

RULES AND REGULATIONS

BOARD HANDBOOK

Updated: September 2011
November 2006

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RULES OF ORDER

Given that the Education Act of the Province of Ontario (RSO, 1990) is the overall governing document of Hamilton-Wentworth District School Board.

Then Hamilton-Wentworth District School Board's document "Rules and Regulations and Board Handbook" (September 2011) shall govern the proceedings of the Board of Trustees of Hamilton-Wentworth District School Board. And when this document is silent on a procedure, the current editions of Robert's Rules of Order Newly Revised will be the authority on that procedure.

PROCESS FOR AMENDING, ADDING, DELETING AND REVIEWING RULES AND REGULATIONS

1. No amendment, addition or deletion shall be made to the Rules and Regulations unless due notice has been given setting forth the proposed amendment, addition or deletion. Here, due notice means following the normal procedures for getting an item on the Agenda with the explicit changes written out in advance.
2. At least a two-thirds majority of all members of the Board (i.e. eight (8) out of eleven (11) members) must vote in favour of the change.
3. Upon approval, every change to the Rules and Regulations shall be noted with the date of such approval on the appropriate page or pages.
4. These rules and regulations will be reviewed regularly by the Governance Committee and each sub-committee will review their own Terms of Reference. At a minimum, recommendations shall be presented to the Committee of the Whole in March following the commencement of each new elected term of the trustees.

Adopted May 31, 2004
Revised November 16, 2009

PROCEEDINGS AT THE FIRST MEETING OF THE BOARD

1. The first meeting of the Board for each year shall be held in the Board Room on the first Monday in December at 7:00 p.m. unless otherwise ordered by the previous Board.
2. Every member elected or appointed to fill a vacancy on the Board shall, on or before the day fixed for holding the first meeting of the Board after his/her election or appointment, make a declaration and oath of allegiance in the form and in the manner provided by Section 209, Education Act, and the required declaration shall be filed with the Secretary of the Board within eight days after making thereof.
3. At the appointed time the Secretary shall assume the Chair and call the meeting to order and proceed to read the returns of election to the Board as certified by the Clerks of the municipalities, whereupon the elected members shall take their places.
4. Unless ordered by the previous Board, the election of Chair and Vice-Chair will be conducted at the first meeting in December.
5. The Secretary will conduct the election of Chair.
6. All trustees are eligible for the office of Chair and Vice-Chair
7. The Secretary will call for nominations for the position of Chair. Nominations need not be seconded.
8. After a reasonable time, the Secretary will call for a motion to close nominations. This motion will be seconded and must be carried by a simple majority.
9. An allotted time of five minutes shall be given to each nominee to present his/her reasons for seeking this position. No speeches shall be given on behalf of the nominee.
10. Voting shall be by written ballot if necessary and all trustees, including the nominees, may vote.
11. The Secretary or designate will act as a scrutineer and each candidate will be allowed to select a trustee to act as a scrutineer.
12. A clear majority, being one vote more than one-half of members present and voting, shall be required to win. If no nominee receives this on the first ballot, the nominee receiving the lowest number of votes shall be dropped and a further ballot or ballots taken until a clear majority is received by one nominee who shall be declared the winner.
13. In the event of a tie vote, the two nominees will draw lots.
14. The Secretary shall announce the results to the members.
15. The newly elected Chair will assume the Chair, replacing the Secretary of the Board, and conduct the election of the Vice-Chair. The same rules for voting are to apply.

Adopted May 31, 2004

RESPONSIBILITIES OF ALL CHAIRS AT MEETINGS

Chairs shall call the meeting to order at the hour appointed, shall preserve order and decorum, decide upon all questions to order, and shall cause the Secretary to record the names of the members present and absent, and those members sending regrets.

TYPES OF MOTIONS AND DISPOSAL THEREOF:

I. Privileged Motions

- (a) Privilege (e.g. Could I have the door closed because of the noise?)
- (b) Point of Order (e.g.. The motion proposed is out of order as we already have a motion on the floor.)
Note: Only (a) and (b) above can interrupt the speaker.
- (c) Adjourn
 - i. A motion to adjourn shall be in order, except when a member is speaking or a vote is being taken or when a motion to call the question has been made. A motion to adjourn shall not be open to amendment or debate; but a motion to adjourn to a certain time may be amended and debated.
 - ii. No second motion to adjourn shall be made until some business is transacted after the first motion to adjourn has been defeated.
- (d) Recess
Requires a seconder and is only debatable as to the length of time of the recess.

2. Incidental Motions (yield only to Privileged motions)

Note: Incidental motions indicate something else must be done before the question under debate can be properly dealt with. They do not refer specifically to the question under discussion.

- (a) Withdrawal
 - i The mover and seconder can withdraw a motion at any time.
 - ii Other members can move a motion be withdrawn at any time. A simple majority rules.
- (b) Close Nominations
- (c) Appeal Chair's Ruling
 - i. If a member challenges the ruling of the Chair, the question, "Shall the Chair's ruling be sustained?" shall then be put by the Secretary, and decided without debate. The questioning member will have the opportunity to state his/her reason for challenging the ruling and the Chair will be given the opportunity to explain why he/she has ruled. To over-rule a decision by the Chair, it shall be necessary that a majority of the members present vote in favour of over-ruling the Chair.
 - ii This type of motion should not be considered a vote of no confidence. The proper interpretation is that the Chair has misunderstood the will of the majority.
- d) Suspend the Rules
 - i. A motion to suspend a specific rule
 - ii. A mover is required
 - iii. Mover to speak to why the concern is time sensitive (not debatable)
 - iv. 2/3 majority to bring the motion to the floor

3. Subsidiary Motions

- a) Table
Cannot be debated unless conditional. Debate must be then confined only to the condition.
- b) Call the Question

A motion to call the question can be moved at any time provided that no member speaking is interrupted.

A motion to call the question:

- a) cannot be amended;
 - b) cannot be moved by a member who has spoken to the question;
 - c) is not debatable.
- c) Referral
Requires a simple majority and can be debated.
- d) Amend
- i After a motion is made and seconded, a motion to amend may be made, and a motion to amend the amendment may be made. An amendment to an amendment cannot be amended.
 - ii More than one amendment to the main motion can be made providing they pertain to different parts of the main motion.
 - iii Amendments are voted on in the reverse order in which they were made.
 - iv An amendment modifying the subject of a motion shall be in order, but an amendment relating to a different subject or, in the opinion of the Chair, changing the intent of the motion shall not be in order.

