed audit scope and approach, including coordination of audit effort with district staff.
- 6.5.3 Review with the secretary treasurer and the external auditors the result of the audit, including any difficulties encountered and all other matters required to be communicated to the Committee under Generally Accepted Auditing Standards.
- 6.5.4 Resolve any disagreements between district staff and the external auditors regarding financial reporting.
- 6.5.5 At the conclusion of the audit, consult with the external auditors, without the presence of district staff regarding internal financial controls, compliance and the fullness and accuracy of the district's financial statements.
- 6.5.6 Ensure the timely presentation of the external auditor's annual audit report to the board.
- 6.6 **Financial Reporting and Accountability**
- 6.6.1 Obtain regular updates from district staff and others (legal counsel, external auditors, etc.) regarding compliance with laws and regulations having a material impact on the financial statements including:
- tax and financial reporting laws and regulations;
  - legal withholding requirements; and
  - environmental protection laws and regulations.

- 6.6.2 Review bylaws and policies specifically regulating the conduct of members of the board, staff and suppliers.
- 6.6.3 Review the effectiveness of the systems established to ensure compliance.
- 6.6.4 Overall to assist the board to oversee and provide a more focused and ongoing board discussion of the district's financial accountability. The focus for fiscal accountability, shall include risk assessment and mitigation strategies, the external audit processes, and findings, and monitoring fiscal reporting format to ensure clear communication to the board and public accountability.

## **6.7 Reporting Responsibilities**

- 6.7.1 Provide an open avenue of communication between the external auditor and the board.

## **6.8 Financial Statements**

- 6.8.1 Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- 6.8.2 Review the representation letter provided by management to the external auditor.
- 6.8.3 Prior to the presentation of the annual financial statements to the Board, review the financial statements and consider whether they are complete, consistent with information known to Committee and reflect appropriate accounting principles.
- 6.8.4 Recommend to the board the approval and distribution of the annual financial statements.

## **6.9 Auditor Performance and Review (closed meeting)**

- 6.9.1 Review and confirm the independence of the external auditor by obtaining statements from the auditor on relationships between the auditor and the board, including non-audit services, and discussing the relationships with the auditor.
- 6.9.2 Direct and review the performance evaluation process for the external auditor.
- 6.9.3 Recommend changes to the external auditor's compensation for board approval.
- 6.9.4 Periodically determine whether a request for proposal should be issued to select an external auditing firm. The Auditor General recommends that the external auditor shall not be appointed for a term exceeding five (5) years.
- 6.9.5 Participate in the selection of an external auditing firm by reviewing the request for proposals and bids received, interviewing potential auditing firms and recommending the external auditor for final approval to the Board.

## **6.10 The Budget scope of responsibility includes:**

- 6.10.1 Reviewing and developing the annual budget
- 6.10.2 Consulting with all partner groups, the Indigenous Education Council and stakeholders
- 6.10.3 In its development and approval of the school district budget, the Board shall ensure that the district's Strategic Plan and its priorities, generated to support all students, shall be central in budget decisions. The Board will also ensure alignment between District goals and those of the Ministry of Education.
- 6.10.4 Prepare the annual budget based on the Districts financial and accountability policies

#### **6.11 Specific Budget Responsibilities include:**

- 6.11.1 To advise the board on the allocation of the operating budget to various programs and services to best meet the needs of students;
- 6.11.2 To provide the board with representative advice on budget issues and implications of proposed changes;
- 6.11.3 To provide advice on new priorities and emerging opportunities, and to review past budget adjustments;
- 6.11.4 To provide a forum for open communication and understanding of the budget;
- 6.11.5 To assist in the effective and transparent communication regarding the school district's financial issues and decisions such that all members are aware and understand of the contents of the operating budget

### **7. Closed Committee of the Whole**

- 7.1 The **Finance & Operations** scope of responsibility includes discussing and making recommendations to the board on financial matters and matters pertaining to facilities, maintenance, technology, and transportation.

#### **Specific Finance and Operations Responsibilities include:**

- 7.1.1 Review fiscal accountability reports to ensure they provide the board with any significant variances in relation to budget and expenditures, budget/expense projections, status of any significant fiscal administrative issues and identification of any fiscal governance issues and any recommendations.
- 7.1.2 Makes legal, and property recommendations regarding any matters referred to the committee by the board.
- 7.1.3 Monitor environmental initiatives and compliance requirements
- 7.1.4 Reviews risk management and mitigation of risk strategies relating to financial risks and the steps management has taken to identify, monitor, control and report such exposures. Risk Management Oversight means identifying and analyzing and managing risks that may prevent the district from achieving its objectives.

- 7.2 The **Policy** scope of responsibility includes planning, development, implementation, evaluation and presenting matters relating to policy and bylaws.

7.3 The **Strategic Direction** scope of responsibility will include reports from the superintendent, assistant superintendent and secretary treasurer which are deemed to be confidential in nature

7.4 The **Governance** scope of responsibilities includes ensuring that appropriate policies, principles, procedures, and roles are established to guide and enhance:

- Strategic Planning
- Enterprise Risk Management
- Accountability and Transparency
- Effective Corporate Governance
- Board Compensation
- Committee and Board Effectiveness

## **8. Specific Governance Responsibilities falling under the scope of 7.4 include:**

### **8.1 Strategic Planning**

- 8.1.1 Review and recommend governance principles, policies and guidelines with respect to strategic planning for board approval.
- 8.1.2 Ensure effective strategic planning and advise on necessary improvements.
- 8.1.3 Receive regular update reports on the status of priority initiatives to ensure appropriate progress.
- 8.1.4 Receive regular updates on key performance indicators related to the strategic plan.

### **8.2 Enterprise Risk Management**

- 8.2.1 Understand and address risks that threaten the achievement of the board's objectives.
- 8.2.2 Assess risks in terms of likelihood and magnitude of impact.
- 8.2.3 Oversee the development of policies and appropriate response strategies to identify, prioritize and respond to risks.
- 8.2.4 Monitor progress on the effectiveness of policies and response strategies.

### **8.3 Accountability and Transparency**

- 8.3.1 Receive and review recommendations for the development of policies and procedures with strengthen the accountability and transparency of the board.

### **8.4 Committee Performance Reporting**

- 8.4.1 Regularly evaluate meeting effectiveness and incorporate improvements as appropriate in coordination with the district staff.

### **8.5 Effective Corporate Governance**

- 8.5.1 Regularly review the board's governance principles, policies and procedures and make recommendations for improvements.

## **8.6 Board Compensation**

- 8.6.1 Annually review and assess ongoing work requirements of the board.
- 8.6.2 Direct the development of recommendations regarding principles of compensation for the board's approval.
- 8.6.3 Recommend an appropriate compensation review process involving residents and stakeholders.
- 8.6.4 Review and recommend required updates to existing compensation policies.

## **8.7 Committee and Board Effectiveness**

- 8.7.1 Regularly assess board effectiveness and solicit input on governance concerns to be addressed.
- 8.7.2 Recommend core elements of an orientation program for the following term of the board to address learning and knowledge requirements in a timely manner.
- 8.7.3 Periodically review the Procedural Bylaw and recommend any changes to the board.
- 8.7.4 Review and recommend changes to Committee of the Whole Appendix 8 as needed.

Adopted: September 2019

### BOARD REPRESENTATIVES

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

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

1. The board's decision-making role can be exercised only by the board as a whole at regular board meetings, not by an individual trustee, committee of the whole or other committees;
2. The board's function is governance, rather than administration;
3. Responsibilities placed on trustees are to be closely related to the board's central role as per Policy 2.

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

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

#### External Committees

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

###### 1.1 *Purpose of the Provincial Council*

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

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

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

## 1.3 *Membership*

- 1.3.1 One (1) trustee; one (1) alternate.

## 1.4 *Meetings*

- 1.4.1 As called by Provincial Council. (Usually 3-4 per year, one (1) at the AGM)

# 2. **British Columbia Public School Employers' Association (BCPSEA)**

## 2.1 *Purpose of the BCPSEA*

- 2.1.1 Act as the accredited bargaining agent for the BCSTA's members.
- 2.1.2 Assist in carrying out any objectives and strategic directions established by the Public Sector Employers' Council.
- 2.1.3 Coordinate collective bargaining objectives, benefit administration, human resource practices and out-of-scope compensation matters amongst members.

## 2.2 *Powers and Duties of the Board Representative*

- 2.2.1 Attend the BCPSEA meetings as required.
- 2.2.2 Represent the board's positions and interests at BCPSEA meetings.
- 2.2.3 Communicate to the board the work of BCPSEA.
- 2.2.4 Bring recommendations to the board as and when necessary.
- 2.2.5 Build positive relationships.

## 2.3 *Membership*

- 2.3.1 One (1) trustee; one (1) alternate.

## 2.4 *Meetings*

- 2.4.1 As called by BCPSEA.

# 3. **BCSTA Vancouver Island Branch**

## 3.1 *Purpose of the BCSTA Vancouver Island Branch*

- 3.1.1 Receive reports from the BCSTA Board of Directors.
- 3.1.2 Discuss and/or develop policy issues for submission at the Annual General Meeting.

- 3.1.3 Act as a forum for discussion of Vancouver Island Branch issues.
- 3.1.4 To provide trustee learning and development.

### 3.2 *Powers and Duties of the Board Representatives*

- 3.2.1 Attend BCSTA Vancouver Island Branch Committee Meeting; Branch Chairs Committee Meeting, Indigenous Education Representatives Meeting, Resolutions Committee Meeting, and Professional Learning Committee Meeting.
- 3.2.2 Represent the board's positions and interests at BCSTA Vancouver Island Branch meetings.
- 3.2.3 Communicate to the board the work of the BCSTA Vancouver Island Branch.
- 3.2.4 Bring recommendations to the board as and when necessary.
- 3.2.5 Build positive working relationships with other boards.

### 3.3 *Membership*

- 3.3.1 Any trustees may attend the Branch Meeting.

### 3.4 *Meetings*

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

## 4. **Other Local Representation**

### 4.1 *Appointments:*

- 4.1.1 From time to time the board is invited to appoint representative(s) to committees or other entities external to the school district. Currently these include:
  - Indigenous Education Council
  - District Parent Advisory Council
  - Professional Development Committee
  - Teacher Mentorship / Peer Support Committee
  - District Calendar Committee
  - Indigenous Parent Club (IPAC)
  - Tribune Bay Outdoor Education Society
  - CVRD Comox Valley Sports Centre Commission
  - CVRD Integrated Regional Transportation Select Committee
  - Comox Valley Social Planning Society

### 4.2 *Purpose:*

- 4.2.1 The purpose of sending representatives to represent the board on such external committees or entities is to strengthen communication and

understanding with the external organization

**4.3 Powers and duties of the representative is to:**

- 4.3.1 Represent the board's positions and interests. If no board position has been determined the representative will refrain from expressing a personal opinion and will seek a board position.
- 4.3.2 Communicate to the board the work of the external entity and any opportunities which may exist for mutual benefit involving the board and the entity.
- 4.3.3 Build positive relations between the entity and the board corporate

**4.4 Representatives:**

- 4.4.1 Normally one (1) representative

**4.5 Meetings:**

- 4.5.1 As determined by the external committee or entity

- 4.6 The board shall review annually the efficacy of continued board representation on such committees or entities.

**5. School Liaison Trustee Role**

The chair shall after consultation with individual trustees recommend School Liaison assignments and these shall be ratified by the board.

School liaison responsibilities shall not:

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

Parent Advisory Councils as per section 8 of the *School Act* may advise the board and the principal and staff of a school. At the invitation of the PAC the school trustee liaison may attend the PAC meetings. If the Parent Advisory Council wishes to advise the board corporate, that advice is to be sent to the board.

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

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

Adopted: September 2019

### **POLICY MAKING AND REVIEW**

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

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

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

The board may choose to utilize the Policy Committee in the closed Committee of the Whole in carrying out its policy role.

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

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

**1. Planning**

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

**2. Development**

The board may develop the policy itself or delegate the responsibility for its development to the superintendent.

**3. Implementation**

The board is responsible for the implementation of policies governing its own processes. The board and superintendent share the responsibility for implementation of policies relating to the board / superintendent relationship. The superintendent is responsible for the implementation of the other policies.

**4. Evaluation**

The board, in cooperation with the superintendent, shall evaluate each policy in a timely manner in order to determine if it is meeting its intended purpose. The board shall review its policies following a schedule that results in all policies in the Board Policy Handbook being reviewed at least once in a board term of office.

