

RED RIVER VALLEY SCHOOL DIVISION

PROCEDURAL BY-LAW

BY-LAW 5/03

BEING A BY-LAW to regulate the proceedings of the board of trustees of the Red River Valley School Division and the committees thereof.

WHEREAS Section 33(1) of The Public Schools Act provides that every school board shall pass a by-law establishing rules of procedure for the guidance of the board in the conduct of its meetings.

NOW THEREFORE be it hereby enacted as a by-law of the board of trustees of The Red River Valley School Division that, unless they shall at any time be contrary to the overriding provisions of The Public Schools Act, and regulations enacted hereunder the following rules of procedure shall regulate the operation of the board.

1. SCHOOL BOARD POWERS AND DUTIES

In addition to the duties required to be performed by the school board under the provisions of The Public Schools Act and other acts of the Legislature of Manitoba, the board of trustees shall be the policy making body in all matters of concern to the school division. Without in any way restricting the generality of the foregoing, the board of trustees:

- a) shall assign duties and powers to all committees;
- b) shall make policy on all matters for the guidance of all administrative and other personnel and shall publish all major policy decisions;
- c) shall organize such special committees as may be deemed necessary, stipulate the terms of reference under which each committee is to operate, and if possible, place a time limit on the committee's actions;
- d) shall receive reports from all committees at the proper times following the meetings of such committees and take such action as may be deemed advisable;
- e) shall assign various board members to such committees or public groups as may be required from time to time and instruct the board members so delegated as to their duties and responsibilities while acting on behalf of the board;
- f) shall undertake such consultation with parents/legal guardians, taxpayers, teachers, students, and other groups as necessary to fully inform the board in its deliberations;
- g) shall make, or cause to be made, such statements, announcements, press or publicity releases dealing with board policies, actions or plans in written form (approved at a duly called meeting of the board at which a quorum is present) as may be required;
- h) shall otherwise act wholly within the terms and conditions of The Public Schools Act and such other legislation as may be applicable;
- i) shall select, appoint and employ a superintendent & CEO of schools for the division;

- j) shall through the secretary-treasurer keep a file for confidential correspondence between the superintendent & CEO and the board. Said correspondence may be placed in a sealed envelope, signed and dated by both the superintendent & CEO and the board chair prior to being placed in the file.
- k) shall prepare, through the secretary-treasurer, a budget for the next fiscal year and shall submit the same to the department of education.
- l) shall require that at least one member of the board and at least one member from the senior administration act as the signing authorities for banking purposes.

## 2. BOARD MEMBER AUTHORITY

The board members individually/separately shall serve as the board of The Red River Valley School Division and as such, shall have all the powers, duties, and responsibilities enumerated in The Public Schools Act and any other act of the province having reference to school boards.

Without in any way restricting the foregoing, individual board members:

- a) shall, to the best of their ability, attend all duly called meetings of the board and any committee to which they are appointed;
- b) shall serve as chairpersons of committees and of the board as called upon and accept any other assignment given them by the board unless they feel they cannot fulfill the duties thus assigned;
- c) shall inform the secretary-treasurer, of any absences contemplated which would affect their attendance at any board or committee meeting to which they have been called;
- d) shall keep in strictest confidence any confidential matter brought to the board's attention;
- e) shall bring forward all citizen's requests or concerns to the superintendent & CEO;
- f) shall direct all requests for appearance at board or committee meetings by prospective delegations to the superintendent & CEO. (See article # 17)
- g) shall act as representatives of the board at all public functions they are called upon to attend in the capacity of a board member;
- h) shall make no statement, announcement, press or publicity release as representing board policies, actions, or plans unless such policies, actions, or plans have been formally adopted by the board. This in no way restricts the rights of individual trustees to speak on their own behalf in respect to any proposed or existing board policies, actions, or plans.

## 3. BOARD ORGANIZATIONAL MEETING

The Procedural By-Law shall be reviewed annually, following the Inaugural Board Meeting.

### Inaugural Board Meeting

In accordance with the requirements of The Public Schools Act (S29(2)), the Inaugural Board Meeting shall be held:

### **In an Election Year**

At the first meeting of the school board after the regular election.