4. Unclassified Motions

Note: These refer to motions previously appearing on the Board's order of business but need to be considered again.

Reconsider

- i Must be made by someone who voted on the prevailing side of the original motion.
- ii A motion to reconsider can be made at the same meeting in which the decision was made or at the next regularly scheduled Board meeting. The mover will have the opportunity to state reasons requesting reconsideration. Debate will be restricted only to reasons for reconsideration.
- iii A reconsidering motion requires only a simple majority of members present and voting. Once a motion to reconsider has been decided in the negative, no part of the original motion shall be reconsidered unless the original motion is first rescinded. A motion to reconsider, once being made and decided in the negative, shall not again be entertained for a period of a Board year.

Rescind

- i A motion to rescind requires a 2/3 vote of the members present unless notice of motion was given at a previous meeting whereby necessitating only a majority vote.
- ii A motion to rescind is not in order if action has already been taken and cannot be reversed.

Lift from the Table

- i. Is not debatable and requires only a majority vote.
- ii. Can be made the same day the motion was tabled.

Revised March 2011
Adopted May 31, 2004

GENERAL REGULATIONS FOR BOARD AND COMMITTEE OF THE WHOLE MEETINGS

Time and Day of Meeting

1. Regularly scheduled Committee of the Whole Meetings and Board Meetings each shall be held on Mondays at least once a month except for July and August. Meetings may be called on other days of the week with proper notice.
2. The Board and Committee of the Whole will begin their meetings at the time noted in the public notice of the meeting. Evening meetings cannot extend beyond 10:00 p.m. except with a two-thirds vote in favour of the members present and voting.
3. All regular full Board meeting shall begin with the singing of O Canada, or a reading, followed by student presentations, celebrations of success or other significant events. When it comes to the attention of the Board that a former Trustee, Director or Superintendent of the Board has passed away, a moment of silence will be observed at the next public meeting.

Quorum for Board and Committee of the Whole Meetings

4. At all meetings of the Board and Committee of the Whole whether regular, special, supplementary or extraordinary, the presence of a majority of all members shall be necessary to form a quorum. A quorum being 50 per cent plus one.
5. Should there be no quorum present within twenty (20) minutes after the time appointed for the meeting, the Secretary shall cause the names of those trustees present to be recorded in the minutes and the meeting will be adjourned until a later date.
6. When a quorum is no longer present, no business can be legally transacted.

Notice of Meetings

7. Written or printed notice of all meetings of the Board shall be provided two working days prior to the meeting. Every effort will be made to provide copies of any written materials at the same time as the notice.
8. No matter shall be entertained and considered by the Board until it has been referred to the Committee of the Whole and the Committee of the Whole has reported thereon, unless with the approval of at least two-thirds of the members present and voting.
9. New items of business arising at the meeting may, by a decision of at least two-thirds of those present and voting, be considered at that meeting. The mover will have the opportunity to explain why this is time sensitive, and if at Board, cannot be dealt with by a Notice of Motion.
10. In situations where timelines are urgent and a decision of the Board is required, it may be necessary for the Committee of the Whole to report to the Board the same evening, in which case due notice must be given.
11. Special Meetings of the Board or Committee of the Whole may be called at the discretion of the appropriate Chair to consider matters requiring immediate action with 48 hours notice. The notice will state all business to be considered.
12. A special meeting of the Board or Committee of the Whole shall be convened when requested by a written requisition signed by four members of the Board to the Secretary of the Board. The notice calling such a meeting shall indicate the business to be dealt with.

Speaking at Meetings

13. Any member desiring to speak shall indicate by raising their hand. Upon recognition by the Chair, who shall call the member by name, the member may then address the Board.
14. Every member shall confine comments to the question in debate and shall avoid all discourteous language and reference to personalities. No member shall use offensive words in or against the Board or any member thereof.
15. Members called to order from the Chair shall at once stop speaking until the Chair has ruled. Members may appeal the Chair's ruling. (see appeal – Incidental motions (c)).

16. No member shall be interrupted while speaking except on a point of privilege or order involving a mistake, error or failure to comply with the rules of order. A member so interrupting shall speak to the point of order and privilege in explanation only and shall remain silent until the point of order or privilege has been decided by the Chair.

Time Limitations on Discussion: Full Board Meetings only

17. After the introduction of a motion which has been seconded and spoken to by the mover, the following time limitation shall be applied:
 - (a) main motion – 20-minute discussion
 - (b) amendment to main motion – 15-minute discussion
 - (c) amendment to amending motion – 10-minute discussion
 - (d) motion to refer main motion – 10-minute discussion

General Rules for Motions

18. Every motion shall be seconded and shall be disposed of only by a vote unless the mover and the seconder agree to withdraw the motion. (see Responsibilities of All Chairs at Meetings, Incidental Motions)
19. Any member may request the motion under discussion to be read for his/her information at any time in the course of debate, provided that a member speaking to the question is not interrupted.
20. A member may introduce a motion and after it is seconded may speak to it. A motion put forth by a member that does not relate to:
 - (i) an agenda item or
 - (ii) the issues in debate,requires a written Notice of Motion at a previous meeting of the Board. This written Notice of Motion will be received by the Secretary of the Board five (5) business days prior to the Board at which the Notice of Motion is to be first presented. A motion to waive this rule must be passed by at least two-thirds majority of the members present and voting.

Motions in Order

21. When a motion is under debate, the only Motions in order shall be:
 - (a) to adjourn; [see Privileged motion (c)]
 - (b) to lay on the table; [see Subsidiary motions(a)]
 - (c) to call the question; [see Subsidiary motions (b)]
 - (d) to refer; [see Subsidiary motions (c)]
 - (e) to amend; [see subsidiary motions (d)]which shall have precedence in the order above named. The first and third shall be decided without debate, the second is not debatable unless conditional.