### **Specifically**

1. Any trustee, employee, parent, student or other community member may make suggestions regarding the possible development of a policy or the need for policy revisions on any matter by presenting a proposal for a policy or revisions, in writing, to the superintendent. The proposal shall contain a brief statement of purpose or rationale.
2. The superintendent will inform the board of the request for policy development/revision. The board will determine the action to be taken including the option of referring the matter to the Policy Committee agenda of the Committee of the Whole.
3. When appropriate, the superintendent shall seek legal advice on any policy matter.
4. Policy drafts shall be brought by the Committee of the Whole to the board for consideration and possible approval.
5. The board will determine whether further information or consultation is required.
6. If further consultation is required, comments and suggestions on the policy draft will be reviewed by the superintendent and the board.
7. Once comments have been considered and any information needs satisfied (if so determined), the policy will be recommended to the board for approval.
8. Only those policies which are adopted and recorded in the minutes constitute the official policies of the board.
9. In the absence of existing policy, the board may make decisions, by resolution, on matters affecting the administration, management and operation of the district. Such decisions carry the weight of policy until such time as specific written policy is developed.
10. If the board adopts a motion which has continuing applicability the board shall seek means to include the direction of such motion as part of an existing policy or to develop a free-standing policy to reflect the direction contained in the motion.
11. The board may request the superintendent to change an administrative procedure to a draft board policy and will in such an instance provide the rationale for same.
12. The superintendent shall develop administrative procedures as specified in Policy 11 – Board Delegation of Authority and may develop such other procedures as deemed necessary for the effective operation of the district.
13. The board may also delete a policy and subsequently delegate the superintendent authority over this area. The superintendent may choose to then develop an administrative procedure relative to this matter.

14. The superintendent must inform the board of any substantive changes to administrative procedures as an information item in a board agenda.
15. The superintendent shall arrange for all board policies and administrative procedures and subsequent revisions to be posted on the district's website, in a timely manner, for staff and public access.
16. The board shall review and revise its policies on a rotational basis which provides for all policies being reviewed at least once per term of office.

Legal Reference      Sections 65, 74, 85 *School Act*

Adopted: September 2019

### BOARD DELEGATION OF AUTHORITY

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

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

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

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

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

#### Specifically

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

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

Adopted: September 2019

# ROLE OF THE SUPERINTENDENT

## Background

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

## Specific Areas of Responsibility

### 1. Student Learning

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

### 2. Student Well-Being

- 2.1 Ensures that students are provided with a safe and caring environment that encourages respectful and responsible behaviour.

### 3. Fiscal Responsibility

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

### 4. Personnel Management

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

## **5. Policy/Administrative Procedures**

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

## **6. Superintendent/Board Relations**

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

## **7. Strategic Planning and Reporting**

- 7.1 Leads the development and implementation of the strategic planning process.
- 7.2 Involves the Board appropriately and collaboratively in the development of the Board's Strategic Plan (board identification of priorities and key results, and final board approval of the plan).
- 7.3 Reports at least annually on results achieved.

Legal Reference: Section 22, 85 *School Act*

Adopted: September 2019  
Updated: December 2020

## **MONITORING SUPERINTENDENT PERFORMANCE**

The purpose of the Annual Performance Review is to monitor the Superintendents performance relating to the Districts strategic priorities, organizational leadership, and Board support during the year and on the basis draw reasonable summative conclusions. In addition, the Board may assess the Superintendents performance related to the specific areas of responsibility as noted in Policy 12 and other criteria established jointly with and agreed to by the Board and the Superintendent.

The Board shall adhere to the following schedule and methods for the Superintendent Performance Review.

### **1. Schedule**

- 1.1 The performance of the Superintendent is a formative ongoing process that correlates to the Strategic Plan.
- 1.2 A formal review evaluation shall occur at least once during the term of the Board (or length of the contract)

### **2. Method**

- 2.1 The Superintendent shall provide the Board with a yearly report regarding the Districts progress on the Strategic Plan.
- 2.2 The Superintendent and the Board shall agree in writing on the Superintendents Review procedures and criteria based on Policy 12.
- 2.3 The Superintendents performance review process shall involve all Board members and the Superintendent, other individuals or stakeholders may be included in the performance review process as agreed to by the Board and the Superintendent.
- 2.4 Mutually agreed upon external facilitators may be used to conduct the performance review.
- 2.5 The purpose and methods of the performance review are intended to be growth orientated, promoting both ongoing learning and improved performance.
- 2.6 Notwithstanding the above schedule and methods, the Board and Superintendent shall continuously monitor the Superintendents performance and Board-Superintendent relations through private briefings and other methods as determined by the Board Chair and Superintendent.

Adopted: September 2019  
Updated: December 2020

## SUPERINTENDENT PERFORMANCE ASSESSMENT GUIDE

### 1. Student Learning

#### *Role Expectations:*

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

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

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

### 2. Student well-being

#### *Role Expectations:*

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

#### *Quality Indicators relative to Student well-being:*

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

QI 2.3 Ensures the facilities safely accommodate district students.

### 3. **Fiscal Responsibility**

#### *Role Expectations:*

RE 3.1 Ensures the fiscal management of the district is in accordance with the terms or conditions of any funding received by the board under the *School Act* or any other Act.

RE 3.2 Ensures the district operates in a fiscally responsible manner, including adherence to recognized accounting procedures.

RE 3.3 Prepares and presents the budget which reflects board priorities.

RE 3.4 Ensures the board has current and relevant financial information.

#### *Quality Indicators relative to Fiscal Responsibility:*

QI 3.1 Ensures accepted (PSAB) accounting principles are being followed.

QI 3.2 Ensures all deficiencies identified in the previous audit report and management letter have been remediated to the satisfaction of the auditor.

QI 3.3 Ensures adequate internal financial controls exist and are being followed.

QI 3.4 Ensures all collective agreements and contracts are being administered and interpreted so staff and contracted personnel are being paid appropriately and appropriate deductions are being made.

QI 3.5 Ensures an internal audit process is developed and implemented in regard to school based funds and an annual report provided to the board.

QI 3.6 Provides the board with quarterly financial accountability reports.

QI 3.7 Ensures the board is informed immediately regarding pending litigation.

### 4. **Personnel Management**

#### *Role Expectations:*

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

#### *Quality Indicators relative to Personnel Management:*

QI 4.1 Develops and effectively implements quality recruitment, orientation, staff development, disciplinary, evaluation and supervisory processes.

QI 4.2 Models commitment to personal and professional growth.

- QI 4.3 Provides for training of administrators and the development of leadership capacity within the district.

## **5. Policy/Administrative Procedures**

### *Role Expectations:*

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

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

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

## **6. Superintendent/Board Relations**

### *Role Expectations:*

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

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

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

## **7. Strategic Planning and Reporting**

### *Role Expectations:*

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

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

- QI 7.1 Ensures key results identified by the board are achieved.
- QI 7.2 Ensures facility project budgets and construction schedules are followed or timely variance reports are provided to the board.

Legal Reference: Section 22, 85 School Act

Adopted: September 2019

### APPEALS BYLAW

#### 1. Preamble

In the spirit of procedural fairness, School District No. 71 (Comox Valley) has established processes for parents to express their questions or concerns to the appropriate authority. As described in Section 11 of the *School Act*, School District No. 71 (Comox Valley) supports and recognizes the right of the student, parent or guardian to appeal an employee decision that significantly affects the education, health or safety of the student. The failure of an employee to make a decision shall be deemed a decision for the purpose of initiating an appeal under this bylaw.

Notwithstanding the above, School District No. 71 (Comox Valley) expects that prior to appeal, appropriate consultative and problem-solving discussions have taken place in accordance with established policy or procedures. It is also an expectation that the appeal has commenced within a reasonable amount of time from the date of the decision, and that it is free from malicious or veracious intent.

#### 2. Examples of Issues that May Significantly Affect the Education, Health or Safety of Students

The following list is intended as a guide for parents/students/guardians and the board.

- 2.1 disciplinary suspension from school for a period in excess of ten (10) consecutive days;
- 2.2 disciplinary suspension that prohibits student opportunity to write government examinations or attend school commencement exercises;
- 2.3 placement or failure to place a student in a full-program alternative school setting;
- 2.4 full grade retention or promotion of a student;
- 2.5 refusal to provide an educational program for a student under sixteen (16) years of age;
- 2.6 suspension from school due to a health condition;
- 2.7 a substantive issue that affects the education, health or safety of the student.

#### 3. Notice of Request for a Hearing

- 3.1 The person making the appeal shall complete *the Notice of Appeal* form (attached). Upon request or need, the superintendent or designate will provide assistance to the applicant or cause such assistance to be available.

- 3.2 Upon receipt of a request, the chairperson of the board, after consultation with the vice-chair and/or the superintendent of schools when appropriate, will cause a meeting to be organized to hear the appeal in a timely manner.

#### **4. Appeal Hearing**

- 4.1 The board shall call a special confidential meeting to hear any appeals and shall confine the deliberation to the decision being appealed. The applicant and the respondent (employee making the decision) may each have a support person present.

The board requires that the applicant and/or respondent provide, in writing, at least three (3) days before the meeting, the name and occupation of the support person who will be present and what role that person will play in the meeting. Any written documentation or other material to be provided at the hearing must be made available to the applicant and the respondent at least three (3) working days prior to the hearing.

- 4.2 The chairperson of the board shall begin the meeting by introducing all present, emphasizing the confidentiality of the meeting, reviewing the process to date on the issue, and explaining the process for the hearing. However, it is acknowledged that the board cannot require confidentiality of a member of the public appealing a decision.

The person making the appeal shall speak first, followed by the respondent. The respondent shall give the reasons for the decision, and may include contextual factors such as classroom, program, school or district, including impact on other children (although others shall not be named). The applicant and the respondent shall each have an opportunity to speak to what has been said by the other.

- 4.3 In most cases, the superintendent or designate shall be present to act as an advisor to the board. Should the decision being appealed be a decision made by the superintendent, the board shall appoint a member from the management staff indicating that, for the purposes of that meeting, they be the senior advisor to the board.

#### **5. Determination of Appeal**

The board shall include, but not limit itself to, the following when making a decision:

- 5.1 Was the employee decision within the scope of his/her mandate?
- 5.2 Did the employee follow board policy in making the decision?
- 5.3 Did the employee follow school, site or program policies and/or procedures when making the decision?
- 5.4 Was there a review of the original decision with a reasonable attempt at resolution?
- 5.5 Did the employee give fair and reasonable consideration of the information available?

5.6 Was due consideration given for attempting to achieve a balance between the needs and rights of the individual student and the needs and rights of other students in the school and/or program?

5.7 Was there any new information or new perspectives arising from the hearing?

5.8 Is there any other information that, in the board's view, is relevant to the issue?

The board, through the senior staff advisor, shall provide a written determination to the applicant and the employee in a timely manner. The senior advisor shall advise the applicant that they have a right to appeal the board's decision through the Office of the Ombudsman.

Legal Reference: Section 11 *School Act*

Adopted: September 2019

## Policy 13 -Appendix

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### **NOTICE OF APPEAL—SCHOOL ACT APPEALS** **COMOX VALLEY SCHOOL DISTRICT No. 71**

Pursuant to Section 11 of the *School Act* and Board Bylaw, the applicant (parent/student/guardian) is requested to complete this Notice of Appeal form.

NAME (Student) \_\_\_\_\_

NAME (Parent/Guardian) \_\_\_\_\_

Telephone \_\_\_\_\_

ADDRESS \_\_\_\_\_

Postal Code \_\_\_\_\_

SCHOOL \_\_\_\_\_

Grade \_\_\_\_\_

Description of decision being appealed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date that the applicant was advised of decision \_\_\_\_\_

Name of employee who made the decision \_\_\_\_\_

Grounds for appeal and change(s) or remedy sought (attach additional pages if required)

\_\_\_\_\_  
\_\_\_\_\_

#### Steps Taken to Date to Resolve the Issue:

Step 1: Parent/student/guardian contact(s) with employee

\_\_\_\_\_  
Date

Step 2: Parent/student/guardian meeting with school administration

\_\_\_\_\_  
Date

Step 3: Parent/student/guardian meeting with district administration

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Parent/Guardian Signature

Copy to: Superintendent  
Employee

NoticeofAppeal.0903

Adopted: September 2019

### PERMANENT SCHOOL CLOSURE

A school may be identified for potential closure when an analysis indicates that the closure is worth considering from a demographic, fiscal, or educational perspective. When a school will potentially be closed, the Board of Education will provide a minimum of 60-days for the consultation process relating to the specific schools proposed for closure.

