



**Lambton Kent**  
**District School Board**  
*Student Achievement* ✓ *Community Success*

# PROCEDURAL BY-LAWS

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# **Lambton Kent District School Board Procedural By-laws**

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# Lambton Kent District School Board Procedural By-laws

## SECTION 1 INTERPRETATION

- 1.01 “Abstention” in a vote, recorded or not, has the same effect as voting for the prevailing side.
- 1.02 “Board” means Lambton Kent District School Board.
- 1.03 “Chair” means the Chairperson of the Board.
- 1.04 “Vice-Chair” means the Vice-Chairperson of the Board.
- 1.05 “Current year” means the year during which the Chair holds office, i.e. November 15 to November 14.
- 1.06 “Director” means the Director of Education and Secretary of the Board or the Chief Executive Officer, as the case may be.
- 1.07 “Majority” means more than fifty percent. “Two thirds (2/3) majority” means equal or greater than 66.7% of the Trustees of the Board present and voting.
- 1.08 “Quorum” for a meeting means the presence of a majority of those persons constituting the Board or a Committee of the Board, as the case may be, and forty minutes shall be allowed to establish a quorum or to recover a quorum.
- 1.09 “Trustee” means a person elected or acclaimed to the office of the Trustee of the Board pursuant to the provisions of the Municipal Elections Act.
- 1.10 “Student Trustee” (Student Representative on the Board) means student(s) serving on the Board as non-voting members.
- 1.11 The Board’s First Nation Partners shall appoint the First Nation Trustee to serve on the Lambton Kent District School Board for a four year term consistent with the term of the elected Trustees. The First Nation Trustee shall be deemed to be an elected member of the Board as per Ontario Regulation 462/97 *First Nations Representation on Boards*.
- 1.12 The Board’s First Nation Partners shall appoint a First Nation Trustee Alternate who may sit at the Board Table in the absence of the First Nation Trustee during public meeting with voting rights. In the absence of the First Nation Trustee, the First Nation Trustee Alternate will be invited to attend private meetings when the matter discussed involves First Nation Students. The Alternate’s term will be consistent with the term of the First Nation Trustee.
- 1.13 “Unanimous consent” on a matter means the consent of all Trustees eligible to cast a vote on the matter.
- 1.14 “Vacancy” in a seat of the Board occurs:  
a) When the resignation of a Trustee is accepted by the majority of Trustees present at a meeting at which the resignation is presented except that a Trustee may not resign if their resignation will reduce the number of Trustees to less than a quorum; or

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- b) When a Trustee ceases to hold the qualifications required for election as a Trustee of the Board if their becomes disqualified pursuant to the provisions of the Education Act.

- 1.15 “Vacancy” in the position of Chair or Vice-Chair occurs if the incumbent has their resignation from the position accepted by a majority of the Trustees present at a meeting at which the resignation is presented.
- 1.16 “Delegation” means community members wishing to address the Board.
- 1.17 “Presentation” means staff members wishing to address the Board on matters of general interest to the education system or matters of information to Trustees.
- 1.18 Questions requiring unanimous consent are:
- a) Placing business matters on the Agenda for the Annual Organization Meeting
  - b) Additions to the agenda of any Special Board Meeting.
- 1.19 Questions Requiring a two-thirds majority of the Board are:
- a) Changes in the composition of Board Committees and Statutory/Legislative Committees;
  - b) To call for the question i.e. to cut off debate;
  - c) To change time, place, frequency of Board Meetings;
  - d) To cancel any Regular Board or Special Board Meeting;
  - e) To extend a meeting of the Board later than 10:00 p.m.
  - f) To consider at the same meeting a question that has been tabled;
  - g) To reconsider a question at the same meeting (motion to be made by a member who voted on the prevailing side);
  - h) To rescind any former action of the Board without notice having been previously given;
  - i) to consider a new matter at a regular Board Meeting;
  - j) To deal directly with any matter without referring it to a Board Committee;
  - k) To deal with matters at Special Board Meetings;
  - l) To amend the By-laws;
  - m) To censure a Trustee.
- 1.20 “Point of Order” is raised when a member believes a meeting is proceeding contrary to the Board’s By-laws. A point of order must be made at the time of the allege irregularity occurs.

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## SECTION 2 THE ANNUAL ORGANIZATION MEETING OF THE BOARD

- 2.1 The Annual Organization Meeting shall be conducted in the same manner both in election and in non-election years.
- 2.2 The annual Organization Meeting shall be held at 7:00 p.m. on November 15 if it is a Tuesday or on the first Tuesday following November 15, in the Board Room in the corporate office of the Board. On the petition of a majority of the Trustees who will comprise the Board, the Director, or their designate, shall arrange for the calling of the Annual Organization Meeting at some other specified time and date provided that the date is not later than November 21.
- 2.3 The Director shall preside until the election of the Chair. In the absence of the Director, the Trustees present shall designate a member of the Senior Administration to preside until the election of the Chair.
- 2.4 Quorum A quorum of the Trustees constituting the Board is required for the Annual Organization Meeting. In the absence of a quorum, the Meeting shall be called for 7:00 in the evening of the next day.
- 2.5 Official Returns After calling the meeting to order, the Director shall read, if applicable the official returns of the election of Trustees as supplied by the appropriate Clerk along with a statement that the Declarations of Office and the Oaths of Allegiance pursuant to the provisions of the Education Act have been completed and filed.
- 2.6 Election of the Chair The Director shall conduct an election for the Chair. Trustees shall be invited to make nominations. Nominations do not require a seconder. After one or more nominations have been made, a resolution to close nominations shall be made. In the case of a single nomination, the candidate shall be declared Chair by acclamation. In the case of more than one nomination, an election by secret ballot shall be conducted. All nominees shall have a 3-5 minute opportunity to address the Board in support of their candidacy. The candidate who receives a majority of votes cast shall be declared elected. In the event of no candidate receiving a majority of votes cast on the first or on any succeeding vote, the candidate receiving the fewest votes cast shall be eliminated from consideration and another vote shall be taken. In the event that, on a vote that requires the elimination of a candidate, two or more candidates are tied with the fewest votes cast, such candidates shall be eliminated from further consideration provided two or more candidates remain. If two or more candidates would not remain for consideration, all candidates, including the one who may not be tied with the fewest votes cast, shall be considered on an immediate subsequent vote. In the event that a tie that must be broken still persists, such tie shall be broken by lot to eliminate one candidate. In the event of an equality of votes for the final two candidates, a second ballot shall be held. In the event of a further tie, the candidates shall draw lots to fill the position.
- 2.7 Scrutineers For the purpose of counting ballots and reporting the results to the Chair for public announcements, two Trustees and the Director of Education or their designate shall be appointed by Board resolution.