Voting

22. When the question under consideration contains distinct propositions, any particular proposition, upon the request of any member, may be considered and voted on separately.
23. All motions shall be decided by the Board by a simple majority of those present and voting for and against the motion, except for those exceptions noted where at least a two-thirds majority is required. All Board motions (except those In-Camera Sessions) shall have the number of votes for and against the motions and abstention recorded. No member of the Board shall have more than one vote on any question.
24. Once a question has been called, no member shall leave the Board Room.
25. Any member desiring a full standing recorded vote of all members by name must make this request prior to the Chair calling the vote. Trustees wishing to have their votes individually recorded by name may make this request before or after determination of the question.
26. Student Trustee – Unofficial Vote: That the minutes of the Board and Committee meetings reflect the unofficial vote of the student trustee. [Adopted April 20, 2000]

27. A vote of at least two-thirds of all those present and voting is required if at any time members wish to move to suspend a specific rule by name.

Public Questions

28. Every meeting of the Committee of the Whole and of the full Board shall provide an opportunity for public questions for clarification at the end of each meeting.
29. At the full Board meeting, signed written questions, addressed to the Secretary of the Board, concerning pending agenda items, and received up to 10 minutes prior to the commencement of the meeting, will be entertained at the start of business.

Revised February 2011
Adopted May 31, 2004

2/3 Present and Voting

ABSTAINING from VOTING

	0	1	2	3	4	5	6	7	8	9	10
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6	4	4	3	2	2	1					
7	5	4	4	3	2	2	1				
8	6	5	4	4	3	2	2	1			
9	6	6	5	4	4	3	2	2	1		
10	7	6	6	5	4	4	3	2	2	1	
11	8	7	6	6	5	4	4	3	2	2	1

MEMBERS PRESENT

- 1 Look at column on the left to determine how many trustees are present
- 2 Go across the row to the column which states how many trustees abstained from voting
- 3 Where the row and column meet, that is how many "YES" votes are required to pass.

Regulations for Delegation Presentations to Committee

Delegations are welcomed by committees of the Board.

Definition of a Delegation for the Purpose of This Policy

1. Delegations consist of groups or organizations from the Hamilton district, other than vendors or lobbyists, who request an opportunity to draw the attention of the Board of Trustees to a particular matter or issue within the Board's jurisdiction.
2. Delegations are also groups, organizations and individuals that make a presentation to the Board of Trustees at the Board's request at a specified time.
3. Employees of the Board may also request to appear as delegations to make presentations on topics other than those concerning employment or professional interests for which other channels exist.

Pre-meeting – Procedures

4. Request shall be received in writing by the Secretary of the Board at least ten (10) calendar days in advance of the appropriate committee meeting.
5. The request will be referred to the Chair of the Board who will confirm that the request falls within the jurisdiction of a particular committee, to which it will be forwarded.
6. The Committee Chair in consultation with the Chair of the Board, rules on receiving the delegation, reviewing compliance with #4 and #5 above, and,
 - (a) Limits the number of delegations to three (3) per regular committee meeting.
 - (b) May limit the number of presentations on a given subject or by a group within the same academic year.
 - (c) Will notify the delegation and trustees, with a written rationale, should a delegation be denied.
7. Authorized delegations shall submit their presentations in writing to the Secretary of the Board no later than three (3) business days prior to the meeting.

Note:

- (a) Individuals who have difficulty in creating a written submission will be offered appropriate support through the Office of the Secretary of the Board.
- (b) The written material will appear as part of the trustees' support material for the meeting at which the presentation is made.
- (c) Failure to submit written material will result in delegation status being withdrawn.

Process for Delegations at the Committee Hearing

8. Presentations are expected to follow the outline of concerns identified in the written submission. If the materials presented differ substantially from the written submission, the Chair has the right to call an immediate recess in order to clarify the situation.
9. Up to two representatives from a delegation may make the presentation. Additional speakers may be allowed with the permission of the Chair.
10. Presentations shall not exceed ten (10) minutes in length.
11. At the discretion of the Chair an extension of no more than ten (10) minutes may be granted.
12. A question period of up to ten (10) minutes will follow the presentation, where Trustees will limit their comments to questions for clarification.
13. At the discretion of the Chair an extension of no more than ten (10) minutes may be granted for questions.

14. If the item delegations are addressing is on the meeting's agenda, then trustees will discuss the matter at the appropriate time. If the issue is not listed on the agenda, then trustees may opt to:
 - (a) Formally receive and file the submission of the delegation, or
 - (b) Refer it to staff for follow-up, or
 - (c) Request that it be included on a future meeting agenda, or
 - (d) Add the item to the meeting agenda, which requires a two-thirds vote of the trustees present.

Special Hearings

15. The Board may, by resolution, hold a special hearing to gather input on a specific topic.
The process to be followed at these special hearings:
 - (a) either follow the requirements outlined in sections 4-14 above;
 - (b) or there shall be specific requirements approved by resolution of the Board at the time the special hearing is approved.

Revised June 20, 2000

COMMITTEE OF THE WHOLE BOARD IN-CAMERA SESSIONS

1. The following matters shall not be raised in open meetings of the Board but shall be dealt with in a meeting of the Committee of the Whole Board In-Camera:
 - (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
2. Committee of the Whole In-Camera sessions shall include, the Trustees, the Recording Secretary, the Director, and those invited by the Secretary of the Board on behalf of Trustees as necessary.
3. When in-camera Committee of the Whole agrees a motion needs to be approved and action is required, a report shall be made to the Board

Exceptions:

4. The only time an in-camera Board meeting is legal is when the Board is dealing with a matter under S. 218(3) of the Education Act (Breach of the Code of Conduct). In this instance, the Board may discuss the matters in-camera but the final decision must be brought to a public Board meeting.
5. As per Board rules and Regulations, matters are discussed at the Committee of the Whole before being sent to Board for approval. (with few exceptions e.g. audit committee report)

BOARD OF TRUSTEES JOB DESCRIPTION

The Education Act provides for the establishment of four types of District school boards: English Public, English Catholic, French Public, and French Catholic. Under the Education Act, locally elected school boards are responsible for operating publicly funded schools within their jurisdiction and for the delivery and quality of educational programs and services. Legal accountability for Board of Trustees' decisions applies to the Hamilton-Wentworth District School Board as a corporate entity rather than to individual trustees.