#### Public Board Meeting

Any proposed closure of a school will first be raised at a regular open meeting of the board. If a school is identified for closure, the closure process shall be guided by a Consolidation Working Committee which shall be formed at least 60-days prior to a final decision on school closure. The superintendent of schools will form a committee that will develop timelines for consultation.

The superintendent will invite participation from:

1. the secretary treasurer (or designate);
2. trustees;
3. the principal of the school being considered for closure;
4. another school principal;
5. district staff members as appropriate;
6. two (2) representatives from the school staff;
7. three (3) members of the school PAC;
8. one (1) representative from each of the CDTA, CUPE, and DPAC;
9. one (1) representative from the Indigenous Educational Council;
10. one (1) representative from each affected municipality; and
11. others as appropriate.

The committee's terms of reference shall include:

1. An analysis of demographic trends, facility status, and other relevant data related to the school being considered for closure;
2. Analysis of information presented at public meetings and a summary of information gathered and presented through community and municipal input;
3. Analysis of educational and fiscal implications of the proposed closure/consolidation; and
4. The preparation of a final report to the superintendent that includes recommendations. The recommendations shall include items for the superintendent to consider if the closure proceeds as considered.

#### Public Consultation

Public consultation will be undertaken by the board prior to making a final decision on any proposed closure of a school. The board will take the following steps to ensure that an open and meaningful public consultation has taken place:

1. Make available, in writing, a full disclosure of all facts and information considered by the board with respect to any proposed school closure, including but not limited to: detailed reasons for the proposed school closure;
  - 1.1 which specific school(s) are being considered for closure;
  - 1.2 the proposed new catchment areas for all schools proposed to be affected;
  - 1.3 the number of students who would be affected, at the school(s) being considered for closure as well as surrounding school(s);
  - 1.4 the effect of proposed closures on board-provided student transportation;
  - 1.5 educational program/course implications for the affected students;
  - 1.6 the proposed effective date of the closure(s);
  - 1.7 financial considerations, and
  - 1.8 impact on the board's five (5) year capital plan.
2. Provide an adequate opportunity for affected persons to submit a written response to any proposed school closure as well as providing information and directions on how to submit a written response to the board. The information and directions shall advise potential correspondents that their written response may be referred to at subsequent public forums respecting the closure, unless the correspondent specifically states in their written response that the correspondent wishes his or her name and address to remain confidential.
3. Hold at least one (1) public meeting to discuss the proposed closure, summarize written submissions, and provide a process for the community to outline their concerns and proposed options.

The public consultation process must include:

- 3.1 A fair consideration of the community's input and adequate opportunity for the community to respond to a board's proposal to close the school permanently;
- 3.2 Consideration of future enrolment growth in the district of persons of school age, persons of less than school age and adults; and
- 3.3 Consideration of possible alternative community use for all or part of the school.

### **Public Meeting**

The time and place of the public meeting shall be appropriately advertised to ensure adequate advance notification to affected persons in the community. Generally, this will mean a letter to students and parents of students currently attending the school, and a clearly visible notice in a local newspaper and notification on the district and school web page.

The board shall also specifically notify, in writing, any potentially affected local governments and First Nations of the time and place of the public meeting.

### **Meeting Format**

The meeting will be organized to have attendees seated at tables of ten to twelve (10-12) participants. Each table will have a facilitator to discuss and overview the following:

1. implications of the closure
2. implementation plans, including timing of the closure
3. options that the board considered as alternatives to closure;
4. possible future community growth in the area of the school; and
5. contents of written submissions presented to the board by members of the community.

At the conclusion of the group discussions facilitators will report back the information collected from the discussion group to all those in attendance. Information collected from the group discussions will form part of the meeting minutes.

The board shall keep minutes of the public meeting that include a record of options suggested or concerns expressed about the proposal.

Following the public meeting, the board shall give fair consideration to all public input prior to making its final decision with respect to any proposed school closures.

### **Final Decision**

At the conclusion of the consultation process and after receiving the reports from each of the working committees of the schools considered for closure, the superintendent will provide a report to the board on the consultation process and the schools considered for closure.

The report to the board will identify the issues to be considered and will include recommendation(s) on whether or not to proceed with the closures as proposed. The report shall also include items for the board to consider regardless of the final decision on closures.

The board will make its final decision regarding the proposed school closure at an advertised public board meeting following the consultation process and receipt of the superintendent's report.

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

Adopted: September 2019

### **RECRUITMENT AND SELECTION OF PERSONNEL**

The board believes strong leadership and administration at the district and school levels are essential to the effective and efficient operation of the school system.

#### **Specifically**

1. Any changes to the organizational structure shall be approved by the board prior to the commencement of recruitment and selection processes commence.

#### **Superintendent**

2. The board, in the case of the superintendent, or the superintendent, in all other instances, shall have sole responsibility for initiating the advertising process and shall make reasonable effort to ensure that all current district employees are made aware of staff vacancies.
3. The board has the sole authority to recruit and select an individual for the position of superintendent and anyone who is expected to act in the place of the superintendent for a period in excess of one hundred and eighty (180) days.
4. In order to protect the board from sudden loss of the superintendent's services, the superintendent shall ensure that staff are designated to perform the services of the superintendent in the case of a short-term or prolonged absence, and that the chair is advised of the delegation.

#### **Non-School Based Positions**

5. The following process shall be followed for the following senior district management positions Assistant superintendent and secretary treasurer positions:
  - 5.1 The superintendent is delegated full authority to recruit and select senior staff and district management positions within the limitations of legislation, budget allocations and collective agreements.
  - 5.2 The superintendent shall engage in a consultative process in order to assist in the development of an ideal candidate profile.
  - 5.3 These positions shall have a written role description and the person occupying each of the positions shall have a written contract of employment consistent with the board approved template contract.
  - 5.4 Compensation will be determined based on BCPSEA compensation guidelines.
  - 5.5 The superintendent shall invite trustees to sit on the interview panel for these positions. The authority to select the successful candidate, however is that of the superintendent alone.

6. The superintendent is delegated full authority to recruit and select staff for all other non-school based positions within the limitations of legislation, budget allocations, contracts and collective agreements.

### **Principal and Vice-Principal Positions**

7. At the discretion of the superintendent and within the constraints of this policy, principal or vice-principal vacancies shall be filled through either: Principal and Vice-Principal mobility, selection from the Vice-principal hiring pool; or through competition for a posted vacancy.
8. *Principal and Vice-Principal Mobility*
  - 8.1 The Board of Education believes that changes in Principal and Vice-Principal assignments can be positive for professional growth and the strengthening of system leadership.
  - 8.2 The superintendent is delegated authority for determining such changes in assignment.
  - 8.3 Consideration for transfer may be initiated at the request of either the principal or the superintendent. Normally, such consideration shall be given after the principal has held an appointment for a reasonable period of time, and there is value to be gained by a transfer.
  - 8.4 Once mobility transfers have been completed the superintendent shall inform the board of these new assignments.
9. *Vice Principal Hiring Pool*
  - 9.1 The district shall maintain a Vice-Principal. (District Eligible Administrator Pool (DEAP).
  - 9.2 Internal applicants may remain in the pool for two (2) years. External applicants remain in the pool for one (1) year. After one (1) year, the external applicants are reviewed and their references checked. Positive references may allow external applicants to remain in the eligibility pool for a second year.
10. *Competition for a Posted Vacancy for Principal of Vice-Principal Positions*
  - 10.1 The superintendent is delegated full authority for all aspects of the selection processes for the positions of Principal and Vice-Principal except as otherwise provided for in this policy. This delegated authority includes but is not restricted to: establishing and carrying out a consultation process, recruitment, advertising, reviewing applications, short-listing, developing interview processes, communications with candidates, chairing the interview process including directing the questions to the candidates and facilitating the panel's review of short-listed candidates, determining the preferred candidate, making the appointment, and ensuring appropriate contractual arrangements.

## **All Other School-Based Positions**

11. The superintendent is delegated full authority to recruit, select, assign and reassign staff for all school-based positions, within the limitations of legislation, budget allocations, contracts and collective agreements.
12. The superintendent is delegated full authority to recruit and select staff for all other staff positions, within the limitations of legislation, budget allocations and collective agreements.
13. All offers of employment shall be conditional on the successful applicant providing a criminal records check acceptable to the superintendent or one provided through the Criminal Records Review Program (Ministry of Public Safety and Solicitor General).

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

Adopted: September 2019

### INDEMNIFICATION BYLAW

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

#### By-Law:

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

But the board shall not pay a fine imposed on a trustee, an officer or an employee as a result of their conviction.
3. The board shall not seek indemnity against a trustee, an officer or an employee of the board in respect of any action by the trustee, officer or employee that results in a claim for damages against the board except
  - 3.1 Where the claim for damages arises out of the gross negligence of the trustee, officer or employee; or
  - 3.2 Where, in relation to the action that gave rise to a claim for damages against an officer or employee, the officer or employee willfully acted contrary to:
    - 3.2.1 The terms of their employment, or
    - 3.2.2 An order of a superior.

4. The board's obligation to indemnify a trustee, an officer or an employee in respect of matters occurring during their term of office or employment shall continue, notwithstanding that the term of office or employment, as the case may be, has ended.
5. Where the board decides to pay legal costs incurred in proceedings out of a claim, inquiry under Part II of the *Inquiry Act* or other proceedings, the board has the right to conduct the defense of the matter and, in its discretion, to compromise and/or settle the claim.
6. The board shall not indemnify a trustee, officer or employee against:
  - 6.1 Liability and legal fees incurred as a result of an action or other proceeding taken by the board against the trustee, officer or employee, or as a result of an action or proceeding taken by the trustee, officer or employee against the board;
  - 6.2 Liability to pay a fine, penalty or order imposed as a result of the conviction for an offence;
  - 6.3 Legal fees incurred as a result of a prosecution where the trustee, officer or employee is convicted of an offence or obtains a conditional discharge;
  - 6.4 Legal fees incurred in an appeal of any conviction, sentence, judgment or order, unless the board, by an affirmative vote of a majority of its members, so agrees;
  - 6.5 Liability and legal fees incurred by a trustee where the Court determines that the trustee knowingly contravened the *School Act*;
  - 6.6 Liability incurred by a trustee, officer or employee where the Court determined that the trustee, officer or employee knowingly permitted or authorized an expenditure not authorized by an enactment;
  - 6.7 Liability incurred by a trustee as a result of any restitution ordered pursuant to Section 62 of the *School Act*; and
  - 6.8 Those matters for which the board may seek indemnity from an employee pursuant to its authority under Section 95 of the *School Act*.
7. The board may enter into individual indemnity agreements with its officers and employees not inconsistent with provisions of the *School Act*.

Legal Reference: Section 95, *School Act*

Adopted: September 2019

### **SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI)**

The Board of Education recognizes and values the diversity found within its school communities and believes that each individual contributes to the strength of the district's culture. The board recognizes that each member of the school and district community must share the responsibility for supporting all students and employees in addressing and facing challenges and that the district is responsible for providing an educational system that is safe, welcoming, inclusive and affirming for all.

All members of the school district have the right to expect that its policies, procedures, and communications are inclusive and respectful, taking into consideration visible and invisible diversities including but not limited to sexual orientation, gender identity and expression, race, religion, ability, culture and socioeconomic status.

The Board of Education will strive to promote safe environments, free from fear, harassment and discrimination by adhering to a code of conduct that is educative, preventative and restorative in practice and response; will foster school cultures that are responsive to the diverse needs of individuals and groups; will recognize the injustices of marginalization, advocate for social justice and promote human rights as defined in the B.C. Human Rights Code and Canadian Charter of Rights and Freedoms, and will participate in the ongoing development of practices that promote fair and equitable treatment for all, cultivating mutual respect, civility and sense of belonging.

The board will not permit, encourage, nor tolerate any behaviours contrary to these beliefs whether by commission or by failing to act to bring such behaviours to an end and by providing support and assistance to those who may be intended or unintended targets of such behaviours.