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- 2.8                    The Trustee elected Chair shall hold office during the year (November 15 to  
Term of Office      November 14 inclusive) and until their successor is elected.  
for Chair
- 2.9                    Upon election, the Chair shall preside over the remainder of the Annual  
Organization Meeting.
- 2.10                  An election for Vice-Chair shall be conducted in the same manner as that of the  
Election of            Chair.  
Vice Chair
- 2.11                  Election of Ontario Public School Boards' Association (OPSBA) Delegate and  
Election of            Alternate will be conducted in the same manner as the Chair at the Organization  
OPSBA Reps        Meeting of the Board. The term of office is June OPSBA Annual General  
Meeting (AGM) to June OPSBA AGM.
- 2.12                  Striking Committee will be comprised of:  
Striking              a) the most immediate Past Chair;  
Committee            b) the newly elected Chair, who shall be Chair of the Striking Committee;  
                            c) the newly elected Vice-Chair; and  
                            d) the Director.
- If the most immediate Past Chair is not available, Trustees will nominate a  
member from their ranks to fill this position.
- Trustees will indicate their preference regarding committee membership on a  
preference sheet. The preference sheet will outline the Board's Legislative,  
Standing and Ad Hoc Committees. The Striking Committee shall attempt to  
accommodate the individual Trustee preferences.
- 2.13                  The Director of Education shall assign one or more members of the Senior  
Committee            Administration to each of the Board Committees.  
Assignments
- 2.14                  The Chair of the Striking Committee shall recommend for approval of the Board  
Committee            the report of the Striking Committee.  
Approval
- 2.15                  The Signing Officers for the Board shall be the Director of Education and  
Signing                Secretary of the Board and the Treasurer of the Board. They shall be appointed  
Officers                by Board resolution at the Organization Meeting, to serve from November 15 to  
November 14 inclusive.
- 2.16                  The Board shall appoint the Legal Counsel for the Board.  
Legal Counsel
- 2.17                  The Board shall by nomination and/or election determine the composition of the  
Statutory             Statutory Committees in accordance with the Education Act.  
Committees

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2.18                    Once constituted, the Statutory/Legislative Committees shall remain  
Changes in            unchanged, for one year or four years as the case may be, except by reason of  
Statutory              subsequent decision made by a two-thirds majority of the Trustees of the Board.  
Committees

2.19                    It shall be in order, at the Organization Meeting, to make the necessary  
Appointments        appointments of representatives of the Board to any other organization or to  
                              appoint any special Committee, if by reason of time, such appointments are  
                              expedient.

2.20                    The Annual Organization Meeting shall not be used to transact regular  
Other                    business or to perform other duties which belong to a Regular Meeting of the  
Business                Board unless such matter is put on the Agenda by unanimous consent of the  
                              Trustees present. It shall be in order at the Annual Organization Meeting to  
                              hear reports from the immediate Past Chair and newly-elected Chair.

## **SECTION 3            REGULAR AND SPECIAL MEETINGS OF THE BOARD**

3.1                     Except as set forth in the following sections, the Regular Monthly Meetings of  
Regular                the Board shall be held on the second and fourth Tuesday in each month of  
Meeting Dates        the school year commencing at 7:00 p.m. unless such Tuesday shall fall on a  
                              Public holiday in which case, the Board shall meet at the call of the Chair on  
                              any evening at the same hour within eight (8) days. In the month of the  
                              Organizational Meeting of the Board (see by-law 2.2) there will be only one  
                              business meeting of the board, and it will be held on either the second or  
                              fourth Tuesday of the month.

3.2                     a) With the consent of two-thirds of the members eligible to attend, Regular  
Alternative            Meetings of the Board may be held on a date other than that mentioned in  
Meeting Dates        the preceding section.  
                              b) With the consent of two-thirds of the members eligible to attend, any  
                              Regular Meeting may be cancelled.

3.3                     Special Meetings of the Board may be called by the Chair. A Special Meeting  
Special                must be convened upon receipt of a request signed by a majority of the  
Meetings                members of the Board. In the absence of the Chair and of the Vice-Chair, or  
                              in the event of their failure to honor such request, the Secretary of the Board  
                              is authorized to call such meetings.

3.4                     The notice calling a Special Meeting of the Board shall state the purpose for  
Notices of              which the meeting is called and no other business shall be considered unless  
Special                each member of the Board has been fully informed in writing of such added  
Meetings                purpose. In the event of all members of the Board being present, they may  
                              agree by two-thirds majority vote to deal with matters other than those on the  
                              agenda.

3.5                     Electronic Meetings may be held in accordance with Ontario Regulation  
Electronic              463/97 as an option for a Board Meeting to facilitate decision-making by the  
Meetings                Board.

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3.6  
Notice of all  
Board  
Meetings

Notice of all meetings of the Board shall be delivered electronically to each member at their designated LKDSB email address at least forty-eight hours prior to the time for the said meeting provided, however, that the Chair, or in their absence, the Vice-Chair may, at direction, call any meeting of the Board on less than forty-eight hours notice, but in no event less than six hours, given to each member via their designated LKDSB email address, by telephone, in person or other similar means where the Chair or Vice-Chair in their opinion, deems such meeting to be necessary or expedient.