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

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

The Board of Trustees for the Hamilton-Wentworth District School Board has the following major areas of responsibility:

1. Accountability for Student Achievement

- 1.1 Promote a culture that supports student success.
- 1.2 Ensure that effective educational programs are available for all students.
- 1.3 Make decisions that reflect Hamilton-Wentworth District School Board's philosophy and belief statements that all students can learn.
- 1.4 Promote clear, consistent expectations that focus on a successful outcome for all students.

2. Accountability to the Community

- 2.1 Make decisions that reflect Hamilton-Wentworth District School Board's philosophy, belief statements and strategic plan, and that represent the interests of the entire organization.
- 2.2 Establish processes that provide the community with opportunities for input.
- 2.3 Provide opportunities for communication between Hamilton-Wentworth District School Board and School Councils and Home and School Associations.
- 2.4 Provide reports outlining the Hamilton-Wentworth District School Board results in accordance with provincial policy.
- 2.5 Develop policy to hear appeals in accordance with appropriate statutes and Hamilton-Wentworth District School Board policies.

3. Accountability to the Provincial Government

- 3.1 Act in accordance with the Education Act, Regulations, and other statutory requirements to ensure the implementation of provincial and education standards and policies.
- 3.2 Perform the functions required by provincial legislation and Hamilton-Wentworth District School Board policy.

- 3.3 Provide advice to the Ministry of Education and the provincial trustee association regarding regional and local implications of funding and policy recommendations.

4. Policy Development, Implementation and Review

- 4.1 Develop policies that outline how the Hamilton-Wentworth District School Board will successfully function.
- 4.2 Ensure that all new policies have in place a purpose statement prior to development.
- 4.3 Approve policy statements that meet the criteria identified by the Hamilton-Wentworth District School Board.
- 4.4 Regularly review policies to ensure that they reflect the desired impact and/or purpose.

5. Board/Director Relations

- 5.1 Select the Director of Education.
- 5.2 Provide the Director with a clear job description and corporate direction.
- 5.3 Delegate through policy, administrative authority and responsibility subject to the provisions and restrictions of the Education Act and Regulations.
- 5.4 Evaluate the Director annually or bi-annually. Use the Director's job description and Strategic Plan as the basis for the evaluation.
- 5.5 At least once a year at the Director's request, provide the Director with an opportunity to meet alone with the Board of Trustees in closed session.
- 5.6 Periodically review the compensation of the Director and senior staff.
- 5.7 Promote a positive working relationship with the Director of Education.

6. Board Development

- 6.1 Annually or biannually review the effectiveness and performance of the Board of Trustees.
- 6.2 Develop an annual plan for trustee development (both collectively and individually) by increasing knowledge of the role, processes, and issues.
- 6.3 Use the expertise of the Director of Education, and other provincial organizations (Ontario Public School Board Association, Council of Directors of Education, Ontario Public Supervisory Officers Association) to help develop and support the Board of Trustees' development plan.

7. Strategic Planning

- 7.1 Provide overall direction for Hamilton-Wentworth District School Board by establishing the purpose (mission), vision and belief statements.
- 7.2 Annually set priorities with outcomes (Strategic Plan).
- 7.3 Annually approve the Strategic Plan in public session for distribution.
- 7.4 Annually use the Strategic Plan to drive the budget process.
- 7.5 Annually evaluate the effectiveness of Hamilton-Wentworth District School Board in relation to the Strategic Plan.
- 7.6 Monitor progress toward the improvement of student achievement.

8. Fiscal Responsibility

- 8.1 Develop a budget review process to help determine annual resource allocations. (Use the Strategic Plan and other provincial and local directions.)
- 8.2 Annually approve the budget to ensure that the financial resources are allocated to achieve the desired results.
- 8.3 Approve as per legislation all capital plans and other planning documents that will drive budget decisions.
- 8.4 Have in place an Audit Committee or alternative structure to ensure that the Hamilton-Wentworth District School Board is compliant with the provincial audit regulations and with appropriate accountability processes.
- 8.5 Solicit advice (from the Director of Education and Ontario Public School Board Association) then set the mandates for negotiation.
- 8.6 Ratify Memoranda of Agreements with all bargaining units and non-union groups.

9. Political Advocacy and Communication

- 9.1 Annually develop an advocacy plan for Hamilton-Wentworth District School Board. Consider in the plan the focus, key messages and advocacy mechanisms.
- 9.2 Annually develop a plan to ensure that the Board of Trustees is communicating with the community, city council, members of the provincial parliament and beyond.
- 9.3 Annually review political advocacy and build on successes.

10. Recognition

- 10.1 Develop mechanisms to ensure that Hamilton-Wentworth District School Board recognizes students and student achievement.
- 10.2 Develop mechanisms to ensure that Hamilton-Wentworth District School Board recognizes staff and staff achievements.
- 10.3 Develop mechanisms to ensure that Hamilton-Wentworth District Board recognizes community members and volunteers.

The board of trustees also has the following responsibilities:

1. Approval of school year calendars.
2. Naming of educational facilities.
3. Approval of disposition of land and buildings.
4. Approval of education development charges.
5. Approval for the issuance of debentures.
6. Designation of a coordinator for Freedom of Information and Protection of Privacy.
7. Approval of the Hamilton-Wentworth District School Board auditor.
8. Approval of the Hamilton-Wentworth District School Board lawyers.