#### **Statement of Intent**

The Board of Education will promote a safe environment, free from harassment and discrimination, and pro-active strategies and guidelines to ensure that lesbian, gay, transgender, two spirit, bisexual, queer and questioning (2SLGBTQ+) students, employees and families are welcome, included, and affirmed in all aspects of education and school life and treated with respect and dignity. This includes acknowledging individual preferences around privacy and individual ownership of process. This policy will ensure that all programs, activities and interactions are free from discrimination based on sexual orientation and/or gender identity.

The purpose of this policy is to:

- define appropriate language, behaviours and actions in order to create an environment free from discrimination and harassment;
- develop, promote and implement respectful, proactive strategies and guidelines to ensure that 2SLGBTQ+ members of the education community and their families are welcome in, and included in all aspects of education and school life and are treated with

respect and dignity; and to

- ensure that complaints about homophobia and transphobia are taken seriously and dealt with expeditiously and effectively through collaboration with the impacted person and in line with policy and procedures.

## **General Guidelines**

When considering aspects of this document, it is important to keep in mind that gender is fluid and not binary. It is important to create an environment in which individuals have the knowledge, freedom, safety and support to make the right choices for themselves at the right time for themselves.

The school district has an obligation to ensure that members of the school community who are 2SLGBTQ+, and members of diverse family structures are respected, included and safe in the school communities and related activities.

## **Safety**

1. Homophobic and transphobic comments, discrimination, and bullying are demeaning to all students, students' parents or guardians, and employees regardless of their actual and perceived sexual orientation or gender identity. These forms of harassment and discrimination are prohibited under the B.C. Human Rights Code.
2. Any language or behaviour that deliberately degrades, denigrates, incites hatred, prejudice, discrimination, or harassment towards students or employees on the basis of their real or perceived sexual orientation or perceived gender identification will not be tolerated. Schools shall include the prohibition of such language and behaviour in their student codes of conduct.
3. All employees have an obligation to intervene in any interaction involving the use of homophobic or transphobic epithets and slurs, and behaviours regardless of the speaker's intentions, and to convey that such comments are against Board policy and will not be tolerated in the educational community.

## **Belief Statements**

School District No. 71 (Comox Valley) accepts the responsibility to create safe and caring environments and believes that:

1. the district is responsible for ensuring that school cultures are safe, welcoming, inclusive, and affirming for 2SLGBTQ+ people;
2. the role of educators in the district is critical in creating positive societal change to address the difficulties that 2SLGBTQ+ people often face;
3. 2SLGBTQ+ students and same-gender parented families have a right to be recognized and affirmed by school personnel and have equal access to services as do opposite-gender parented families;

4. 2SLGBTQ+ students, staff and same gender-parented families have the right to:
  - be free from harassment, discrimination and violence;
  - be treated fairly, equitably and with dignity;
  - self-identification and freedom of expression;
  - be included and to be represented and affirmed in a positive and respectful manner;
  - have avenues of recourse (without fear of reprisal) available to them when they are impacted by harassment, discrimination, and violence; and
  - have their families and communities valued and affirmed.
5. a role of education is to prepare young people to work and live in open, pluralistic and democratic societies, free of discrimination or violence based on sexual orientation and gender identity and expression;
6. equity through education will foster principles of inclusion and will support 2SLGBTQ+ individuals and families through eliminating homophobia, transphobia, heterosexism and cisgenderism as they operate in the school system and school culture; and that
7. the initiation of comprehensive anti-homophobia and anti-transphobia initiatives support equity for 2SLGBTQ+ students and educate our staff and community about homophobic and transphobic language and bullying.

### **Leadership**

As leaders of School District No. 71 (Comox Valley), the Board of Education and senior management shall jointly ensure that all staff know it is their individual and collective responsibility to identify individual discriminatory attitudes and behaviours, as well as work to eliminate the systemic inequities and barriers to learning for students who identify themselves on the basis of sexual orientation or gender identity and demonstrate accountability for the removal of these inequities and barriers so that all students and employees are treated with fairness and respect.

All administrators, teachers, counsellors, and staff and student leaders will model respect for 2SLGBTQ+ employees, students and families and recognize that transition is not an event but a process that belongs to the individual that is transitioning. This recognition includes the understanding that no person shall be “outed”. Communication about an individual’s identity, transition or sexual orientation shall only be personal initiative.

### **Privacy and Confidentiality**

All persons have the right to privacy. This includes the right to have one’s gender identity and sex assigned at birth, and sexual orientation private at school and worksites. Disclosing this information to students, parents, or other third parties violates privacy laws, such as the *Freedom of Information and the Protection of Privacy Act* (FOIPPA) and the B.C. Human Rights Code. The district will ensure that all information relating to an individual’s sexual orientation and gender identity will be kept confidential in accordance with applicable district, municipal, provincial and federal policies and privacy laws, unless legally required to do so, or the student/parent or guardian has authorized such disclosure through the use of the district’s release of information form.

All persons have the right to discuss and express their gender identity and expression openly and to decide when and how much private information to share and with whom. Those

decisions need to be respected by school personnel. An individual shall determine the name and pronouns used to refer to themselves in all communications including when school personnel contact parents or guardians.

Schools must balance the parents' or guardians' need to be informed about their child's school experiences with individual's right to live freely in their self-identified gender and sexual orientation. This can be complicated when there is a responsibility to communicate with the parent or guardian about any situation at school directly related to an individual's gender identity and sexual orientation. In general, the older the student, the more ownership they should have in this process. School personnel should err on the side of using the individual's preferred name and pronoun to protect the individual's privacy and human rights.

Situations arising at school may make it difficult or impossible for the school to keep an individual's status from parents or guardians. Schools can, in consultation with the individual, work with trained support providers to formally reveal the individual's gender identity to the parent or guardian in the relatively safe confines of the school. It is important to address all the potential consequences of this approach by consulting with and/or working with trained personnel familiar with such situations, while respecting that the process is owned by the individual. Ensure that support services can be accessed if it becomes evident that the individual is no longer safe to return home after the meeting. Privacy concerns are not a reason to prevent an individual from living as their self-identified gender. Issues of confidentiality vs open, respectful discussion must be handled on an individual basis. Individuals who choose to be open about their gender identity, will be addressed by their chosen names and pronouns. Denying this is a violation of their rights to free expression and equal protection under the law.

### **Self-Identification**

Every individual has the right to be addressed by a name and pronoun of their choice. A court-ordered name or gender change is not required, and the individual does not need to change their official records. When an individual has communicated their choices, it is the obligation of school personnel to use the chosen name and pronouns.

Schools are required, by law, to maintain a mandatory permanent record card which includes each students' legal name and legal sex, yet have a great deal of latitude in how they handle student records in the day-to-day operations of the school. MyEd BC includes the ability for the identification of "preferred name" and "preferred gender", and in turn using the preferred name to populate any internally generated records such as:

- class;
- Parent Advisory Committee (PAC) or photographer's lists;
- attendance sheets;
- report cards;
- diplomas;
- sibling records;
- student identification; and
- parent notifications.

For situations where a student's legal name must be used, such as provincial assessments, schools have utilized "hand coding" to help preserve a student's desired identification.

## **Official Records**

Schools will maintain a mandatory permanent student record that includes a student's legal name and legal sex. The school will change a student's official record to reflect a change in legal name or sex upon receipt of documentation to which such change has been made by court order, or through amendment of provincial or federally issued identification. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or legal sex, such as for the purposes of standardized testing, school staff and administrators will adopt practices to avoid the inadvertent disclosure of such confidential information.

## **Washrooms, Locker and Change Rooms**

All individuals have the right to safe and private washroom and changing facilities. They have the right to access washrooms, locker rooms and changing facilities that correspond to their gender identity. The individual's self-identification is the sole measure of the individual's gender. Schools may maintain separate washrooms, locker rooms or changing facilities for males and females, provided that individuals can access them based on their gender identity. Schools will designate gender-neutral facilities designed for use by one person at a time, accessible to all individuals, and to incorporate such single-use facilities into new construction or renovation. Any individuals who is uncomfortable using a shared facility while attending an off-site school-sponsored activity will be provided with a safe and private alternative. Individuals will not be required to use facilities that are inconsistent with their gender identity or personal needs.

## **Physical Education Classes, Curricular and Extra Curricular Activities**

All students have the right to participate in physical education classes, curricular and extra-curricular sports/activities in a manner that respects and embraces their gender identity. Student's will be given the option to decide which activities they feel more comfortable doing. A request may come directly from the student or from a parent or guardian. It is the school administrator's responsibility to make the requested arrangements for these students to participate in school and extra-curricular activities and physical education. All requests/meetings/ decisions must be documented and maintained in a confidential file.

## **Other Gender-Based Activities, Rules and Practices**

School personnel are required to evaluate all gender-based procedures, routines, activities, rules, and ceremonies to ensure inclusive language and purpose. Language used should be as gender neutral as possible in all cases. Newly written guidelines must be communicated to all staff, parents and students. Individuals have the right to expect that all policies, procedures, programs, and communications are appropriate, competent and respectful of gender diversity. Students will be permitted to participate in any activities consistent with their gender identity.

## **Billeting and Overnight Field Trips**

Plans for billeting for sports teams and/or overnight school-based activities must provide accommodation for each student in a room where they will feel safe and accepted. The student can decide where they would feel most comfortable if they are staying in shared accommodations with other students and/or families. The school administrator or teacher in charge of the event will make any needed adjustments to support the student. When staying with a billet family discuss with the student or their parent or guardian whether the student requires the billet family to be informed of their sexual orientation or gender identity. Wherever

possible, in a billet situation, a member of staff should be billeted along with the student to further ensure their feelings of safety.

### **Media and Community Communication**

When the school district is communicating to the media or community about issues related to sexual orientation or gender identity, the school or district will designate a single spokesperson as the key contact person. All other district and school staff will direct community members and the media to the designated spokesperson. Protecting the privacy of 2SLGBTQ+ individuals is the top priority. All medical information is kept strictly confidential. Any violation of confidentiality of this information contravenes this administrative procedure and the privacy law *Freedom of Information and the Protection of Privacy Act* (FOIPPA).

### **Student Counselling and Support**

School District No. 71 (Comox Valley) is committed to maintaining a safe learning and working environment which actively provides counselling and support to individuals who self-identify on the basis of sexual orientation or gender identity. School Counsellors and Youth and Family Support Workers are often the first point of contact for students seeking emotional support and will be specifically trained in culturally safe responses to 2SLGBTQ+ issues. School administrators have the primary responsibility for ensuring that all school staff, Parent Advisory Committees (PAC) and students are familiar with and understand the content of the Inclusion Policy and these procedures. The Board of Education is responsible for ensuring that employees who represent the district in other areas are equally as informed. Students can report incidents of harassment, bullying, intimidation and discrimination through the ERASE Bullying Website. Information regarding the website is available through the school administration. The district encourages and will facilitate in the formation of Gay-Straight Alliance and Gender-Sexuality Alliance clubs (GSAs) where students or staff have come forward requesting this opportunity. Schools are encouraged to appoint a minimum of two (2) members of staff to be safe contacts for 2SLGBTQ+ individuals. School administrators will inform students and other staff about the location and availability of these contact person.

### **Staff Development and Education**

Education is the primary purpose of the district. Educational programs will include curricular topics and learning resources that promote the inclusion of all members of our community regardless of sexual orientation or gender identity. In addition, staff will have resources and training available to help teach and promote the safe, caring and inclusive values of the district. Schools will conduct annual staff training for all staff members on their responsibilities under applicable laws, policies and administrative procedures. This will include teachers, educational assistants, administrators, counsellors and youth and family workers, and other staff as deemed necessary. Information regarding this administrative procedure shall be incorporated into information sessions for new school employees. All staff share the collective responsibility of creating safe, supportive, and inclusive learning environments for 2SLGBTQ+ individuals and their families.

Educators, Administrators, and school support staff will be expected to:

- be familiar with and know where to access the SOGI policy and prevention procedures;

- have a general understanding of definitions regarding sexual orientation and gender identity;
- develop appropriate communication strategies to interact with 2SLGBTQ+ individuals and their families;
- fully understand the concepts of protection of privacy for individuals and their families;
- be aware of strategies and procedures for intervening with issues, such as bullying, harassment and intimidation and/or discrimination, and have access to appropriate trained personnel;
- model and teach inclusive practices that honour and promote human rights;
- create inclusive and safe environments for 2SLGBTQ+ people and their allies.

Employees have an important role to play in teaching and modelling respect for gender diversity. It is expected that teachers will create classrooms and administrators will create schools where students can see a commitment to creating a safe, caring and discrimination free environment. Students need to see that adults are striving to promote an understanding of gender diversity beyond the binary of only two genders.