3.7  
Documents for  
the Board

All communications or other documents intended for consideration by the Board must be in the hands of the Secretary of the Board not later than 4:00 p.m. on the day previous to the meeting (or earlier, if specifically stated). It shall be left to the discretion of the Chair of the Board and the Secretary of the Board to present or to hold over documents coming to the Board Office after the hour specified, unless such documents or communications shall have reference to some matter which may arise during said meeting, or which may be required by some member, having knowledge of such communication. This does not pertain to delegations or presentations.

All correspondence addressed to the Chair of the Board or the Director of Education and Secretary of the Board, requiring Board action will be placed on the Board Agenda. Other correspondence addressed to the individuals named above or all Trustees, will be placed on the Board Agenda or re-directed to the appropriate Board or Administrative Committee, at the discretion of the Chair of the Board or the Director of Education. An electronic folder of all correspondence received will be maintained for Trustees to access all correspondence and to inquire about a specific letter.

3.8  
Agenda Setting

The Agenda for each Regular Board Meeting shall be prepared by the Chair and/or Vice-Chair and Director of Education or delegate.

3.9  
Quorum

The presence of a majority of all the voting members constituting a Board is necessary to form a quorum.

3.10

Should a quorum at any meeting of the Board not be present, forty minutes after the time appointed for the meeting, the Secretary of the Board shall record the names of those present and the meeting shall stand adjourned.

3.11  
Extend  
Meeting

To extend the session later than 10:00 p.m. requires a two-thirds majority vote of the Board.

3.12  
Meeting Open  
to the Public

In accordance with Section 207, subsection (1) of the Education Act, the meetings of the Board and, except as noted below, meetings of a Committee of the Board, including Committee of the Whole Board, shall be open to the public and no person shall be excluded from a meeting that is open to the public except for improper conduct.

3.13  
Meetings in  
Private  
Session

Meetings of a Committee of the Board, including a Committee of the Whole Board, may be closed to the public in accordance with Section 207, subsection (2) of the Education Act, when the subject under consideration involves:



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

## 3.14 Delegations

Any person from the community or community group who may wish to address the Board on issues of concern to the education system shall give seven business days' notice electronically or in writing to the Secretary of the Board or designate and shall indicate the matter or issue they wish to speak to and provide an electronic or printed copy of their presentation with their request. Requests received without supporting documentation will not be considered. The Chair, Vice-Chair and Director of Education will review all requests at the Agenda Review Meeting prior to the Board Meeting and determine if the request will be placed on the Board Agenda and if so whether the topic is for the Public agenda or Private Session (see by-law 3.13 Meetings in Private Session). The submitted presentation materials, whether placed on the Board Agenda or not, may be shared with elected Trustees prior to the Board Meeting along with the Board Agenda package but will not be included as part of the Board Agenda package or posted publicly. At the Chair's discretion, legal advice may be sought prior to sharing the presentation materials. Individuals or groups may be limited to one presentation to the Board on a given topic in a school year. Delegations should address the concern identified in the presenters' application. If materials presented differ substantially from the written submission, the Chair has the right to rule the presentation out of order. At the conclusion of the delegation presentation, Trustees may ask questions of clarification.

## 3.15 Time Limitation

Approved requests from community members or groups shall have ten minutes to address the Board. If more than eight presentations are requested, the Chair may schedule a Special Board Meeting to hear the presentations/delegations.

## 3.16 Public Gallery Closed

If the Public Gallery is closed, arrangements will be made for the delegation to present remotely.

## 3.17 Presentations

An employee or employee group may make a presentation to the Board relating to a specific issue, matters of general interest to the Education system and matters of information to Trustees. Individuals or employee groups requesting permission to appear and speak before the Board or a Committee of the Board must submit their request and their materials in writing to the Secretary of the Board at least seven business days' prior to the meeting.

## 3.18 Time Limitation

A person or group making a presentation shall have ten minutes in which to complete their presentation.

## 3.19

All persons attending meetings of the Board shall show respect for others in their language and conduct. Any persons who interrupts or disrupts a meeting of the Board shall be expelled from the meeting in accordance with

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Decorum at  
Board  
Meetings  
**SECTION 4**

the Education Act, ss 207 (3). Audio or video recording devices may not be used at any meeting of the Board or its committees without the prior permission of the Chair of the Board or the Director of Education.

## ORDER OF BUSINESS FOR MEETINGS

4.1

REGULAR BOARD MEETINGS PUBLIC SESSION	BOARD MEETINGS (PRIVATE SESSION)	ORGANIZATIONAL MEETING
1. Call to Order Regrets	Call to Order Regrets	Call to Order (student performance)
2. Approval of Agenda Traditional Territorial Acknowledgement	Approval of Agenda Traditional Territorial Acknowledgement	Appointment of Scrutineers
3. Declaration of Conflict of Interest	Declaration of Conflict of Interest	Election of Chairperson
4. Approval of the Minutes	Approval of the Minutes	Election of Vice- Chairperson
5. Business Arising from the Minutes	Business Arising from the Minutes	Election of Delegate and Alternate to OPSBA
6. Actions of the Committee of the Whole Private Session		Striking Committee Retires to Select Composition of Board Committees
7. Presentations, Delegations (10 minutes per presentation)	Presentations, Delegations (10 minutes per presentation)	Report of Striking Committee
8. Reports for Action: Board Committees Director Trustees Associate Director Superintendents	Reports for Action: Board Committees Director Trustees Associate Director Superintendents	Motion to destroy ballots
9. Reports for Information: Board Committees Director Trustees Associate Director Superintendents	Reports for Information: Board Committees Director Trustees Associate Director Superintendents	Appointment of Signing Officers of the Board
10. Correspondence	Correspondence	Appointment of Legal Counsel for the Board
11. New Business	New Business	
12. Trustee Questions	Trustee Questions	
13. Notices of Motion	Notices of Motion	
14. Announcements		
15. Adjournment	Adjournment	Adjournment

4.2  
Procedure for  
Special  
Meetings

After the Chair has called the Meeting to order, the matter for which the Special Meeting has been called will be laid before the Board by the Chair, Member or Board Official who has knowledge thereof. The regular rules of debate will govern. Any action that may be decided upon shall be as binding as though taken at a Regular Meeting of the Board.