Legal Reference: Education Act S. 170, S. 171

Approval Date: September 26, 2005

BOARD CHAIR JOB DESCRIPTION

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

The Board Chair has the following duties:

1. Shall be the chief spokesperson for the board in relation to board policy except where this has been delegated by the Chair to another individual or group
2. Shall promote the interests of the entire school system
3. Shall aid in establishing good relations with all our external and internal stakeholders which the Board serves
4. Shall preside at Board Meetings, both public and In-Camera sessions and at all other special or informal meetings of the trustees
5. Shall ensure that the Board's Work Plan is implemented, by developing and tracking the agendas of the board meetings
6. Shall review the Board minutes to ensure they reflect the intention of the Board prior to distribution and approval
7. Shall ensure that the board engages in an annual review or self-evaluation of its effectiveness as a board
8. Shall present an address in celebration of achievements of the Board over the past year at the November Board meeting
9. Shall be a member of the Governance Sub-Committee
10. Shall meet with the Director of Education to keep an overview of the Board's business and to provide support as appropriate
11. Shall establish effective strategies to communicate with the other trustees, and shall consult with fellow trustees, in a timely fashion, pertinent information concerning Board business and actions privy to the Board Chair
12. Is expected to make use of training and access resources such as corporate communications
13. Shall be an ex-officio member of all board sub-committees and shall have the right to vote at sub-committee meetings only if his/her attendance is needed to make a quorum
14. Shall act as one of the signing officers of the Board

Revised November 16, 2009

VICE-CHAIR JOB DESCRIPTION

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

The Board Vice-Chair has the following duties:

1. Shall, when the Chair is absent, perform all the duties of the Chair
2. Shall preside at Committee of the Whole sessions, both public and in-camera
3. Shall participate in developing and tracking the agendas of the Committee of the Whole meetings in conjunction with the Board's Work Plan
4. Shall review the Committee of the Whole minutes to ensure they reflect the intention of the Committee of the Whole prior to distribution and approval
5. Shall be a member of the Governance Sub-Committee
6. Shall be an ex-officio member of all Board sub-committees and shall have the right to vote at sub-committee meetings only if his/her attendance is needed to make a quorum
7. May be assigned duties and responsibilities by the Board Chair
8. Shall be an alternate signing officer of the Board
9. If there is no Trustee Mentor for the Student Trustees, the role and responsibilities will rest with the Vice-Chair

Revised November 16, 2009

Adopted June 6, 2006

Oath of Allegiance

209. (1) Declaration – Except as provided in subsection (2), every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, or on or before the day of the first meeting that the person attends, shall make and subscribe the following declaration in English or French before the secretary of the board or before any person authorized to administer an oath or affirmation and in default the person shall be deemed to have resigned:

Declaration

1. I am not disqualified under any Act from being a member of (name of Board).
2. I will truly, faithfully, impartially and to the best of my ability execute the office of board member, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the Municipal Conflict of Interest Act.

Declared before me at _____ in the Province of Ontario ____ this ____ day of _____, 20____

(2) Idem – Where a person is elected or appointed to fill a vacancy on a board, the person shall make such declaration on or before the day fixed for holding the first meeting of the board after his or her election or appointment or on or before the day of the first meeting that the person attends and in default the person shall be deemed to have resigned.

(3) Oath of allegiance – Every person elected or appointed to a board, before entering on his or her duties as a board member, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath or affirmation of allegiance in the following form, in English or French:

I, _____ do (swear or affirm) that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (or the reigning sovereign for the time being). (Sworn or affirmed) before me at _____ in the Province of Ontario _____ this ____ day of _____, 20____

(4) Filing of declaration and oath – The declaration and oath or affirmation of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be.

1994, c.23, s. 65; 1997, c. 31, s. 108

The Hamilton-Wentworth District School Board Code of Ethics

Purpose:

The commitment of each board member to high ethical standards is required to ensure that the school board can responsibly fulfill its obligations and discharge its duties.

My Goals as a Board member:

1. I will be motivated by an earnest desire to serve the Hamilton-Wentworth District School Board to the best of my ability to meet the educational needs of all students.
2. I will recognize that the expenditure of school funds is a public trust and I will endeavour to see that the funds are expended effectively, in the best interests of the students.
3. I will support the value of public education and will endeavour to participate and encourage my board to participate in activities that support or promote public education in Ontario and in Canada.

My Conduct as a Board member

4. I will carry out my duties objectively and I will consider all information and opinions presented to the Board in making my decisions.
5. I will work with other board members in a spirit of respect, openness, co-operation and proper decorum in spite of differences of opinion that arise during debate.
6. I will accept that authority rests with the board and that I have no individual authority outside the Board. I will abide by the majority decisions of the Board once they are made, but I shall be free to repeat the opinion that I upheld when the decision was made provided it does not undermine the authority of the Board.
7. I will accept any contrary opinion respectfully and honestly and without making disparaging remarks about other Board members, in or outside board meetings.
8. I will communicate and conduct my relationship with staff, the community, other school boards and the media in a manner that focuses on issues.
9. I will endeavor to participate in trustee development opportunities to enhance my ability to fulfill my obligations as a school board member.
10. I will respect the Board's established processes and policies.

My recognition of Conflict of Interest as a Board member:

11. I will not use my position for personal advantage or the advantage of any other individual apart from the total interest of the school district and I will resist outside pressure to so use my position.
12. I will act with integrity and do everything possible to maintain the dignity of the office of a school board member.
13. I will not divulge confidential information which I obtain in my capacity as a board member. I will not discuss those matters outside the meetings of the Board or the Board's committees. I will not use privileged information for either personal gain or to the detriment of the board
14. I will avoid direct and indirect benefits, acceptance of hospitality or economic expressions of gratitude and other gifts

Signature: _____

Date: _____

Adopted at the Board June 18, 2007

DEFINITIONS OF COMMITTEES

For the purposes of these rules and regulations the following definitions for committees applies:

1. Board Committees are those in which the Trustees meet in full session.
2. Sub-Committees are usually appointed each December by the Board of Trustees and each have a particular mandate, and report to the Committee of the Whole.
3. Ad Hoc Committees are established by the Board of Trustees to respond to specific issues or recommendation. They have a defined task and timeline for completion and report to the Committee of the Whole.
4. Statutory Committees are mandated by the Education Act and are the Audit Committee, the Special Education Advisory Committee (SEAC) the Supervised Alternative Learning Committee (SAL), Hearings and Appeals Committee and the Parental Involvement Committee (PIC). All except the Hearings and Appeals Committee offer recommendations to the Committee of the Whole.
 - 4.1 All except the Audit Committee and the Hearing and Appeals Committee offer recommendations to the Committee of the Whole.
5. Administrative Committees are co-ordinated by the Board's Senior Administration to pursue system initiatives. Trustee representatives are selected to sit on these committees as a resource.
6. Advisory Committees provide a direct link between the Board of Trustees and community groups. They include the French Immersion Advisory Committee, the Rural Advisory Committee and the Interfaith Advisory Committee. They offer advice to the Committee of the Whole.