### **In Subsequent Years**

At the first meeting of the school board in September.

At its inaugural board meeting, the board shall adopt the following:

#### Agenda Format:

- a) Call to Order with the secretary-treasurer in the chair.
- b) Oath of office required for all newly elected trustees.
- c) Appointment of scrutineers.
- d) Call for nominations for chairperson of the board, by ballot.
- e) Ask trustees nominated if they will allow their names to stand.
- f) Call three times for further nominations.
- g) Distribute ballots to trustees. If there are more than two candidates and if there is no clear majority on the first ballot, the trustee polling the least votes will be dropped from the list and a second ballot cast. If there is a chance of a tie due to even number of trustees, the scrutineer will discretely mark a ballot prior to opening the ballots. If a tie occurs, the marked ballot will be examined, and the candidate for whom the ballot was cast is declared the winner.
- h) By motion, ballots be destroyed.
- i) Call for nominations for vice-chairperson of the board, by ballot.
- j) Ask trustees nominated if they will allow their names to stand. If there are more than two candidates and if there is no clear majority on the first ballot, the trustee polling the least votes will be dropped from the list and a second ballot cast. If there is a chance of a tie due to even number of trustees, the scrutineer will discretely mark a ballot prior to opening the ballots. If a tie occurs, the marked ballot will be examined, and the candidate for whom the ballot was cast is declared the winner.
- k) By motion, ballots be destroyed.
- l) The secretary-treasurer relinquishes chair to newly elected board chairperson.
- m) Trustees select committee preferences which are submitted to the Executive Committee
- n) The Executive Committee shall appoint trustees to sit as members of the various committees at the meeting following the Inaugural Board Meeting.
- o) Set forth regular meeting days and times for the board.
- p) The board shall appoint an auditor according to 41(8) of The Public Schools Act.
- q) Adjournment.

#### 4. DUTIES OF THE CHAIRPERSON

In addition to the duties required to be performed by a chairperson under the provisions of The Public Schools Act, the chairperson of the board shall call all regular and special meetings of the board and preside at all board meetings at which the chair is present. Without in any way restricting the generality of the foregoing, the chairperson:

- a) shall approve, in advance of each board meeting, the agenda for the meeting;
- b) shall call the meetings to order promptly at the prescribed time or as soon as a quorum is present;
- c) shall welcome thereto any delegations or guests present and be the spokesperson of the board in dealing with delegations, but shall not communicate to the delegation any commitments of the board on the matter at hand as no decision shall be reached in the presence of the delegation;
- d) shall preserve order and decorum at all times, acting with impartiality in all matters;

- e) shall, without departing from the agenda, guide the discussions to a speedy but careful conclusion;
- f) shall rule on who shall have the floor to speak;
- g) shall see that all motions are duly moved and seconded before allowing discussion;
- h) shall state the question after due discussion, shall call for a vote and shall announce clearly the result of such a vote;
- i) where the rules of procedure are silent, shall be guided by Robert's Rules of Order in the conduct of meetings and the acceptance of motions, amendments, sub-amendment, etc., and on the manner of voting thereon;
- j) shall act as the representative of the board at all public functions attended in the capacity as chair;
- k) shall make statements, announcements, commitments, press or publicity releases dealing with board policies, actions, or plans;
- l) shall be an ex officio member of all standing and special committees;
- m) shall have the same casting vote privileges as every other board member;
- n) shall ensure an individual trustee is aware of his/her breach of the code of conduct;
- o) shall encourage the board to enforce the code of conduct as per section 35.2 (1) of the Public Schools Act when a trustee has repeatedly or seriously breached the code of conduct that applies to the trustee.