4.3

The Education Act requires the Board, through the Director, to approve the hiring, termination, retirements, resignations, transfers and granting of leaves

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Staffing Reports for teachers. A written report on these matters shall be submitted as necessary. The Board will approve the total complement for non-teaching positions connected to the corporate and regional office as part of the budget. A written report will be submitted annually or as needed.

4.4 Trustee Questions The Trustee question period is an important tool of accountability. The procedure for Trustee question period shall be as follows: each Trustee shall be permitted to ask questions of Administration, other Trustees or the Chair of the Board (Trustees are encouraged to inform Administration of concerns prior to meeting.)

## **SECTION 5 BOARD MEETINGS – PRIVATE SESSION CLOSED TO THE PUBLIC**

5.1 Start Time & Chair of the Meeting Such meetings to be regularly scheduled for 6:30 p.m. or earlier if necessary, on those dates that Regular Meetings of the Board are held. The Vice-Chair of the Board Shall Chair these meetings.

5.2 End Time The Regular Board Meeting, private session will not extend later than 7:00 p.m. It may be reconvened at the conclusion of the Regular Board Meeting public session.

5.3 Notice & Chair of Meeting Special meetings of the Regular Board closed to the public may be called in the same manner and with the same notice that are applicable for Special Meetings of the Board. Chair of the Board shall Chair these meetings.

5.4 Order of Business The Order of Business for such meetings shall be the same as the Order of Business for all meetings of the Board, as applicable.

5.5 Rise & Report From Private Session Each Motion made in a Regular Board meeting or Committee of the Whole Board that is closed to the public that requires a Board action shall be presented as a motion by a mover and a seconder with a vote taken in a Public Session Regular or Special Meeting of the Board as the case may be. Motions that must remain confidential become the action of the Board by virtue of such a Motion of the Board.

5.6 Committee Meetings Closed to the Public By a majority vote of those members present and for the reasons specified in the Education Act, a Permanent Committee or Ad Hoc Committee of the Board may determine that its meeting or part of its meeting shall be closed to the public

## **SECTION 6 RULES OF GOVERNING DEBATE**

6.1 Desire to Speak When a member desires to speak to any question, the member shall address the Chair, confining themself to the subject under debate.

6.2 One Speaker at a Time When two or more members indicate their desire to speak at the same time, the Chair shall name the person to speak.

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- 6.3  
No Interruptions            No member shall interrupt another member who is speaking, except on a point of order.
- 6.4  
Limit 10 Minutes            No member shall speak for more than ten minutes on the same question without permission of the Board.
- 6.5  
Speaking Once  
on the Same  
Question                      No member shall speak more than once on the same question or motion without permission of the Chair, except in explanation of a material part of their previous remarks, which may have been misunderstood, and without the introduction of new matter. The mover of a motion, however, may reply to discussion, before the vote is taken.
- 6.6  
Order                            No member shall be permitted to hold discourse, which may interrupt a member who is speaking. Any member violating this rule must be called to order by the Chair.
- 6.7  
Limitation                      No member shall speak on a question after it has been put by the Chair, except to demand the yeas or nays, or to have the yeas and nays recorded, nor shall any other motion be made until after the result is declared.
- 6.8  
Conduct of the  
Chair                            During Regular Board Meetings the Chair shall not take part in any discussion unless he/she first leaves the chair and appoints someone to take their place until the question is decided. Should the Chair refuse to put any motion or any appeal from their ruling to the vote of the Board, the member making such motion or appeal may put the same to vote.
- 6.9  
Question to be  
read out                        Any member may request the question or motion in discussion to be read for their information at any time during the debate, but not so as to interrupt a member speaking.
- 6.10  
Challenging the  
Chair                            Any member may put a motion to challenge the ruling of the Chair. Such motion requires a seconder and is not debatable.
- 6.11  
Voting                            When a question or motion is being put, the members shall remain in their allotted places.
- 6.12  
Committee-of-  
the-Whole                      The Board may move into Committee-of-the-Whole to allow for extended debate on a question by passing the appropriate motion.

## SECTION 7            RULES OF ORDER

- 7.1  
Eligibility of  
Chair to Vote                      The Chair may vote with the other members of the Board upon questions, and any question on which there is any equality of votes shall be deemed to be defeated.
- 7.2  
Voting by Proxy                Voting by proxy will not be allowed in any meeting under the jurisdiction of the Board.