- addressing the class in non-gender ways (using inclusive language);
- seating and lining up students in non-gender groupings;
- creating mixed gender groups/teams;
- displaying signs, posters, safe place stickers, and books that depict a range of gender presentations;
- celebrating national and international days and events that raise awareness about gender identity;
- teaching students how to be allies for each other;
- avoiding making assumptions during health and career education instruction regarding sexual orientation and gender identity.

The board will establish a joint committee which includes both adult and student representatives from the 2SLGBTQ+ community to act in an advisory capacity in the implementation of staff development, in-service, and professional development.

The advisory committee will consider the following recommendations/beliefs.

The goals of ongoing staff development will be to support 2SLGBTQ+ people and families in the school district and to promote anti-homophobia and anti-cisheterosexism, and anti-transphobia initiatives.

- trustees, management and staff must model respect and affirmation of 2SLGBTQ+ individuals and families;

- in-service workshops and training on 2SLGBTQ+ issues will be provided for the benefit of trustees, management, and staff annually;
- trustees, management, and staff have the responsibility for addressing of homophobia, transphobia and cisheterosexism in the working and learning environment;
- teachers must be supported when they include positive images and accurate information about history and culture which reflects the accomplishments and contributions of 2SLGBTQ+ people;
- trustees, management and staff must facilitate safer school environments for people of all gender identities and expression and sexual orientations.
  - acknowledging that an acceptance of diversity is the starting point of respect;
  - treating everyone with respect;
  - using language that affirms all sexuality orientations and gender identities and expressions;
  - not using disparaging remarks or language that demeans 2SLGBTQ+ identities and families;
  - challenging staff, students and parents who behave in prejudicial ways towards 2SLGBTQ+ people;
  - encouraging teachers to sponsor and support 2SLGBTQ+ positive initiatives such as GSA's or Diversity Clubs;
  - supporting the right of 2SLGBTQ+ students to counselling that is supportive, affirming and free from efforts on the part of counsellors to try to change their sexual orientation and/or identity through the use of or the referral to aversion, reparative, or conversion therapies.

## **Employment Equity**

1. The board believes in equitable treatment for all individuals regardless of race, colour, ancestry, ethnic origin, religion, socio-economic status, sex, sexual orientation, gender identity or expression, physical or mental ability, or political beliefs. The letter and spirit of the *Canadian Charter of Rights and Freedoms*, the *B.C. Human Rights Acts* and the Board's *Collective Agreements* shall be carefully observed, enforced, and supported, so that all members of the educational school community may work together in an atmosphere of respect and acceptance of individual differences.
2. The board will ensure the confidentiality of employees who are 2SLGBTQ+ and will give them the support they require to do their work in a safe and respectful environment.

## **School Community Involvement**

The board is committed to ongoing, constructive, and open dialogue with 2SLGBTQ+ people and others who self-identify on the basis of sexual orientation or gender identity.

The board will support community partnerships that would enhance the board's commitment to 2SLGBTQ+ students, staff, teachers, and parents.

The board will encourage parent advisory councils to acknowledge and support the diversity of our school community. The board will acknowledge through the communication to students, staff and the community that 2SLGBTQ+ parents and family members need to be positively recognized and included as such.

### **Appropriate Intervention / Responding to Incident**

All members of the SD #71 community have the right to expect a respectful and culturally safe environment free of discrimination, harassment, and bullying. In 2007, the Ministry of Education mandated that school districts establish procedures that align with the *Ministerial Order M2276/07*. Each school must, in consultation with staff, parents and students establish their own Code of Conduct based on the ministerial order and guidelines. Appropriate interventions are included in the Code of Conduct administrative procedures. School district personnel may also refer to the SD #71 Bullying and *Harassment Prevention Policy 3-8* as a guide in making intervention decisions.

### **Complaint Process**

In the event that an incident occurs at a school site, refer the complaint, in writing, to the school administrator.

If a complaint is against the administrator, refer in writing to the Director of Instruction, Health and Safety.

A thorough investigation will be conducted.

The complaint process shall be communicated to all schools, partner groups, and contracted services and district administration is responsible to ensure that employees and contract providers are aware of the process.

### **Appeal Process**

The Board of Education recognizes and respects the fact that students and/or parents or guardians may disagree with decisions made by employers. The *School Act* of British Columbia gives parents or guardians and students (with parental consent) the right to express concerns or appeal certain decisions. The right of appeal applies to decisions that significantly affect the health, education or welfare of students. Information regarding the board's appeal procedure and the formal appeal bylaw can be accessed on the District's website. (Management Relationship 2-5 Parent/Guardian/ Student Request for Review of Employee Decision). Prior to an appeal, it is expected that school administration, students and parents or guardians will try to resolve concerns at the school level.

Employees shall contact their respective unions for support and advice regarding appeals.

Legal Reference: Section 65, *School Act*

Adopted: September 2019

### RESOURCES AND DEFINITIONS

#### **SOGI 1 2 3**

SOGI 1 2 3 shares proven SOGI-inclusive tools and resources in the areas of policy and procedures, inclusive environments and curriculum resources: [www.sogieducation.org](http://www.sogieducation.org)

#### **BC Teachers Federation**

The BCTF offers a variety of free workshops to teachers that aim to develop skills to interrupt, address, and challenge homophobia and transphobia within our classrooms and school communities.

<https://bctf.ca/SocialJustice.aspx?id=17988>

#### **Education Resource Acquisition Consortium (ERAC)**

ERAC provides a range of services including evaluation, licensing and acquisition of print, software, and digital learning resources. ERAC offers a curated catalogue of SOGI resources (see LGBTQ collection).

<http://www.bcerac.ca/index.aspx>

#### **Out in Schools**

Out in Schools presentations and Learning Hub provide youth with opportunities not only to learn, but to do. The presentations offer a chance to build participation in and creation of Queer Straight Alliances across the province. The Rise Against Homophobia Video Contest offers youth the chance to make media as a vehicle not only for personal expression, but to shape more inclusive school communities.

<http://outinschools.com/about/>

#### **QMUNITY – BC’s Queer Resource Centre**

QMUNITY is a non-profit organization based in Vancouver, B.C. that works to improve queer and trans lives. They provide a safer space for LGBTQ+/2S people and their allies to fully self-express while feeling welcome and included.

<http://qmunity.ca/>

#### **Egale Canada Human Rights Trust**

Founded in 1995, Egale Canada Human Rights Trust is Canada’s only national charity promoting lesbian, gay, bisexual, and trans (LGBT) human rights through research, education and community engagement.

<https://egale.ca/>

#### **MyGSA**

MyGSA.ca is Canada’s website for safer and inclusive schools for the lesbian, gay, bisexual, trans, queer and questioning (LGBTQ) community.

<http://mygsa.ca>

## **Trans Care BC**

The Trans Care BC program aims to enhance to coordination of trans health services and supports across the province, bringing gender-affirming care closer to home wherever possible. <http://www.phsa.ca/our-services/programs-service/trans-care-bc>

## **Gay, Lesbian and Straight Education Network (GLSEN)**

The leading national US-based education organization focused on ensuring safe and affirming schools for LGBTQ students: <http://www.glsen.org/>

## **Parents, Families and Friends of Lesbians and Gays (PFLAG)**

PFLAG Canada is a national charitable organization, founded by parents who wished to help themselves and their family members understand and accept their non-heterosexual children. <http://pflagcanada.ca/>

## **Pride Education Network**

The Pride Education Network of teachers, administrators, support staff, youth and parents strive to make the B.C. school system more welcoming and equitable for LGBTQ students and staff, and queer families: <http://pridenet.ca/>

## **Definitions**

### **Bisexual:**

People who have a bisexual orientation can experience sexual, emotional, and affectional attraction to both their own sex and the opposite sex. It also refers to an individual's sense of personal and social identity based on those attractions and the behaviours expressing them. It is one (1) of the three (3) main classifications of sexual orientation, along with a heterosexual and a homosexual orientation.

### **Discrimination:**

The subordination of groups or individuals resulting from a distinction, preference or exclusion based on the grounds of race, religion, colour, ethnicity, place of origin, language, age, disability, socio-economic status, gender identity, gender expression, sexual orientation, sex, or any other difference. It includes harassment, any negative or adverse conduct, comment, gesture or contact, and systemic barriers based on the above grounds. This conduct is harmful and can create a working or learning environment that is known, or reasonably should be known, to be offensive.

### **Educational Community:**

Includes all those who work, learn, or attend any School District No. 71 (Comox Valley) schools, alternative educational settings and facilities, worksites, or any district facility, and includes ancillary sites such as school buses, district meeting settings, etc.

### **Gay:**

A person who is emotionally/romantically and physically attracted to persons of the same sex. Gay usually refers to males, but it is also used to include females. Gay can be used interchangeably with homosexual. Gay is most often the term preferred by the LGBTQ communities when referring to homosexual males.

**Gender Identity:**

Characteristics linked to an individual's intrinsic sense of self as a man or as a woman, which may not be the same identity as one's biological sex.

**Homophobia:**

The fear, and/or hatred, and/or repulsion of homosexuality and gender variance in oneself or in others, often exhibited by self-hatred, prejudice, discrimination, bullying or acts of violence. Homophobia is typically directed towards those who are openly LGBTQ or are perceived as such through gender cues that are not in accordance with societal norms about masculinity and femininity.

**Gender Expansive:**

Refers to a person who does not confirm to society's expectations of their gender role or gender expression. It is a broad term that includes boys who behave, dress and interact in feminine ways; girls who behave, dress and interact in masculine ways, in addition to trans students.

**Gender Expression:**

Refers to a way a person expresses one's gender, through dress, grooming habits, choice of name and pronoun, mannerism, activities, etc.

**Heterosexism:**

The assumption that everyone is or should be heterosexual and that heterosexuality is superior. Heterosexism can exist on a personal, interpersonal, institutional or cultural level.

**Intersex:**

Individuals who are born as "hermaphrodites", now an outdated term. Intersex is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. Though intersex is referred to as an inborn condition, intersex anatomy doesn't always show up at birth. Sometimes a person isn't found to have intersex anatomy until they reach the age of puberty, or finds themselves an infertile adult, or dies of old age and is autopsied. Some people live and die with intersex anatomy without anyone (including themselves) every knowing. A significant issue is the practice of some parents and physicians decided which sex is desired and then making a decision in favour of "normalizing" surgery at or near birth.

**Lesbian:**

A female who is emotionally/romantically and physically attracted to other females. Lesbian is usually the term preferred by the LGBTQ communities when referring to homosexual females.

**LGBTTTIQQ or LGBT, LGBTQ, LBTTQ, LBTTQQ – and other variations:**

Acronym used to refer inclusively to a wide group of individuals and incorporates lesbian, gay, bisexual, transgender, transsexual, two-spirit, intersex, queer, or questioning persons. For ease of reference in this policy the acronym LGBTQ has been adopted, but it is intended to be widely inclusive.

**Queer:**

A term used derisively to humiliate and demean LBGTQ individuals and groups. It is generally not viewed as an appropriate term for use outside, or in a manner directed towards the LGBTQ community because of the potential of its use in a contemptuous manner or with such intent, despite the fact that some students may identify themselves as "queer" in a positive way.

**Questioning:**

Adults and youth who are not personally certain about their own sexual identity or orientation and may be exploring, publicly or privately, their feelings in this area.

**Sexual Orientation:**

The emotional/romantic and physical attraction felt by an individual towards members of the same sex, the other sex or either sex. Actual sexuality is a private affair; however, expressions of sexuality (such as holding hands with one's romantic partner and putting a picture of her or him on one's desk) are public displays of sexual orientation. The public realm overwhelmingly privileges straight couples but lesbian or gay ones are often the target of stares, verbal violence, and sometimes physical violence.

**Sexual Orientation Identities:**

Lesbian, Gay, Straight, Bisexual and Questioning are ways that people identify themselves insofar as their romantic partnerships and family diversities are concerned.

**Transgender:**

A person whose gender identity (feeling of being either boy or man, girl or woman) does not match their physical/anatomical sex (male or female) and the gender roles assigned by mainstream society. Some describe it as being born into the wrong body. Increasingly, many transgender people refer to themselves as "trans."