#### 5. DUTIES OF THE VICE-CHAIRPERSON

The vice chairperson of the board:

- a) shall assume the chair and all the duties, responsibilities and powers thereof upon the absence, resignation or demise, of the chair or when called upon to do so by the chair of the board;
- b) shall act as a representative of the board at all public functions attended in the capacity of vice-chair or acting chair;
- c) shall chair the Committee of the Whole meetings;
- d) shall assume the chair when the chair wishes to enter into a debate or to make a motion;
- e) shall ensure the chair is aware if he/she breaches the code of conduct;
- f) shall encourage the board to enforce the code of conduct as per section 35.2 (1) of the Public Schools Act when the chair has repeatedly or seriously breached the code of conduct that applies to the chair.

#### 6. AGENDA FORMATS

- a) It is considered that business meetings would normally include the following:
  - i) Adoption of agenda and minutes of meetings

- ii) Business arising from previous minutes
  - iii) Delegations on behalf of the community
  - iv) Consideration of general correspondence
  - v) Consideration of by-laws and/or policy
  - vi) Committee reports received
  - vii) Monitoring reports from senior administration
  - viii) Urgent matters as may be determined by the chairperson of the board
  - ix) Questions by trustees
  - x) Questions by members of the general public in attendance relating to the board agenda
  - xi) Consideration of Committee of the Whole in-camera items
  - xii) Receipt of informational items
- b) The agenda for Special Board meetings will focus primarily on:
- i) Time sensitive issues
  - ii) Internal presentations from members of staff
  - iii) Committee reports considered to generate lengthy or philosophical discussion
  - iv) Reports calculated to engage discussion of the following:
    - system goals and/or objectives
    - programs
    - new policy areas
    - significant policy revisions
    - trustee development or in-service
  - v) The agenda will also provide opportunity for trustees to introduce new business and for the public in attendance to ask clarification questions on decisions made by the board.
- c) In-Camera Meetings

Items to be discussed in camera may include:

- matters relating to salary agreements
- legal matters
- acquisition of property
- information regarding appointment, promotion, demotion, rebuke or dismissal of an employee
- student disciplinary cases
- any matter which affects any person's reputation or private affairs
- board committee minutes

## 7. AGENDA PREPARATION AND DISSEMINATION

- a) With respect to the preparation of agendas, it is expected that matters to be included therein including items trustees may wish to include under "New Business" shall be forwarded to the superintendent & CEO seven (7) days prior to a regular meeting. Any material required to permit discussion of any matter should be distributed with the agendas. Agendas will be distributed to members of the board not later than three (3) **days** preceding a regular meeting. Any departure from the foregoing guidelines will require the approval of the chairperson of the board.
- b) It is recognized that occasions may arise where agenda items of some urgency have not been identified in sufficient time to be included on the agenda distributed for a given meeting. To allow for inclusion of such items, an opportunity to add items will be provided immediately after a meeting has been called to order by the chair. Inclusion of any individual item shall require the support of the majority of the board members present at the time the meeting is called to order.

## 8. MINUTES OF BOARD MEETINGS

- a) Copies of minutes shall be made available to all board members, and shall be posted on our website. All minutes so made available shall be clearly marked "SUBJECT TO BOARD APPROVAL".
- b) In order to retain the neutrality of the senior administrative staff, their recommendations shall not be recorded as such in the minutes.
- c) Minutes of board meetings shall record the names of trustees in attendance as well as the names of trustees who have communicated their regrets to the secretary-treasurer. Where individual trustees arrive subsequent to the commencement of a meeting or leave prior to adjournment, the time of arrival and/or departure shall be noted in an appropriate portion of the minutes.
- d) Minutes of board meetings shall record all motions made, the nature of delegations and correspondence received, and any information requiring board action, or information relevant to any agenda items.

## 9. QUORUM

- a) A quorum is a majority of the whole board and no business can be legally transacted without a quorum present.
- b) The number required for a quorum does not change if there is a vacancy on the board.
- c) If there is no quorum when the meeting is supposed to begin, those trustees present may wish to proceed with the business of the meeting operating as a committee. When a quorum is present, the legally constituted meeting would then be asked to approve the decisions made by the committee. This committee would not be referred to as a committee of the whole because a quorum for a committee of the whole would be the same number as a quorum for the board.