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- 7.3  
Seconded No motion or amendment shall be debated or put to a vote unless seconded.
- 7.4  
Withdrawal of a Motion After a motion is seconded and stated by the Chair, it shall be deemed to be in the possession of the Board, but may be withdrawn by the mover, with the consent of the Board before being put to a vote.
- 7.5  
Question under Debate When a question is under debate, no motion shall be entertained except the following:  
a) for a “vote to be taken” or to call a question;  
b) to table;  
c) to defer;  
d) to refer to a committee;  
e) to amend.
- 7.6  
Calling the Question The motion that “a vote be taken” or that the question be called may be moved at any time when a motion or an amendment is before the Board, provided that no member while actually speaking shall be interrupted for this purpose. Upon the motion that “a vote be taken” or that a question be called being moved, it shall be put by the Chair, without debate, in the following form: “Shall the motion be now put?” If carried with a two-thirds majority, the Chair shall forthwith put the question before the Board to a vote, amendments first and motion last, and the same shall be voted upon and disposed of without further debate, and no motion or amendment shall be entertained until the motion and amendments, in respect of which the motion that “a vote be taken” has been moved, shall be disposed of.
- 7.7  
Motion to Table A motion “to table” is not debatable; but a motion to table with any condition attached to it is subject to debate and amendment. When a question has been tabled, it shall not be taken up at the same meeting, except by a vote of two-thirds of the members present.
- 7.8  
Motion to Defer When a motion ‘to defer’ indefinitely has been approved, the question affected thereby shall not be taken up again at the same meeting.
- 7.9  
Motion to Refer A motion to “refer to a Permanent Committee” shall take precedence over a motion to refer to an “Ad Hoc Committee”.
- 7.10  
Motion to Amend After a resolution is moved and seconded, a motion to amend may be made and a motion to amend the amendment may also be made; but no further motion to amend shall be made until these have been decided.
- 7.11  
Content of Amendment A motion by way of amendment must be directly relevant to the main motion and shall propose some change in the form and substance of the main motion or principal amendment.
- 7.12  
Separate Votes When any question under consideration contains several distinct propositions, a separate vote shall be taken on each proposition, under the request of any member before the question is called.

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- 7.13 Reconsideration of the Vote After a vote has been taken on any question, except one for deferral, a motion to reconsider may be made at the same meeting by any member who voted on the prevailing side of the question at issue, but a two-thirds vote of the members present and entitled to vote shall be necessary to carry the motion.
- 7.14 Reconsideration of Vote at a Subsequent Meeting A motion to reconsider the vote at a subsequent meeting may be made by any member who voted on the prevailing side of the question at issue, provided that a written notice of intention to move a reconsideration shall have been given at a previous meeting of the Board. In such case, a majority of those present shall carry the motion.
- 7.15 Reconsideration A motion to reconsider once made after notice at a previous meeting shall have been given and decided in the negative, no further motion to reconsider shall be entertained during the next twelve months without the unanimous consent of all trustees present or not present given in writing.
- 7.16 Rescind A motion to rescind any former action of the Board may be made by any member thereof, but two-thirds vote of those present and entitled to vote shall be necessary to carry the motion; unless notice shall have been given to a previous Regular Meeting in which case a majority vote shall prevail.
- 7.17 A motion to rescind any former action of the Board being once made and decided in the negative, no further motion to rescind shall be entertained in the next twelve months without the unanimous consent of all trustees present or not present given in writing.
- 7.18 Introducing New Matter No motion introducing new matter, other than matters of privilege, shall be considered at any Regular Meeting of the Board, except by a two-thirds vote of the members present and entitled to vote, unless notice of a person's intention to introduce the question was given at a previous regular meeting. A notice of motion, accompanied by a written report by the originator, shall be placed on the agenda for the next Board meeting.
- 7.19 Withdrawing Notice of Motion Any member who has given notice of motion may withdraw same with permission of the Board.
- 7.20 Recorded Vote The yeas and nays shall not be recorded on any question unless requested by a Trustee and such request shall be made before the Chair calls upon the members to vote. In such cases, each member present and voting shall record their vote on a ballot. The Director of Education shall collect the ballots. The Chair of the Board shall read out the votes of the individual Trustees and the Director of Education shall record the same. Student Trustees may cast non-binding votes. It shall be the duty of the Director of Education to record the same in the Minutes.
- 7.24 The Board approves annually the appointment of three Student Trustees, for the August 1 to July 31 term. One student will represent a public secondary

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Student Trustees school from Sarnia-Lambton, one will represent a public secondary school from Chatham-Kent and one will represent Indigenous students of the LKDSB. The Students will attend all public Board Meetings. The Student Trustees may participate in all Board deliberations and provide input except on matters involving individual staff or student issues or those which create a conflict of interest. Student Trustees may not make a motion. Student Trustees may cast non-binding votes on a motion.

## SECTION 8 LEGISLATIVE/STATUTORY, PERMANENT AND AD HOC COMMITTEES

8.1 Permanent Committees of the Board do not meet at regular times and are not necessarily composed of the entire membership of the Board. There shall be the following Permanent Committees of the Board:

- a) Striking Committee
- b) Grievance Committee (acts on behalf of the Board)
- c) Indigenous Liaison Committee
- d) Student Suspension Appeal/Expulsion Committee (acts on behalf of the Board)
- e) Negotiations Committee
- f) Surplus Sites Committee (acts on behalf of the Board in accordance with Parameters established by the Board)
- g) Secondary Student Art
- h) Student Senate
- i) Elementary Teacher/Board Communications Committee
- j) Board Agenda Review Committee
- k) Parent Involvement Committee (PIC)

8.2 Legislative Committees Legislative/Statutory Committees of the Board are struck in accordance with provincial legislation and meet as required by the Education Act on the call of the Chair of the committee. The composition of legislative committees is also set out in provincial legislation and regulations. There shall be three Legislative Committees of the Board as follows:

- a) Special Education Advisory Committee (SEAC)
- b) Supervised Alternative Learning (SAL) (acts on behalf of the Board)
- c) Audit Committee

Other Committees shall be formed as required by Collective Agreements of the Board.

8.3 Ad Hoc Committees By resolution of the Board, an Ad Hoc Committee may be set up to deal with a specific matter provided that no such committee may be set up where the matter can be dealt with by the Permanent or Legislative Committee in which case the Chair of the Committee considering the resolution shall rule that portion of the resolution out of order and the motion shall be deemed to be amended to include a referral to the appropriate Committee.

8.4 The term of an Ad Hoc Committee may not extend beyond three months unless the resolution creating the Ad Hoc Committee provides otherwise.