Revised May 2011
Adopted May 31, 2004

RULES FOR MEETINGS OF SUB-COMMITTEES AND AD HOC COMMITTEES

1. It is expected that every trustee will sit on at least one sub-committee or statutory committee

Chairs:

2. Chairs of sub-committees and ad hoc committees shall be elected by their respective memberships at the first meeting. The Chair of the Board shall call the first meeting of a sub- committee or Ad Hoc committee as soon as possible after the committee is formed.

Vacancies:

3. If any vacancy shall occur in a sub-committee or ad hoc committee, the Board of trustees may fill the vacancy at its next regular meeting.

Quorum:

4. In a meeting of a sub-committee or ad hoc committee, half plus one of the membership shall constitute a quorum. A quorum must be maintained to record an official meeting.

Public Meetings:

4. Meetings of sub-committees shall be open to the public except when the subject matter under consideration is covered by Section 207 (2) of the Education Act, or its successors.

Ex-Officio Members:

5. The Chair and the Vice-Chair of the Board shall be considered ex-officio members of all committees of the Board. The Chair and Vice-Chair, when in attendance at such meetings may speak, and shall have all privileges of a committee member to speak and vote when they are counted as members when determining the status of a quorum. The absence of the Chair or Vice-Chair shall not be counted in establishing a quorum at that meeting.

Membership:

6. Any Member of the Board may attend meetings of a sub- committee and ad hoc committee, may participate in the discussion, but only appointed members of the committee may vote and propose motions.

Terms of Reference:

7. Sub-Committees shall
 - a) consider subjects referred to it by the Board
 - b) report, in writing, their recommendations to the Board as soon as possible.
 - c) review their Terms of Reference annually and present to the Board, for approval, any revisions they may deem advisable.

Ad Hoc Committees

- a) The terms of reference of an ad hoc committee shall be properly and clearly delineated.
- b) The time when the report is to be submitted shall be prescribed.
- c) The number of trustees shall be stated, and the method of their appointment or election.
- d) The ad hoc committee shall be terminated on its final report to the Board or sub-committee which struck it.
- e) An ad hoc committee of the Board may, at any time and within its mandate, invite membership/input from external groups or individuals.

Adopted May 31, 2004

Audit Committee – Terms of Reference

NAME: The name of the committee shall be Hamilton-Wentworth District School Board Audit Committee

MANDATE: The Audit Committee will report directly to the Board of Trustees. The mandate of the Audit Committee of the Board is to provide oversight to the Board in the areas of:

- Financial Reporting
- Internal Controls
- Internal Auditing
- External Auditing
- Compliance
- Risk Management

The formation of the Audit Committee is a requirement under the Education Act subsection 253.1 (1) which states: *Every district school board shall establish an Audit Committee. 2009, c. 25, s. 32.*

COMPOSITION:

The Audit Committee shall consist of:

- Three HWDSB trustees who are members of the Board
- Two persons who are not trustees
- The non-trustee members shall not receive remuneration for their participation on the Audit Committee

Qualifications:

A non-trustee member of the Audit Committee must have accounting, financial management or legal experience and is not in a conflict of interest, nor is an employee or officer of the Hamilton-Wentworth District School Board or any other school board. Non-trustee members shall be approved by a Selection Committee which includes the Director of Education, the Senior Business Official and the Chair (or trustee designate).

One trustee member of the Audit Committee shall participate in the Regional Conflict Resolution Committee. This committee is responsible for facilitating disputes between the Regional Internal Auditor's office and one or more school board's within the region.

TERMS OF OFFICE:

- The term of office shall not exceed 4 years for a trustee member and 3 years for members who are not trustees.
- The position on the Audit Committee is considered vacant if the member has unauthorized absences for 2 regular consecutive meetings, is convicted of an indictable offence or ceases to hold the qualifications to be an Audit Committee member.

RESPONSIBILITIES OF THE AUDIT COMMITTEE:

Responsibilities of the Audit Committee include the following oversight duties:

- Ensure that the financial statements are complete and in accordance with the Education Act subsection 230.21(1)(a)
- Review the year end external audit process, including having appropriate discussions with the external auditor and management
- Recommend to the board of trustees approval of the financial statements
- Review the effectiveness of the board's internal controls
- Review the scope of the internal and external auditor's review of the board's internal controls, their findings and responses from the board to those recommendations.
- Meet with the regional internal auditor and/or external auditor privately on matters that may need to be discussed
- Review any changes in the planned scope of the regional internal auditor's plan, significant internal audit findings, recommendations and staff follow-up.
- Review the external auditor's audit plan
- Review the performance of the external auditor and make recommendations to the board on the appointment, discharge and compensation of the external auditor
- Resolve disagreements between management and the external auditor on financial reporting matters
- Review the findings of any examinations by regulatory agencies
- Review the process for communicating the codes of conduct and the process for monitoring compliance with the codes
- Inquire about significant risks, review the board's policies for risk assessment and risk management, and assess the steps taken to control such risks
- Oversee special investigations where necessary
- Annually report to the board on the committee's discharge of its duties
- Obtain confirmation that the board has met all statutory filings and requirements
- Other activities as requested by the Board

Conflict of Interest:

- Upon appointment and at the first meeting of each year, every member shall submit a written declaration to the Chair of the Audit Committee whether or not he/she has any conflicts of interest.
- If a member of the Audit Committee declares a conflict of interest on any matter discussed during the meeting, details of the conflict declaration shall be recorded in the minutes of the meeting.

COMMITTEE MEETINGS:

Meeting Dates/Times

- Meetings will be held at least three times per year
- Meetings will be closed to the public in accordance with the Education Act subsection 207 (2) (a) and (b) as there may be sensitive matters discussed of a financial or personal nature
- Although meetings should be closed, the Audit Committee may invite others to attend the meeting such as senior administration, the internal auditor, the external auditor and other members of the board of trustees

Quorum

- The majority of members of the Audit Committee, including at least 1 non-trustee member, will constitute a quorum for the meeting.