## 10. COMMITTEES

- a) The number of trustees on any committee shall be less than a quorum of the board, except for Committee of the Board as a Whole.
- b) Meetings of committees will be held in camera (sec. 30(4) P.S.A.) and participants will include trustees of the committee, staff assigned and any other invited guests.

- c) If a chairperson of a committee is not appointed by the board, it shall be the duty of the first-named on the committee to convene the first meeting, at which time a chairperson should then be elected.
- d) The superintendent & CEO of the division shall determine which members of the office staff shall attend each board committee meeting to provide background, do research, and record the minutes.
- e) Committees appointed to report on any subject referred to them by the board shall report in writing via the minutes.
- f) By a vote of the majority of the members present, the board may resolve itself into "Committee of the Whole in Camera".
- g) The rules of procedure of the board shall be observed while in-camera, so far as applicable. No decision of the board shall be made while in-camera, and no minutes shall be recorded, other than a record in the minutes of the regular meeting of the topic discussed while in-camera.

#### 11. MOTIONS

- a) To begin a motion, "I move that" is the correct phrase to use.
- b) A motion made must be seconded and every motion shall be put in writing.

#### 12. BY-LAWS

Every proposed or amended by-law shall receive three (3) separate readings before it is finally passed and becomes a by-law, and a proposed or amendment by-law may be amended on any reading thereof. A by-law may be given no more than two (2) readings at one meeting, except as otherwise provided in The Public School Acts [Section 213(3)] or as may otherwise be determined by the board.

#### 13. POLICY ADOPTION

- a) A proposed new policy or policy change as brought forward by the Policy Committee shall be submitted to the board as a part of a regular meeting agenda as an information item. A copy of the proposed new policy or policy change shall be attached to the minutes of the meeting and posted on the web site.
- b) At the following board meeting, the superintendent & CEO shall present the proposed policy or policy change with a recommendation. Any interested person or group shall be given an opportunity to be heard on the proposed policy. Such request must be submitted in advance as per #19 of the Procedural By-law. Following the presentation, the board may:
  - i. approve the proposal;
  - ii. amend and approve the proposal;
  - iii. reject the proposal;
  - iv. refer the proposal back to the Policy Committee for study and revision.

#### 14. VOTING

- a) Although it is the duty of every member who has an opinion on a question to express it by his/her vote, he/she can abstain since he/she cannot be compelled to vote.

- b) The minutes shall reflect the mover, the seconder of each motion and if the motion is carried or opposed.
- c) A tie vote is defeated.
- d) When the question under consideration contains more than one distinct proposition, upon the request of any member, the motion shall be rewritten.
- e) If a member wants his/her abstention recorded in the minutes, he/she must notify the chair of his/her intention to abstain prior to the vote being called.
- f) If a member wants his/her vote recorded in the minutes, he/she must notify the chair of his/her intention prior to the vote being called.
- g) If a member wants all trustees' votes recorded in the minutes, then the board must pass a motion to approve the exception to the normal process.

#### 15. TIME LIMITS

No meeting shall extend beyond three (3) hours from the time the meeting is brought to order unless there is a majority consent from the board as a whole. With a decision to proceed, a time limit must be set for adjournment.

#### 16. CONFLICT OF INTEREST

Supplementary to the Public Schools Act sections 36(1) to 39(8), inclusive, the following shall apply:

##### a) Disclosure Provisions

When a trustee has a conflict of interest, as defined in the Public Schools' Act, in a matter before the board or any committee of the board of trustees, if present, shall as soon as the conflict of interest becomes or ought reasonably to have become apparent:

- i. Disclose his or her conflict of interest;
- ii. Abstain from discussing or further discussing at the board meeting or otherwise with any other trustee or committee member the matter or any question relating to the matter;
- iii. Abstain from voting on the matter or on any question relating to the matter; and
- iv. Leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

##### b) Record of Disclosure

The disclosure and abstention of a trustee under this section shall be recorded in the minutes of the committee or the board.