8.5 The Grievance Committee shall be comprised of three Trustees and three alternates (preferably a balance of representatives from the northern and

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Responsibility of the Grievance Committee southern parts of the School District). The Grievance Committee shall hear and consider grievances submitted to it in accordance with the Collective Agreements between this Board and the bargaining agents for this Board's employees. The Grievance Committee has the power to act on behalf of the Board in all grievances filed under Collective Agreements of the Board. Such action shall be updated as information at the regularly scheduled Board meeting.

8.6 Unless a Permanent or Ad Hoc Committee is specifically given power to act in the resolution setting it up, its recommendations must be approved, amended or otherwise dealt with at a subsequent meeting of the Board. If given power to act, the report of such action shall be given to the Board at its next regular meeting.

8.7 Board Chair Ex-Officio The Chair of the Board is Ex-Officio on all Board Committees.

## SECTION 9 INDEMNITY BY LAW: MUNICIPAL CONFLICT OF INTEREST ACT, 1982

BE IT INACTED AND IT IS HEREBY ENACTED as a by-law of the Lambton Kent District School Board, as follows:

9.1 Member In this by-law, unless the context otherwise requires "member" means a duly elected member of the Lambton Kent District School Board.

9.2 The Board may, pursuant to Section 248 of the Municipal Act, R.S.O. 1980, Chapter 302, indemnify a member, out of its general funds for any damages or costs awarded against such member or expenses incurred by him/her as a result of any action or other proceeding, except a proceeding brought under the Municipal Conflict of Interest Act, 1982, arising out of acts or omissions done or made by him/her in his capacity as a member, including while acting in the performance of any statutory duty imposed by any general or special act or paying any sum required in connection with the settlement of such action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding, except this section does.

9.3 Indemnify a Member The Board may, pursuant to Section 14 of the Municipal Conflict of Interest Act, 1982, indemnify a member out of its general funds for any costs or expenses incurred by him if he has been found not to have contravened Section 5 of that Act, as a result of a proceeding brought under it and for paying on behalf of or reimbursing the member for any such costs or expenses, except that this section does not apply to any act or omission that occurred prior to the 1st day of March, 1983.

9.4 Indemnity Notwithstanding anything contained in this by-law, a member is entitled to indemnify from the Board in respect of charges and expenses reasonably incurred by him in connection with the defense of:

- a) any proceedings under the Municipal Conflict of Interest Act, 1982 to which he is made a party by reason of being or having been a member,



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if the person seeking indemnity has been found not to have contravened Section 5 of that Act; or

- b) any other criminal, civil or administrative action or proceeding to which he is made a party by reason of being or having been a member, if the person seeking indemnity:
  - i) was substantially successful on the merits in his defence of the action or proceeding;
  - ii) acted honestly and in good faith with view to the best interests of the Board; and
  - iii) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, had reasonable grounds for believing that his conduct was lawful.

## 9.5 Insurance

- The Board may purchase and maintain insurance to protect any member;
- a) who has been found to be contravened Section 5 of the Municipal Conflict of Interest Act, 1982, against any costs or expenses incurred by the member as a result of a proceeding brought under that Act, and for paying on behalf of or reimbursing the member for any such costs or expenses; and
  - b) against risks that may involve liability on the part of such member for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or proceedings, except a proceedings brought under the Municipal Conflict of Interest Act, 1982, arising out of acts or omissions done or made by them in their capacity as members, including while acting in the performance of any statutory duty imposed by any general or special Act or by paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding, except where the liability relates to his failure to act honestly and in good faith with a view to the best interests of the Board.

## 9.6 Application

This by-law applies to a person who is a member of the Board at the time the circumstances giving rise to the proceeding occurred but who prior to the settlement or judgment in such action or other proceeding has ceased to be a member.

## SECTION 10   ROLE OF TRUSTEES

### 10.1

- The responsibilities of Trustees are defined in the Education Act and include but are not limited to:
- a) establishing and monitoring Board policy;
  - b) implementing Provincial education policy;
  - c) establishing a budget and monitoring its implementation;
  - d) providing, equipping and maintaining schools;
  - e) holding the Director of Education accountable for student achievement and student well-being;
  - f) employing and compensating staff;
  - g) accountable to ratepayers;
  - h) advocating public education;
  - i) ensuring the effectiveness of Board programs and services.

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Trustees are expected to attend Board Meetings and serve on Board committees and keep confidential all information discussed in Private Session. Trustees are expected to follow the School Board Member (Trustee) Code of Conduct for the Board.

10.2  
Trustees are  
Policy Makers

Trustees are policy makers. Their resolutions and policy should guide the Director who is responsible for policy implementation. Trustees should not attempt to become involved in the day-to-day administration of the system. The Director shall ensure that Trustees are given full access to all information required for their decision making.

10.3  
Absence of  
Board Member

If a member is absent, without being authorized by Board motion entered into the Minutes, from the meetings of the Board for three consecutive meetings, they vacate their seat and the provisions of the Education Act under which the Board is established shall apply with respect to filling of the vacancy.

## **SECTION 11 SCHOOL BOARD MEMBER (TRUSTEE) CODE OF CONDUCT FOR THE LAMBTON KENT DISTRICT SCHOOL BOARD**

11.1  
Purpose

A Trustee position, as defined in Sections 1.09, 1.10, and 1.11, is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

11.2  
Applications

This Code of Conduct and the Enforcement Procedures apply to all Trustees of the Board, including the Chair and Vice-Chair of the Board and Student Trustees. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.

Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.

Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members. Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

11.3  
Avoidance of  
Personal  
Advantage and  
Conflict of  
Interest

No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing their duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event as per Lambton Kent District School Board Hospitality policy and regulation R-BU-521.