Rules of Order

- The appropriate rules of the Board shall govern the order and conduct of the meeting of the Audit Committee, with the exception of those rules prescribed in Ontario Regulation 361/10.

Election of the Chair

- The Chair of the Audit Committee shall be chosen from its members at the first meeting of the year from among the trustees appointed to the committee

Voting

- Every member present at the meeting, including the Chair, shall have one vote
- In the case of a tie vote, the Chair will be entitled to cast a second vote

POWERS OF THE AUDIT COMMITTEE:

- The Audit Committee may meet with the Board's internal or external auditors without the presence of the Board's officers or trustees, other than those who are committee members
- The Audit Committee may require the internal or external auditor to provide reports to the committee
- The Audit Committee may retain counsel, accountants or other professionals to assist in the conduct of an investigation needed to carry out its duties
- Other powers which may be prescribed as per the Audit Committee Mandate from the Ministry of Education.

REFERENCE MATERIALS:

- Ontario Regulation 361/10
- Audit Committee Mandate, Ministry of Education
- Education Act Section 253.1

Adopted April 2011

TERMS OF REFERENCE FOR MEETINGS

FINANCE ADVISORY SUB-COMMITTEE TERMS OF REFERENCE

Mandate:

The purpose of FASC is to provide advice and to make recommendations to the Board on matters related to financial management, school operations and facilities management in order to:

- support operational effectiveness,
- assess/monitor how policies and related procedures are generated and maintained and

In particular, the FASC will provide advice to administration regarding the following processes of the Board:

I. Financial Management (including Capital Plan Funding Strategies):

- **Budget Planning and Development:**
 - with administration, conduct workshops for all trustees on the development of the annual budget.
 - provide advice on budgetary matters and on non-budgeted expenses that occur and report to the Committee of the Whole.
 - participate in the development and implementation of a communications and consultation plan to provide budget information to the community and to receive from staff comments from parents, students, staff and other stakeholders on budget issues.
 - monitor provincial budget issues and consider the impact of provincial issues on the Hamilton-Wentworth District School Board.
 - consider the impact of other budgetary pressures that may be unique to the Hamilton-Wentworth District School Board and make recommendations to the Committee of the Whole on the budget assumptions/**parameters to guide the development of the budget** each fiscal year.
- **Treasury Management**
- **Non-grant Revenue Management**
- **Procurement**

2. School Operations and Facilities Management

- **Custodial and Maintenance operations**
- **Energy Management**
- **Health, Safety and Security**
- **Capital plans, Policies and Procedures**
- **Construction Management**

Membership:

- The Finance Advisory Sub-Committee will be made up of three to five trustees.

Meetings:

- Meetings are held regularly during the months of September to June. Other meetings may be called anytime; at the discretion of the Chair.
- Meetings will be closed to the public in accordance with the Education Act subsection 207 (2) (a) and (b) as there may be sensitive matters discussed of a financial or personal nature

Revised January 2010

TERMS OF REFERENCE – GOVERNANCE WORKING SUB-COMMITTEE

Terms of Reference:

1. Membership will be made up of the Chair and Vice-Chair of the Board, and three other members, one of whom may be the past-Chair of the Board. Preferably, for continuity, the past Chair of the Governance Working Sub-Committee would be one of the three members.
2. Will develop with the Director a Director's Performance Appraisal document with timelines, to be brought to the Committee of the Whole for approval.
3. Will develop and bring to the Committee of the Whole for approval a Board of Trustees' Annual Work Plan.
4. Will develop an annual governance work plan to include trustees' professional development and political advocacy, and a process for on-going issues' management.
5. Will develop and administer the Board of Trustees' Annual Performance Evaluation document and bring to the Committee of the Whole for approval.
6. Meetings will be held at a minimum of once per month for ten months of the year. Additional meetings will be arranged as required.
7. A monthly written report from the Chair of the Committee will be provided to the Committee of the Whole.

Adopted February 26, 2007 Board

Terms of Reference – Human Resources Advisory Sub-Committee

The Human Resources Advisory Sub-Committee will be made up of three to five Trustees. It will report to the Committee of the Whole

The duties of the HRAC include:

1. Develop parameters for negotiations with all employee groups, to include:
 - Presentation of parameters (by the Chair) to the Committee of the Whole in-camera. Any change to parameters must be ratified by the Committee of the Whole in-camera.
 - Status reports on negotiations will be provided to the Committee of the Whole, in camera, including agreed terms, tone of negotiations, critical issues/trends elsewhere with respect to bargaining throughout the province
 - All tentative agreements reached between the employee groups will be presented to the COW in-camera
 - The Chair of the HRAC sub-committee will be available for consultation with the Executive Officer of Human Resources at his/her request and/or will sit at the Negotiations Table at the request of the majority of elected trustees as expressed by motion
2. Review and provide advice on salary, benefit adjustments and terms/conditions of employment for all non-union administrative employees
3. Receive and report on matters related to conciliation, mediation or arbitration
4. Receive reports and provide advice as required on such topical areas as grievances, staff turnover, retention rates, staff satisfaction survey, leadership applicant rates, health & safety/attendance (including accidents) rates, arbitration and grievance volumes, professional development plans
5. Consider matters referred to it by the Board, the Committee of the Whole and/or other sub-committees, or by the administration which may be related to, but not necessarily specified in employee group collective agreements
6. With administration, examine, review, revise policies related to human relations
7. With administration, conduct workshops for all Trustees to ensure full understanding of any/all human resource matters
8. Maintain close liaison with the Ontario Public School Boards' Association (OPSBA) so that sub-committee members may be fully informed about new developments in negotiations across the province
9. Meetings of the Human Resources Advisory Sub-Committee are held monthly and as required, at the call of the Chair

Adopted November 17, 2007

TERMS OF REFERENCE – POLICY WORKING SUB-COMMITTEE

Overview:

The Policy Working Sub-Committee initiates and/or considers draft policies related to Hamilton-Wentworth District School Board's operations and philosophies and makes recommendations for approval to the Committee of the Whole.