**Transsexual:**

An individual who presents himself/herself and lives in the gender "opposite" to his/her genetic/physical gender at birth. A transsexual is someone who feels psychologically like the other sex and has somehow been trapped in the wrong body. Transsexuals may be heterosexual, bisexual or homosexual in their sexual orientation. Some transsexuals may undergo operations and hormone therapy in order to make their body fit what they feel is their true gender. These individuals are sometimes known as female-to-male, FTM, transmen or male-to-female, MTF, transwomen.

**Two-Spirit:**

This is a term that is used by some indigenous people to describe themselves in a way that reflects their cultural construct of sex/gender/sexuality. Many of the languages of indigenous nations of North America include specific terms for gender and sexual diversity; some indigenous people may use both the general term Two-Spirit and the culturally specific term from their own language to describe themselves.

Adopted: September 2019

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

The Board of Education is responsible for ensuring the district is protected financially from extraordinary circumstances which would negatively impact school district operations and the education of students. A key strategy in the Board's fiduciary duty is maintaining an accumulated operating surplus which shall be used to mitigate any negative impact on students. The appropriate management of operating surplus provides the school district with the ability to effectively plan and sustain services to students for a period longer than a single budget year resulting in an improvement of the overall financial health of the district.

#### **Specifically**

An accumulated operating surplus is achieved by spending less than the revenue the school districts receives in a given year, surpluses can accumulate year over year. The Board of Education is required by legislation to approve a balanced preliminary and amended annual budget, which may include the use of accumulated surplus funds from previous years. Estimated spending in the budgeting process must not exceed estimated revenue plus accumulated operating surplus.

Appropriation of internal restrictions on surplus funds and any inter-fund transfers each year in which they occur will require a motion to be made by the Board of Education. Capital assets purchased for departmental operating plans from approved budget expenditures do not require subsequent board approval

During the Annual and Amended Budget Process, the Board will consider the availability of accumulated operating surplus funds and the allocation of those funds between internally restricted surplus and unrestricted surplus (including contingency funds).

During the budget process, the Board will post information on its website about how, where and when the local community and education partner groups, including local First Nations and Metis Nation BC, will be engaged on the accumulation, spending and reporting of operating surplus funds. The Board will clearly explain the purpose of operating surplus and how the surplus will be used to support the Board's strategic objectives (for example, improving student educational outcomes) and other operational priorities of the Board.

#### **TYPES OF SURPLUS**

##### **Internally Restricted Operating Surplus**

There are three categories under which the Board may motion to designate internally restricted surplus funds:

1. Funds that are restricted due to the nature of constraints on the funds
  - Unspent Indigenous Education Targeted funds;
  - Contractual obligations (e.g., professional development);

- School generated funds (not externally restricted).
2. Funds for anticipated unusual expenses
- Staffing needs that are short term and variable in nature;
  - Self- insurance for minor equipment loss and breakage;
  - Implementation of new initiatives; and the impact of emerging events (i.e. Ministry projects; Emergent Events; Legislative Changes).
3. Funds for items requiring more than one year
- Future years' Operations/Budget (not beyond the next two fiscal years);
  - Schools and department surplus/carryforwards (not beyond the next two fiscal years);
  - Operating projects in progress;
  - Technology, utilities, equipment, and Capital projects (includes amounts to be transferred to Local Capital that have not yet been identified for specific initiatives);
  - Purchase order commitments; and
  - Educational programs spanning multiple years (e.g., distributed learning, summer school, International Student Program)

### **Unrestricted Operating Surplus (Contingency Reserve)**

In conjunction with the Board of Education's review and approval of the annual financial statements, the Board of Education will restrict a portion of accumulated operating surplus for the purpose of forming a Contingency Reserve.

The Contingency Reserve will be sufficient to reduce, to an appropriate level, financial risk that results from emergent operating issues and/or to offset unrealized revenues. Prior to the adoption of each annual budget and amended annual budget, the Secretary Treasurer will present for the Board of Education's review and approval, allocation of budget for the purpose of Contingency Reserve and when applicable; strategies for replenishing the Contingency Reserve. The ministry surplus policy says that the "amount of unrestricted at the end of a fiscal year should be laid out in the Boards Operating Surplus Policy, in accordance with ministry instructions " (for example, the Ministry Financial Statement Instructions).

The amount of Unrestricted Operating Surplus at the end of a fiscal year should be a minimum of 1.5% and maximum of 3.0 % of actual Operating Expenses in the fiscal year.

### **Examples**

- Major Emergent Operating Issues – the School District is exposed to major non-reoccurring costs related to various emergency events or situations, e.g., inclement weather, pandemic, or forest fires, etc. These situations cannot be anticipated and budgeted for and it may not be feasible to absorb the cost of such events in other budget areas in any given year.
- To Offset Unrealized Revenues – The School District is exposed to the possibility of unrealized revenues and/or declines in base revenues from year to year due to the cyclical nature of the revenue source being impacted by economic downturns, (e.g., lower international student enrolment).

### **Local Capital**

There are three sources of Local Capital:

1. The board's portion of any proceeds from the disposition of capital assets;
2. Transfers from operating funds; and
3. Interest earned on local capital funds restricted for the purchase of tangible capital assets.

Transfers from operating funds to Local Capital will be for specific initiatives related to the Board's strategic plan or other operational needs of the district. Examples include vehicle replacement, computer system upgrades, and renovation or replacement of administrative and operational buildings. If these transferred funds are not linked to strategic goals or they have not been used within the timeline identified for the relevant initiative, the Ministry may require boards to use these Local Capital funds for other capital projects.

### **Restricted for Future Capital Cost Sharing**

The Treasury Board requires the Ministry of Education to review district surplus funds and determine funds that are available to contribute towards major capital projects in the Board's 5-year Capital plan. When a project has been approved for concept plan or business case development, the Board may restrict operating surplus funds to meet the cost sharing expectations for that project.

### **Inter-Fund Transfers**

In some cases, funds need to be transferred between the operating fund, special purpose funds. In some cases, funds need to be transferred between the operating fund, special purpose funds and the capital fund. These transfers are authorized through a board motion. In some cases, this approval will be done through the approval of the budget or annual financial statements. Approval of inter-fund transfers related to confidential matters (such as land, legal or personnel) will be considered in an in-camera board meeting.

### **Reporting**

Boards are required to provide the Ministry with an annual report on their budget allocation decisions (including operating surplus and Local Capital) demonstrating that approved allocations support the Board's strategic objectives. The Board's annual Financial Statement and Discussion Analysis (FSD&A) was developed based on the Ministries Companion Guide.

The Ministry may take actions to monitor and evaluate operating surplus as outlined in the Companion Guide to the Ministry's Accumulated Operating Surplus Policy.

### **Definitions**

- *Accumulated Operating Deficit* means the accumulated excess of Operating Expenses over Operating Revenues Less Inter-Fund Transfers from current and prior years.
- *Accumulated Operating Surplus* means the accumulated excess of Operating Revenues over Operating Expenses Less Inter-Fund Transfers from current and prior years. Accumulated Operating Surplus is a term defined by the Public Sector Accounting Standards (PS1201). While boards of education may use the term Reserves to denote 'Surplus', when it comes to financial statements and budgets the term Surplus should be used.
- *Annual Operating Deficit* is the amount by which a fiscal year's Operating Expenses and Inter-Fund Transfers exceed that same fiscal year's Operating Revenues.
- *Annual Operating Surplus* is the amount by which a fiscal year's Operating Revenue exceeds that same fiscal year's Operating Expenses and Inter-Fund Transfers.
- *Inter-Fund Transfers* means the transfer of funds from one fund to another (e.g., between Operating Fund and Capital Fund).
- *Internally Restricted Operating Surplus* means a portion of an Accumulated Operating Surplus that has been set aside through a board motion for specified use in future years.
- *Local Capital* is comprised of previous years' available operating surpluses, which are transferred to Local Capital with board approval; revenues from sale of capital assets; and

investment income earned on these funds.

- *Operating Expenses* are the total of all expenses in the Operating Fund as disclosed on Schedule 2 of the annual financial statements.
- *Operating Revenue* is the total of all revenue in the Operating Fund as disclosed on Schedule 2 of the annual financial statements.
- *Special Purpose Funds* consists of targeted funding provided to the school district for a specific purpose. Pursuant to Sections 156(4) and (5) of the School Act, each special purpose fund must be accounted for in accordance with the terms of that special purpose fund. Treasury Board Restricted Contribution Regulation 198/2011, issued in November 2011, defines a restricted contribution as 'a contribution that is subject to a legislative or contractual stipulation or restriction as to its use'. Special purpose fund expenses are contingent on the amount of revenue received for the purpose of providing a specific service or program.
- *Unrestricted Operating Surplus (Contingency)* means the accumulated Operating Surplus built up in the School District's Operating Fund that has not been designated for specific uses

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

Other References:

*K-12 Public Education Financial Planning and Reporting Policy*

*K-12 Public Education Accumulated Operating Surplus Policy*

*Framework for Enhancing Student Learning Policy*

*Board Policy 26 (Financial Planning and Reporting Policy)*

*District Strategic Plan*

*Budget and Transparency and Accountability Act*

Adopted: September 2019

Updated: March 2023

# INDIGENOUS RECOGNITION AND INDIGENOUS VOICE

## Land Recognition

The board directs that the following statement be read at the commencement of each board meeting:

***“The Board of Education acknowledges that we are on the traditional territories of the K’omoks First Nation. We would like to thank them for the privilege of living on their land and the gift of working with their children.”***

## Indigenous Education Council

The Board of Education, School District No. 71 (Comox Valley) recognizes that it operates on the traditional territory of the K’omoks First Nation.

Students of Indigenous ancestry must be provided with the opportunity to have an education that meets individual and community needs and includes their culture, heritage, language and self-government as Indigenous people.

The Indigenous community recognizes the importance of a shared responsibility for education between representatives of the Indigenous community, the Board of Education of School District No. 71 (Comox Valley), and the Ministry of Education.

The board recognizes the importance and right of people of Indigenous ancestry to participate in decisions affecting the educational programs of Indigenous children.

To support and acknowledge the importance of that shared responsibility, the school district will maintain an Indigenous Education Council (IEC).

In recognition of the shared responsibility to improve the quality of education of Indigenous students in School District No. 71 (Comox Valley), it is agreed that the terms and goals of the Indigenous Education Enhancement Agreement (IEEA) will enhance the basis of Indigenous education, programs and services of School District No. 71 (Comox Valley).

The IEC will have Terms of Reference governing its meetings and affairs, including representation and processes for electing representatives. These terms shall be shared annually with the Board of Education.

The Indigenous Education Council may advise the board on any matter pertaining to the education of Indigenous students.

Legal Reference: Section 65, *School Act*

Adopted: September 2019

### COMMUNICATIONS AND COMMUNITY ENGAGEMENT

The Board of Education is committed to balancing its fiduciary role with enhancing community involvement in the school district. As such, the board is committed to the principle of public involvement in education and endorses open, two-way communication with its internal and external partners.

The Board of Education recognizes the importance of effectively communicating and engaging with our community for the purpose of sharing information, receiving feedback and discussing important issues facing the school district.

As part of the process, the district will provide information about practices, programs, policies and provide opportunities to contribute opinions and perspectives on decisions pending or made by the board regarding the operation of the schools and school district.

*The Framework for Communications and Community Engagement* outlines procedures for operationalizing communications and community engagement in School District No. 71 (Comox Valley).

#### Communications and Community Engagement Framework Desired Outcomes

Desired outcomes of adopting the framework include:

1. Improve public education through effective communication and engagement.
2. Improve internal and external communications between the district, its schools, staff, parents, students and community partners.
3. Identify and increase opportunities for engaging the community in a manner that is meaningful, timely and appropriate.
4. Identify and increase opportunities to share district information and to gain community insights about our district.
5. Determine how best to engage with the various audiences.
6. Identify and increase opportunities for developing relationships with the media and using this medium effectively.
7. Use social media to deliver key aspects of the district's message and to receive information from the community.

#### Purpose of the Framework

The purpose of the *Framework* is to present a clear and concise direction for communicating with the school district's community. The plan primarily addresses two (2) types of school district audiences: internal (students, teachers, staff, unions, administration and school board) and

external (parents, businesses, civic groups, and other members of the district's community) and considers the processes to be used to reach these audiences.

Through the development and implementation of this communications framework, the school district will:

1. *Inform*: Provide timely information about board and administrative decisions made, and activities and events across the division.
2. *Consult*: Increase the involvement of staff and community through consultative practices to obtain feedback on issues or decisions.
3. *Collaborate*: Partner with staff and or community in arriving at a solution.
4. *Foster* the exchange of information between the school district and the communities it serves.