A Trustee shall not use their office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with

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which the Trustee is related or associated. Trustees are required to declare a conflict of interest at Board Meetings or Board Committee Meetings as per the Lambton Kent District School Board regulation on Conflict of Interest for Trustees, R-OP-446. No Trustee shall use their office to obtain employment with the Board for the Trustee or a family member

11.4  
Compliance  
with Legislation

A Trustee of the Board shall discharge their duties in accordance with the *Education Act* and any regulations, directives or guidelines thereunder and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation. Every Trustee of the Board shall uphold the letter and spirit of this Code of Conduct. Every Trustee shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Director of Education and the Chair of the Board.

11.5  
Civil Behaviour

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

A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.

When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and the public.

Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.

All Trustees of the Board shall endeavour to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

11.6  
Respect for  
Confidentiality

Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.

No Trustee shall use confidential information for either personal gain or to the detriment of the Board. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of their position, except when required by law or authorize by the Board to do so.

The obligation to maintain confidentiality is in perpetuity.

11.7  
Upholding  
Decisions

All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board. Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.

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A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state their position on a resolution provided it does not in any way undermine the implementation of the resolution.

Each Trustee shall comply with Board policies, procedures, By-Laws, and Rules of Order.

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 but sharing their own opinions.

## SECTION 12 ENFORCEMENT OF THE CODE OF CONDUCT

### 12.1 Identify a Breach of the Code

A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board.

Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstances shall an inquiry into a breach of the Code be undertaken after the expiration of the six (6) months from the time the contravention is alleged to have occurred.

Any allegation of a breach of the Code shall be investigated following the Informal or Formal Complaint Procedure below, as the case may be.

It is expected that whenever possible, allegations of a breach of the Code by a Trustee shall be investigated following the informal Complaint Procedure. It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding their obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure.

### 12.2 Chair/Presiding Officer

The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice-Chair of the Board.

When necessary, alternate Trustee(s), the past Chair and one (or two if required) Trustee(s) chosen by lot shall be chosen to be used when the circumstance warrant that one or both Trustees are needed in place of the Chair and/or Vice- Chair of the Board to carry out any of the duties required under this Code of Conduct and Enforcement. In no circumstance shall the Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.

Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or committee of the Board from exercising their power pursuant to s. 207(3) of the *Education Act* to *expel or exclude from any meeting any person*

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*who has been guilty of improper conduct at the meeting.* For greater certainty, this may be done at the sole discretion of the Chair or Presiding Officer, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.

The Chair of the Board or Presiding Officer of any meeting of the Board or committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures contained in any Policy or By-Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the *Enforcement of the Code of Conduct*, except for persistent improper use of the applicable rules of order by the Chair or Presiding Officer.

## 12.3 Informal Complaint Procedure

The Chair of the Board on their own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) who alleges a breach of the Code has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the potential breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. The Informal Complaint Procedure is conducted in private.

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

## 12.4 Formal Complaint Procedure

A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board by first providing to the Chair of the Board a written, signed complaint setting out the following: (i) the name of the Trustee who is alleged to have breached the Code; (ii) the alleged breach or breaches of the Code; (iii) information as to when the alleged breach came to the Trustee's attention; (iv) the grounds for the belief by the Trustee that a breach of the Code has occurred; and (v) the names and contact information of any witnesses to the alleged breach or any other persons who have relevant information regarding the alleged breach. Except as provided below,

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if a written complaint is filed with the Chair of the Board then a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.

In an election year for Trustees, a code of conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.

The Chair of the Board shall provide to all Trustees of the Board a confidential copy of the complaint within ten (10) days of receiving it. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code.

## 12.5 Refusal to Conduct an Inquiry

If the Chair and Vice-Chair of the Board are of the opinion that the complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, they shall prepare a confidential report to all Trustees of the Board Inquiry stating their opinion and rationale for it. Should there be a Board resolution on the recommendation, the Trustee who is alleged to have breached the Code of Conduct shall not vote on the resolution. If the opinion is adopted by the Board of Trustees a formal inquiry shall not be conducted.

If the Chair and Vice-Chair of the Board cannot agree on the above then a full formal inquiry shall be conducted.

If an allegation of a breach of the Code of Conduct on its face is with respect to the non-compliance with a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that procedure.

## 12.6 Steps of Formal Inquiry

If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Chair and Vice-Chair of the Board, if appropriate, or any two of the Chair, Vice-Chair and the alternate Trustees, or an outside consultant chosen by the Chair and Vice-Chair. Regardless of who undertakes the formal inquiry the following steps shall be followed.

The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.

Procedural fairness shall govern the formal inquiry. The formal inquiry will be conducted in private.

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The formal inquiry may involve both written and oral statements by any witnesses, the Trustee bringing the complaint and the Trustee who is alleged to have breached the Code of Conduct.

The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal inquiry and in writing.

It is expected that the formal inquiry will be conducted within 90 calendar days of the receipt of the written response to the complaint. If a longer period of time is required to complete the inquiry, the reason for the extension shall be explained in the final report to the Board. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within 10 days of receiving the written allegation, or such extended period of the time as the investigators deem appropriate in the circumstance.

If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in their absence.

12.6 The final report shall outline the finding of facts and a recommendation or opinion as to whether the Code of Conduct has been breached. If the Chair and Vice-Chair of the Board when conducting the formal inquiry cannot agree on the final finding of facts, it shall be referred to an outside investigator to complete the formal inquiry.

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

12.8 Decision The final report shall be delivered to the Board of Trustees, and a decision by the Board of Trustees as to whether or not the Code of Conduct has been breached and the sanction, if any, for the breach shall be made as soon as practical after receipt of the final report by the Board.

Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.

If the Board of Trustees determines that there has been no breach of the Code of Conduct or that a contravention occurred, although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.

The determination of a breach of the Code of Conduct and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a

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meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting. The reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees of the Board present and voting.

Despite s. 207 (1) of the *Education Act*, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) being:

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

The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.

The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but shall not participate in the deliberations, and shall not be required to answer any questions at that meeting.

The Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed, influence the vote on the decision of breach or sanction

## 12.9 Sanctions

If the Board determines that the Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:

- (a) Censure of the Trustee.
- (b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
- (c) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.

The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.

A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.



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The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the *Education Act* regarding absences from meetings.

- 12.10 Reconsideration
- If the Board determines that a Trustee has breached the Board's Code of Conduct the Board shall,
- a) give the Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;
  - b) the notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least fourteen (14) days after the notice is received by the Trustee; and
  - c) consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.

If the Board revokes a determination, any sanction imposed by the Board is revoked.

If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary or revoke the sanction.

If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.

The Board decisions to confirm or revoke a determination or confirm, vary or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to confirm, vary or revoke a sanction. The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The Trustee who brought the complaint may vote.

The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.

If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.

## SECTION 13 ACKNOWLEDGEMENT AND UNDERTAKING

- 13.1 Each Trustee will sign and confirm that they have read, understand and agree to abide by the Board's Code of Conduct and the Enforcement Procedures for the duration of their current elected term of office.

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## **SECTION 14 FORMS OF MOTIONS**

- 14.1 Motions shall be drafted in general terms and written motions are encouraged whenever possible.
- 14.2 All new initiatives or projects going to Board for approval shall include the financial implications of the recommendations.
- 14.3 The Director shall present draft Board policies and draft Board regulations directly to the Board or an appropriate committee for discussion, debate and recommendation to the Board.

## **SECTION 15 PERFORMANCE APPRAISAL OF THE DIRECTOR OF EDUCATION**

- 15.1 The Director of Education shall prepare, annually prior to the end of the school year, a Performance Appraisal Report of the Director of Education.
- 15.2 The Report shall be organized on the achievement of the Board's Vision, Mission and Strategic Priorities and address the follow matters:
- a) the steps taken and success achieved in implementing Board policy and Strategic Priorities;
  - b) the steps taken and success achieved in implementing Ministry legislation, regulations and policy;
  - c) the effect of Board policy and Ministry policy on the quality of education of the Board's students;
  - d) matters raised in reply to the most recent Performance Appraisal Report of the Director;
  - e) matters which should be addressed by the Board in the ensuing school year; and
  - f) other matters which the Director believes should be brought to the attention of the Board.
- 15.3 The Director shall, prior to the submission of their Performance Appraisal Report request the Board to identify other specific policies and issues that it wishes to be addressed in the Performance Appraisal Report.
- 15.4 The Director's Performance Appraisal Report shall be considered by the Board, in private session, at any one or more of its meetings and the Board shall receive the report and deliver a reply at the first Board Meeting of the next school year which shall include the following:
- a) concerns of the Board with respect to the implementation of Board policy and Strategic Plan;
  - b) concerns with respect to the implementation of Ministry policy;
  - c) matters which shall be addressed by the Board and/or legislations or Board Committees within the ensuing school year;
  - d) other matters in reply to the Director's Performance Appraisal Report as may be appropriate.

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## **SECTION 16 POLICY DEVELOPMENT, DIRECTION AND DIRECTOR'S ANNUAL REPORT**

- 16.1 The Board shall review and if necessary revise the Vision Statement, Mission Statement and Strategic Priorities in consultation with its staff and community at least once per Trustee term of office.
- 16.2 The Board shall develop a Strategic Priorities governing the strategic direction of the Board in all facets of its operation focused on improving student achievement.
- 16.3 The Board Strategic Priorities shall be published and distributed to the public through our website except those portions that are dealt with in accordance with the Education Act in Private Session.
- 16.4 Each school shall develop a School Improvement Plan in accordance with the Board's Vision Statement, Mission Statement and Strategic Priorities, in consultation with the School Council and the Superintendent of Education responsible for the school.
- 16.5 The system plan shall include:
- a) teaching and learning;
  - b) finance;
  - c) student achievement
  - d) community partnerships;
  - e) employee relations; and
  - f) other matters deemed appropriate by the Board.
- 16.7 The Director of Education shall develop an administrative organizational model and assign responsibilities so that the Board's Vision Statement, Mission, Strategic Plan and Policies are implemented throughout the system.
- 16.8 The Director shall prepare annually a Director's Annual Report to communicate its performance to the community and the Ministry of Education. The Director's Annual Report shall include the following:
- a) the Board's success in achieving its Vision and Mission;
  - b) the Board's success in implementing its Strategic plan;
  - c) the Board's success in implementing its policies;
  - d) the Board's success in implementing Ministry legislation and policy;
  - e) the Board's results of District and Provincial standardized testing; and
  - f) such other matters as the Board deems appropriate.

## **SECTION 17 APPLICATION**

- 17.1 Application These by-laws apply, with necessary modification, to the Board's Permanent, Legislative and Ad Hoc Committees.

## **SECTION 18 LOCAL MEETINGS**

- 18.1 Location Regular meetings of the Board held on the second Tuesday shall be held at the Chatham Regional Education Centre. Regular meetings of the Board held on the fourth Tuesday shall be held at the Sarnia Education Centre.

# **Lambton Kent District School Board Procedural By-laws**

18.2                    At the discretion of the Board, any of the regular meetings of the Board, public  
Alternative            session or private session may be held at local schools under the jurisdiction  
Locations for         of the Lambton Kent District School Board.  
Board Meetings

## **SECTION 19 BY-LAWS: AMENDMENT**

19.1                    By-laws may be amended by a two-thirds majority of the Board at any meeting  
of the Board provided that notice, in writing, has been given at the previous  
regular meeting of the Board and provided that the proposed amendment(s)  
are not in conflict with any statutory provision or regulation then in force.

19.2                    Any changes in the Education Act that affect the by-laws shall be incorporated  
as appropriate.

## **SECTION 20 BY-LAWS: REVIEWS**

20.1                    The By-laws shall be reviewed at least every three years by the Board.