##### c) Claiming Potential Conflict Provisions

A trustee or officer of the board may at any time prior to, during or after a meeting of the board or any committee of the board claim that another trustee has a potential conflict of interest in a matter which has been, is or is to be before the board and thereupon shall state the substance of the potential conflict of interest and advance his or her reason for believing that the trustee named has such a potential conflict of interest. No member or officer of the board who makes such a claim shall acquire any liability therefore in the absence of malice.

Should any of the above provisions of this section be found to be contrary to the provisions of the Public Schools Act or Local Authorities Election Act, the provisions for those acts shall prevail.



17. PUBLIC PARTICIPATION AT BOARD MEETINGS

The board of trustees, as a representative body of the citizens residing in The Red River Valley School Division, wishes to provide avenues for all citizens to express their interests, wishes, and concerns respecting any aspect of the educational system. Accordingly, except where a motion is made to convene in Committee of the Whole, all board meetings shall be open to the public and the public is cordially invited to attend.

In order to ensure that persons or groups who wish to appear before the board or to ask questions of the board are given fair opportunity to do so, while at the same time allowing the board to conduct its meeting properly and efficiently, the board adopts as policy the following procedures and rules pertaining to public participation at board meetings.

a) Delegations

- i.) Any person wishing to appear before the board as a delegation, either as an individual or on behalf of a group, shall advise the secretary-treasurer in writing of such intent by 12:00 p.m. of the seventh day preceding the regularly scheduled business meeting of the board at which they wish to appear.
- ii.) Persons wishing to appear as a delegation shall, at the time they give such indication, provide the secretary-treasurer with a written copy of the petition/presentation.
- iii.) Any persons wishing to appear as a delegation shall give their names, contact information, and the group, if any, that is represented.
- iv.) Where possible, the administration shall, prior to the board meeting, prepare and distribute an information paper relative to the subject of any given delegation.
- v.) Presentations from any individuals, or presentations made on behalf of any given group, shall be limited to a maximum of 15 minutes unless an extension of time is granted by the board.
- vi.) At the conclusion of a given presentation, trustees may ask questions for clarification but shall refrain from expressing opinions.
- vii.) The petition/presentation of any delegation shall be addressed during the meeting at which the delegation appeared and in addressing the petition/presentation, the board may act upon the matter or choose to table the matter pending receipt of additional information, or refer it to committee, the chair, and/or administration for further consideration and/or action.
- viii.) The chair shall not recognize any individual who is not formally identified on the agenda as a delegation.
- ix.) Where, at a meeting of the school board, any person is, in the opinion of the chair of the meeting, guilty of disorderly or improper conduct, the chair of the meeting may require him/her to leave the meeting forthwith and if he/she fails to do so may cause him/her to be removed. (S30(6) PSA)
- x.) Where, in the opinion of the chair, there is substantive reason to do so, a delegation requesting to appear before the board at a given meeting may be deferred to the next regular meeting of the board or to such meeting as may be determined by the chair;
- xi.) Where, in the opinion of the chair, there is lack of sufficient new information to be presented,

the request to reappear before the board may be denied until a period of six (6) months has passed.

b) Public Question Period

- i.) Opportunity for the public in attendance to ask questions pertaining to the agenda shall be provided at the conclusion of the regular agenda and prior to adjournment. Questions asked by the public shall, when possible, be answered immediately by the chair, or by referral by administrative staff. Questions, which, in the opinion of the chair, may require investigation, shall be referred to a board committee, the chair, and/or the administration for consideration and later response.
- ii.) Speakers may offer such objective criticism of the system as may concern them, but the board shall not hear in an open session personal complaints against any system personnel.
- iii.) Participation by any individual or group shall be limited to a maximum of five minutes.
- iv.) Where, in the opinion of the chair, a member or members of the public present is/are unduly disrupting and/or delaying a meeting during the public question period, the chair may entertain a motion to adjourn the public question period and, if such motion is passed by the majority of trustees present, the chair shall not entertain any additional questions from the public.
- v.) The maximum time for question period shall be 10 minutes.

DONE AND PASSED at duly assembled and constituted meeting of the said trustees held this 26 day of APRIL, 2022

\_\_\_\_\_  
(Chairperson)  
Robyn Collette  
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(Secretary-Treasurer)