### Guiding Principles

The Board of Education believes that:

1. Meaningful decision-making and consultation processes are respectful of and use different ways to engage with our diverse educational partners.
2. District decision-making information are to be accessible, understandable, relevant and responsive to the needs of the community.
3. District-wide community engagement are to be authentic and meaningful.
4. Staff briefings to the board will include communication ideas and or recommendations (where appropriate).
5. The board will, as part of its deliberation process, consider if, when or how they will communicate or engage with the educational partners.

### Engagement and Communications Continuum

<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
Provide internal and or external public with information.	Obtain public feedback on a future decision coming to the board and or planning for the board.	Work directly with members of the public (internal and or external) throughout the entire process that culminates with a board decision.	Work with the public from the inception of a project to the final decision by the board.	Places final decision-making in the hands of the public.
e.g. newsletters, web-pages, blogs	e.g. public meetings, focus groups, surveys	e.g. advisory groups, public forums, public hearings	e.g. Workshops, design charrettes	e.g. Plebiscite, working committee

## **Identifying the Appropriate Engagement along the Continuum**

1. Moving from left to right in the framework, the communication processes becomes increasingly participative and the engagement level of the public in the process increases.
2. As policy and operational issues arise, the board will give consideration to the most appropriate level of engagement and the related strategies to employ.
3. Briefings to the board shall include a recommendation communications plan to most effectively engage the public based on a balance between time and importance of gaining public feedback on the topic.
4. Data and or other information collected through the engagement process shall be shared by placing it on the district webpage.
5. The data will be analyzed by staff and will be shared with the board as part of the decision-making process.
6. The board's eventual decision will be made public through the public-school board meeting process.

## **Framework for Regular Engagement Activities**

The Board of Education will:

1. Hold regular meetings of the board in an open manner before assembled public and press who shall have the benefit of a publicized schedule of meetings. In order to protect the legitimate interests of individuals and the community, "in camera" or closed meetings in private session shall be reserved to discuss matters as defined in legislation and board policy.
2. Hold regular Committee of the Whole Meetings of the board periodically in various locations in the district.
3. Hold public forums in the district on educational issues as the need arises.
4. Provide the public with an opportunity to address questions to the board at each regular meeting.
5. Welcome delegations of students, parents, teachers, and others at regular board meetings.
6. Post agendas of regular meetings to the school district webpage and send, where appropriate, agendas to the associations representing the board's employees, to parent organizations in the district, and to groups and individuals requesting such agendas.
7. Publicize the deliberation and decisions of board meetings by distributing, via the district webpage an approved report of meetings.
8. Develop and maintain a regular community relations and information program which informs the community of the district's activities.

9. Establish a regular means of assessing the publics', parents', and students' needs and concerns regarding the district.

Legal Reference: Section 65, *School Act*

Adopted: September 2019

### **COMMUNITY EDUCATION AND COMMUNITY SCHOOLS**

The Board of Education endorses and supports the concept of community education and supports the development of community schools in appropriate areas of the school district.

Community education is an educational process which serves all age groups in the community. Furthermore, community education utilizes the total resources of the community to provide programs and services for all members of the citizenry. Community schools extend availability of programs and services beyond the traditional school boundaries, where appropriate.

Goals of community schools include the following:

1. use of schools as lifelong learning centres,
2. promote equitable and accessible educational opportunities for children, youth and adults,
3. use school, district and community resources to enrich services to children, youth and adults,
4. improve community relations and community development,
5. strengthen inter-agency cooperation and coordination of supports, and
6. recognize and respond to identified community needs.

The board shall approve schools as designated community schools. When considering proposals for approval as a designated community school, the board shall give consideration to factors including: existing community amenities, alignment to board priorities, consideration of board finances and resources, and input from the community.

Legal Reference: Section 65, *School Act*

Adopted: September 2019

## **PROVISION OF MENSTRUAL PRODUCTS TO STUDENTS**

The Board of Education is committed to providing menstrual products to students who may require them.

The Board will:

1. ensure menstrual products are made available to students of all gender identities or expressions in a manner that protects student privacy;
2. provide for barrier free, easily accessible menstrual products at no cost to student;
3. make menstrual products available in school washrooms;
4. consider students feedback with respect to the provision of menstrual products

Legal Reference: Sections 85(2)(a), 88(1), and 168(2)(t) *School Act*

Adopted: November 26, 2019

### **PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS**

The Administrative Procedures for the physical restraint and seclusion of students is aligned with the BC Ministry of Education Provincial Guidelines for Physical Restraint and Seclusion in School Settings. June 2015.

The Comox Valley Board of Education believes that access to an effective educational program is a basic right of each student. The board further considers positive educational/behavioural interventions, mental health supports and least restrictive approaches to the provision of students supports to be best practice. Respect for human rights, maintaining student dignity and the safety of all involved is paramount. The board believes that schools should be safe and caring places in which educational programs are carried out in positive and supportive learning environments. Every effort should be made to structure learning environments and to provide learning supports that make physical restraint and seclusion unnecessary. The overarching goal of learning environment design is the creative use of space to facilitate and support positive student learning experiences, rather than punitive disciplinary ones. The board acknowledges that employees use a variety of educative, preventative and restorative interventions to respond to a range of disruptive student behaviours that compromise student safety. In exceptional circumstances when student behaviour presents an imminent danger of serious physical harm to self or others, including school personnel and where less restrictive interventions have proven to be ineffective in ending the danger or serious physical harm it may be necessary, as a last resort, for staff to use reasonable physical restraint or seclusion.

The decision to use reasonable physical restraint is guided by the professional judgement of staff. Staff will have the full support of the board in their efforts to maintain a safe learning environment to the extent that their actions comply with relevant legislation and district policy and procedures governing the physical restraint and seclusion of students.

The Comox Valley School Board does not support any form of physical restraint or seclusion as an on-going intervention. Any intervention that involves physical restraint or seclusion may be used only in cases of extreme emergency where they physical actions of the student threaten to cause harm to self or others.

#### Guiding Principles

1. Behavioural interventions for students must promote the rights of all students to be treated with dignity, honour and each student's right to feel safe.
2. Behavioural interventions for all students emphasize prevention and positive behaviour supports. Every effort must be made to employ preventative actions that preclude the need for the use of physical restraint or seclusion.
3. Positive emotional and behavioural interventions and mental health supports are provided for all students who need them in a safe and least restrictive environments.

4. Effective implementation of school-side programs that support positive behaviour, such as Positive Behaviour Intervention Supports (PBIS), are linked to greater academic achievement among students, and to significantly fewer disciplinary problems, increased constructive instructional time, and to increased perception of safer teaching and learning environments (pg.2 Provincial Guidelines – *Physical Restraint and Seclusion in School Settings*.)
5. There is a continuum of interventions in the management of disruptive behaviour. Behavioural interventions address the underlying cause and purpose of potentially harmful behaviour.
6. For students whose pattern of behaviour impedes their learning or the learning of others, a functional behaviour assessment is recommended to inform the development of a behavioural intervention plan. These plans incorporate positive interventions and include instruction in appropriate behaviour and strategies that will help students to learn to regulate and de-escalate their behaviour. Opportunities for parents/guardians and where appropriate, students to be consulted in the development of these plans must be offered.
7. Physical restraint or seclusion is only used in exceptional circumstances where the behaviour of a student poses imminent danger or serious physical harm to self or others and where less restrictive interventions have been ineffective in ending danger or serious physical harm. Physical restraint or seclusion is discontinued once imminent danger or serious physical harm to self/and or others has dissipated.
8. It is expected that all staff working in situations that involves physical restraint or seclusion is trained in Non-Violent Crisis Intervention (CPI).
9. Students exhibiting behaviour that is compromising safety of self and/or students should be supported by appropriate documentation support (i.e. IEP and/or Behaviour Plan and/or Safety Plan and/or specialist consultation).
10. Parents/guardians of students who require physical restraint or seclusion will be informed as soon as possible when these interventions are used.
11. Recurring practice of physical restraint or seclusion is not common practice in any student's education program. If a student struggles to show safe behaviour and interrupts the learning of other consistently, educational programming may need to be reviewed with parents, outside agency and team. This review may include and is not exclusive to: an abbreviated school day, an alternate setting, alternate programming, home schooling, Distributed Learning until the student's behaviours have stabilized.

Adopted: November 26, 2019

## **EQUITY AND NON-DISCRIMINATION**

1. The Board of Education is committed to inclusive, equitable treatment and opportunities for all individuals throughout the system. The letter and spirit of the Canadian Humans Rights Act, B.C. Human Rights Code and the B.C. Declaration on the Rights of Indigenous Peoples Act and the B.C. Multiculturalism Act, shall be observed, supported, and enforced, so that all members of the School District community may work together in an atmosphere of respect where differences are honoured.

The Board of Education acknowledges that Discrimination:

- Exists and takes many forms, including but not limited to racism, indigenized racism, sexism, misogyny, and homophobia.
  - Can be direct or indirect, overt or subtle (microaggressions), intentional or unintentional and exists at institutional and systemic levels.
  - Impacts people in different ways, each person's reaction to discrimination is unique, and some members of our school district community face multiple forms of discrimination.
  - Can have long term negative consequences on a person's sense of self and /or a person's ability to fully actualize. (*The legacy of residential schools*).
  - Has no one-size-fits-all solution. Different types of discrimination will require different approaches, strategies, and procedures to combat; and
  - Constitutes an infringement of a person's equality rights and acts as a barrier to full participation in the school district community and society at large.
2. The Board of Education is committed to creating an inclusive environment through the elimination of all forms of discrimination and the support of educational and employment equity for all who learn and work in Comox Valley Schools. It also recognizes and celebrates the diversity of the community it serves and believes that each individual contributes to the richness of the School District culture.
  3. The Board of Education also acknowledges that all members of the School District community, staff, students, parents, caregivers, and other stakeholders, share the responsibility for creating a responsive, compassionate, inclusive environment

which honours and respects everyone. The Board is committed to supporting all members in their efforts to create an environment where all individuals feel safe, cared for and a sense of belonging. The Board of Education expects each member of the District community to participate in the ongoing development of practices that promote fair and equitable treatment for everyone, cultivating mutual respect, civility and a sense of belonging, as we eliminate all forms of discrimination and address the effects of historic, organizational, systemic, and attitudinal discrimination of all forms.

4. The Board of Education is committed to:
  - a. Equity and inclusivity in all contexts, activities and places.
  - b. Supporting the education of how to act directly or as a bystander against all forms of discrimination.
  - c. Developing cross-cultural connections to create understanding, show respect for, and to honour racial, ethnic and cultural identity, religion and individual abilities.
  - d. Ensuring that school codes of conduct make explicit references to the prohibited grounds of discrimination as outlined in the B.C. Human Rights Code.
  - e. Supporting employment equity through the provision of effective process to recruit, retain and develop all staff acknowledging gender, sexual orientation, race, colour, disabilities, ancestry, national and ethno-cultural organization and religion.
  - f. Support educational equity through quality programs that celebrate diversity and welcome all learners recognizing gender identity, race, colour, disabilities, ancestry, national and ethno-cultural organization and religion.
  - g. Create an educational and workplace environment that promotes equality and welcomes and values diversity.

Adopted: January 25, 2022

# CHILD CARE

### Background

Bill 8, the Education Statutes Amendment Act, came into force on March 5, 2020. This amendment of the School Act by the provincial government enacts new provisions related to childcare facilities located on board of education property. It includes a prescriptive order from the Minister of Education with respect to the contents required in board policy to govern the establishment of childcare facilities. Order M326, the Child Care Order, further defines the role of boards of education with respect to the provision of childcare programs.

The Board of Education of School District 71 (Comox Valley) recognizes the value and importance of available childcare and quality early learning programs in the community. Effective early childhood programming (0-8 years) is an important service a society can offer to ensure that all children have the opportunity to reach their potential. It is critically important that these opportunities are offered at the earliest stages of a child's life when formative lifelong skills and abilities are being developed. Investment in quality programming during early childhood reaps significant long-term benefits for children, their families, and the community. If child care programs are operated by a licensee other than the Board, the Board will require the licensee to agree to comply with this Policy and Administrative Procedure 553 – Child Care and Before & After School Programs.

### Purpose

The purpose of this policy is to provide guidance with respect to how the Board will promote the use of board property for the provision of childcare programs between the hours of 7:00 a.m. and 6:00 p.m. on business days by either the Board or third-party licensees.

The use of board property by licensed childcare providers must not disrupt or otherwise interfere with the provision of educational activities including early learning programs and extracurricular school activities.

### Definitions

In this policy, the terms “board property”, “business day”, “childcare program”, “educational activities” and “licensee” have meanings given to those terms in the School Act.

“Direct and indirect costs” include:

- a. Utilities;
- b. Maintenance and repair;
- c. Insurance;
- d. A reasonable allowance for the cost of custodial services;
- e. A reasonable allowance for time school administrators and other staff spending on matters relating to the use of board property by licensed childcare providers;
- f. Capital replacement costs.

### Guiding Principles

The district will, on an ongoing basis, assess community need for childcare programs on board property, through a process of engagement with employee groups, parents and guardians, Indigenous community representatives, Indigenous rightsholders, Indigenous service providers, and existing childcare operators. The process for engagement will be reviewed on an ongoing basis and shall be conducted in a manner acceptable to the Board.

Prior to entering into or renewing a contract with a licensee other than the Board to provide childcare programming on board property, the Board will consider:

- a) Whether it is preferable for the Board to become a licensee and operate the childcare program directly;
- b) The availability of school district staff to provide before and after school care;
- c) Whether, with respect to a licensee seeking renewal or extension of a contract, the licensee has performed its obligations under this policy and its contract with the Board, with specific regard to performance in respect of providing an inclusive childcare program and one that promotes Indigenous reconciliation in childcare.

If the Board decides to operate a childcare program, the Board will ensure that it is operated in a manner that:

- a) Fosters Indigenous reconciliation in childcare. In particular, the childcare program will be operated consistently with the following principles of the BC *Declaration on the Rights of Indigenous Peoples Act*: (i) Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of education; and (ii) "Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which will be appropriately reflected in education"; and
- b) Is inclusive and consistent with the principles of non-discrimination set out in the BC *Human Rights Code*.
- c) Is inclusive and consistent with the Early Childhood Educators of BC Code of Ethics.

Childcare programs, if operated by the Board, will be operated for a fee no greater than the direct costs the Board incurs in providing the childcare program.

In selecting licensees other than the Board to operate a childcare program, district staff will give special consideration to the candidates' proposals to: (a) provide inclusive childcare; and (b) foster principles of Indigenous reconciliation in childcare.

Fees for the use of board property by licensees to third-party operated programs will not exceed the direct and indirect costs the Board incurs in making board property available for the childcare program, as provided for in the School Act and set by the Secretary-Treasurer.

Any contract with a licensee other than the Board, to provide a childcare program on board property must be in writing and subject to review annually. The contract, which will be in the form of a Licensee to Occupy Agreement must contain:

- a) A description of the direct and indirect costs for which the licensee is responsible;
- b) An agreement by the licensee to comply with this Policy and its Administrative Procedures, and all other applicable policies of the Board;
- c) A provision describing how the agreement can be terminated by the Board and the licensee;
- d) An allocation of responsibility to ensure adequate insurance is in place to protect the interests of the district;
- e) A statement that the agreement can only be amended in writing, signed by the Board and the licensee;
- f) A requirement for the licensee to maintain appropriate standards of performance;
- g) A requirement that the licensee must at all times maintain the required license to operate a childcare facility;
- h) A requirement that the licensee must ensure that children have at all times immediate access to an employee who:
  - i. Holds a valid first aid and CPR certificate, provided on completion of a course that meets the requirements of Schedule C,
  - ii. Is knowledgeable respecting each child's medical condition, if any, and

- iii. Is capable of effectively communicating with emergency personnel.
- i) A requirement that the licensee must have first aid kits that are readily accessible to all employees, including while care is provided off the childcare facility premises.
- j) An understanding that the licensee will work in cooperation with the Early Learning staff on professional development and in-service, as well as engage in information sharing opportunities that support children's successful participation in the program and at school as they arise.

Where the Board decides to change the use of board property that is being used for providing a childcare program, the Board must, without delay, provide the Minister with written notification of the decision in a form and with information specified by the Ministry.

Adopted: April 2022

### **FINANCIAL PLANNING AND REPORTING**

The purpose of the Financial Planning and Reporting Policy (Policy) is to provide greater transparency and accountability for the planning and reporting of financial resources managed by the Board of Education of School District No. 71 (Comox Valley) (Board). This Policy aligns with and ensures compliance with the Ministry of Education and Child Care (Ministry) Financial Planning and Reporting Policy, Accumulated Operating Surplus Policy and the Framework for Enhancing Student Learning. These legislative requirements mandate that the Board develop, implement and provide to the Ministry multi-year financial plans to show how funding and resources have been allocated in support of the Board's strategic priorities and operational needs with a focus on improving educational outcomes for all students.

#### **Specifically**

The Board will:

1. Ensure that it adequately plans for core educational programs.
2. Develop a multi-year financial plan which includes the efficient and effective allocation of resources.
3. Align financial planning decisions with the strategic priorities set by the Board.
4. Identify a process of engagement with the local community, education partners, First Nations and the BC Metis Nation that will provide an opportunity for stakeholders to provide input into the development of the Annual Budget and multi-year financial plan.
5. Engagement requesting feedback can include in person meetings, virtual consultation, web-based surveys, or email submissions.
6. Ensure that the Annual Budget and multi-year financial plans are developed in accordance with applicable legislation, regulations, and Treasury Board policy.
7. Report annually on the progress towards alignment of funding with the Board's strategic plan and priorities, operational goals, and student educational outcomes.
8. The policy incorporates financial management including transparency, demonstrated accountability and consistent outcome-based planning, monitoring, and reporting.

#### **Budget Development and Multi-Year Plan**

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

The Annual Budget will be compiled and submitted on the specified form and containing the content required by the Ministry of Education and Child Care.

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

Each year, by the March Public Board meeting, the Board will approve the Annual Budget timelines which will include a process and schedule for engagement with the local community and educational partners. This process will include engagement of Local First Nations and the BC Metis Nation. The multi-year financial plan will be presented to the Board for approval along with the draft Annual Budget.

The main consultations for the Annual Budget will be conducted within the Open Committee of the Whole (CoTW) structure so the entire Board and public are aware of the input that has been considered in the development of the Annual Budget and multi-year financial plan. Other types of consultation may also occur with new input reviewed at the next CoTW.

The Budget and multi-year financial plans must adhere to the Budget and Transparency and Accountability Act which required that the Ministry of Education use 3 year rolling services plans. The intent of the Policy is for Boards to follow similar practices to that of the Ministry.

The Board is responsible for their own approval process for the annual budget and multi-year financial plan.

Overall, the purpose of the multi-year financial plan is to disclose to the public the board's long-term objectives.

### **Financial Reporting**

The Board authorizes the Superintendent and Secretary-Treasurer to monitor financial reporting of the Annual Budget.

The Secretary-Treasurer will provide financial updates to the Board of Education on the progress towards meeting the financial objectives and goals contained in their strategic plan. This will be achieved through the current reporting structures in place, as well as the Financial Statement Discussion and Analysis

#### Specifically:

Year-End Financial Projections will occur monthly beginning in January of each year.

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

Annually, the Board of Education will communicate its progress towards the alignment of funding and resources with the Board's strategic priorities, operational goals, and student outcomes.

Progress will be reported annually through the publication of the audited financial statements and an accompanying Financial Statement Discussion and Analysis Report.

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

Other References:

*K-12 Public Education Financial Planning and Reporting Policy*

*Framework for Enhancing Student Learning Policy*

*Board Policy 18 (Accumulated Operating Surplus Policy)*

*District Strategic Plan*

*Budget and Transparency and Accountability Act*

Adopted: March 21, 2023

# WHISTLE BLOWER PROTECTION

## PREAMBLE

The Board of Education of School District No. 71 ("School District") is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The School District encourages and supports all personnel in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia *Public Interest Disclosure Act* ("PIDA").

The purpose of this Policy and related Administrative Procedures is to establish a process, in compliance with the PIDA, for employees and trustees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

## POLICY

The Board is committed to upholding ethical standards in the school district. All employees, and others performing work on behalf of the district, are expected to conduct themselves in a professional manner, adhere to applicable laws and board policies and regulations that apply to their work activities in addition to demonstrating ethical behavior in all their decisions and interactions.

The Board expects employees who have serious concerns about any aspect of the district's operations with respect to potential evidence of wrongdoing, to come forward and voice those concerns.

## AUTHORITY

The responsibility for the day-to-day administration and enforcement of this Policy rests with the Superintendent of Schools and the Secretary-Treasurer as authorized by the Board of Education. The provisions of this Policy are independent of, and supplemental to, the provisions of collective agreements between the District and its Unions relative to grievance procedures, and to any other terms and conditions of employment.

This Policy is consistent with the statutory responsibility falling from the *Public Interest Disclosure Act* (PIDA), which becomes effective December 01, 2023. This Policy applies to alleged wrongdoing related to the School District's operations or personnel. This Policy does not displace other mechanisms set out in School District Policy for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

## REGULATION DEFINITIONS

In this Policy and the Administrative Procedures, the following capitalized terms are defined as indicated:

**“Advice”** means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Policy or the PIDA;

**“Discloser”** means an Employee or Trustee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal;

**“Discloser”** means an Employee or Trustee who makes a Disclosure;

**“Disclosure”** means a report of Wrongdoing made under this Policy;

**“Employee”** refers to a past and present employee of the School District;

**“FIPPA”** means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;

**“Investigation”** means an investigation undertaken by the School District under this Policy or by the Ombudsperson under the PIDA;

**“Personal Information”** has the same meaning set out in FIPPA, namely “recorded information about an identifiable individual”, and includes any information from which the identity of the Discloser or any person who is accused of Wrongdoing or participates in an Investigation can be deduced or inferred;

**“Personnel”** means Employees and Trustees;

**“PIDA”** means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;

**“Procedure”** means the School District’s Administrative Procedure associated with this Policy, as amended;

**“Reprisal”** means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working condition of a member of Personnel because they made a Disclosure, sought Advice, made a complaint about a Reprisal or participated in an Investigation;

**“Trustee”** means a past or present member of the School District’s Board of Education; and

**“Wrongdoing”** refers to:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee’s duties or functions;
- c. a serious misuse of public funds or public assets;
- d. gross or systematic mismanagement;
  - e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

## **STATEMENT OF PRINCIPLES**

- The School District is committed to supporting ethical conduct in its operations and seeks to foster a culture in which Employees and Trustees are encouraged to disclose Wrongdoing, including by receiving, investigating, and responding to Disclosures and by providing information and training about the PIDA, this Policy and the Procedures.
- The School District will investigate Disclosures that it receives under this Policy. Investigations under this Policy will be carried out in accordance with the principles of procedural fairness and natural justice.
- The School District will not commit or tolerate Reprisals against any Employee or Trustee who, in good faith, makes a request for Advice, makes a Disclosure, participates in an Investigation, or makes a complaint under this Policy.
- The School District is committed to protecting the privacy of Disclosers, persons accused of Wrongdoing and those who participate in Investigations in a manner that is consistent with its obligations under the PIDA and FIPPA.

## **PRIVACY AND CONFIDENTIALITY**

All Personal Information that the School District collects, uses, or shares in the course of receiving or responding to a Disclosure, a request for Advice, a complaint of a Reprisal, or conducting an Investigation will be treated as confidential and will be used and disclosed as described in this Policy, the Procedures, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

## **REPORTING**

Each year, the Superintendent shall prepare, in accordance with the requirements of the PIDA, and make available, a report concerning any Disclosures received, Investigations undertaken and findings of Wrongdoing. The annual report prepared by the Superintendent shall be presented to the Board of Education prior to submission. All reporting under this Policy will be in compliance with the requirements of FIPPA.

## **RESPONSIBILITY**

The Superintendent is responsible for the administration of this Policy and shall ensure that training and instruction is available to all Employees and Trustees concerning this Policy, the Procedures and the PIDA. In the event that the Superintendent is unable or unavailable to perform their duties under this Policy, the Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior members of Personnel.

## **DUTY TO DISCLOSE**

The Board expects that an employee who is aware of any improper activity or wrongdoing will bring the matter to the attention of the Board and give the district a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances. The reportable activity will be reported in a timely manner.

Adopted: November 28, 2023

Updated: February 27, 2024