Terms of Reference

1. The Policy Working Sub-Committee membership will be 3 to 5 members.
2. When a new direction or review is being contemplated, the Policy Working Sub-Committee shall consider a Scoping Document prepared by staff, and make recommendations to the Committee of the Whole.
3. The Policy Working Sub-Committee initiates and/or considers draft policies.
4. The Policy Working Sub-Committee may receive and or request directives for discussion, and may offer suggestions for consideration. It will refer directives to the Committee of the Whole for information.
5. The Policy Working Sub-Committee, prior to all policies being referred to the Committee of the Whole for approval, considers the input that has been sought and received from community and staff.
6. The Policy Working Sub-Committee provides a regular process for policy review and evaluation.
7. The Policy Working Sub-Committee will ensure the maintenance of accurate and current records of all Board policies.
8. Meetings of the Policy Working Sub-Committee are called monthly. Extra meetings may be called at the discretion of the committee's chair.

The following definitions pertain to the Policy Working Sub-Committee:

Policy

- A policy is a statement or position adopted by the Board of Trustees that provides the framework for a course of action. It is a commitment by which the Board is held accountable to its public.

Directive

- A directive is a course of action developed to implement and support an approved Board of Trustees' policy.

Protocol

- A protocol is a process which sets out the operating norms for an interaction between the Board and its external public.

Adopted March, 2006

Program Advisory Sub-Committee Terms of Reference

Mandate:

The purpose of the Program Advisory Sub-Committee (PASC) is to support ALL students in their learning by advising, reviewing and making recommendations to the Committee of the Whole on program decisions, pathways and current educational trends in the context of:

- Supporting student achievement as it relates to serving ALL students
- Reviewing program alignment to the Strategic Directions, Annual Operating Plan, Capital and Capital Projects Plan and Director's Performance Appraisal of the HWDSB
- Reviewing program delivery as it relates to how students learn, where they learn, when they learn and what they learn
- Reviewing program pathway options and their accessibility
- Aligning the needs of students to planning, programming and facilities
- Acknowledging the student voice in program development and delivery
- Reviewing matters of professional development relating to new and existing programs which impact student achievement
- Advocating for and supporting communication strategies for the many programming opportunities available at HWDSB
- Reviewing program alignment with Equity and other Board policies
- Maintaining close liaison with Ontario Public School Boards' Association (OPSBA) so that sub-committee members may be fully informed about new developments in student achievement initiatives and provincial trends across the province

In particular, the PASC will provide advice to administration regarding all areas of programming offered by the Board as to their quantitative and qualitative outcomes such as student achievement , graduation rates, gender gap, attendance, community partnerships, student wellbeing and student engagement.

Membership:

The Program Advisory Sub-Committee will be made up of three to five Trustees.

Meetings:

- Meetings are held monthly during the months of September to June. Other meetings may be called anytime at the discretion of the Chair of the Committee

Adopted March 2011

TERMS OF REFERENCE - SPECIAL EDUCATION ADVISORY COMMITTEE

Ontario Regulation 464/97 made under the Education Act

NAME: The name of the committee shall be The Hamilton-Wentworth District School Board Special Education Advisory Committee.

MANDATE: The mandate of the Special Education Advisory Committee of the Board is to make recommendations to the Board regarding matters related to the establishment, development and delivery of special education programs and services.

COMPOSITION:

The Special Education Advisory Committee shall consist of:

- one representative from no more than twelve local associations. Local association is defined as an association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an association or organization that is not an association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults;
- one alternate for each representative to sit at the table;
- two trustees appointed by the Board;
- up to eight additional members. Additional members are defined as members who represent an organization which furthers the interests and well-being of one or more groups of exceptional children or adults and who are neither representative of a local association or members of the Board or another committee of the Board.
- The composition of the SEAC membership shall reflect the range of exceptionalities within the Hamilton-Wentworth District School Board.

Qualifications:

A member of SEAC must be a Canadian citizen, 18 years of age or older, a resident within the area of jurisdiction of the Board and a public school board elector.

A person is not qualified to be a member of SEAC if he/she is employed by the Board.

TERMS OF OFFICE:

- The members of the Committee shall hold office during the period of time for which the Board of Trustees holds office.
- The Board may fill vacancies for the remainder of the term of the vacancy.
- Until the vacancy is filled, the alternate shall act in the member's place.

RESPONSIBILITIES OF COMMITTEE MEMBERS

Each member is expected to:

- respond to the needs of all exceptional students under the jurisdiction of the Board;
- respect the right to privacy of individual exceptional pupils by avoiding discussion of individual cases;
- acquire and maintain a working knowledge of the special education programs and services provided by the Board;
- present to the Committee the interests, concerns and suggestions of the association which he/she represents, regarding the programs or services of the Board;
- suggest items of concern for inclusion on the agenda;
- suggest appropriate educational topics for discussion;
- make motions for debate and decision;
- keep the local association which he/she represents informed of the proceedings of the Committee;

- be available as an informed and knowledgeable resource to the parents of exceptional children. This could include providing information on the special education programs, services and procedures of the Board including in particular the Identification, Placement and Review procedures and appeals;
- be available as an informed and knowledgeable resource for the schools and the community;
- attend meetings on a regular basis, or to inform the alternate and the SEAC chair or SEAC secretary when he/she cannot attend the meeting. When so informed, it is the responsibility of the alternate to attend the meeting and act in the member's place.

COMMITTEE MEETINGS

Quorum

- A quorum is defined as the majority of the members of the Committee.

Meeting Dates/Times

- Meetings shall be held once monthly, except July and August.

Rules of Order

- The appropriate rules of the Board shall govern the order and conduct of the meeting of the Committee.

Election of the Chair/Vice-Chair

- At the first meeting of the Committee following the Board's initial meeting, the members shall elect one of their members as chair and one of their members as vice-chair for a one-year term. The vice-chair shall act as the chair in the chair's absence.

Voting

- Every member present at a meeting, or his/her alternate when attending the meeting in place of the member, shall have one vote.
- The chair may vote with the membership.
- In the case of a tie vote, the motion shall be lost.

DUTIES OF THE BOARD

- The Board shall make available to the SEAC personnel and facilities necessary for the proper functioning of the committee.
- The Board shall provide the members of SEAC and their alternates with timely information and orientation regarding:
 - The role of SEAC and the Board in relation to special education,
 - Ministry and Board policies and Board decisions relating to special education.
- Prior to making a decision on a recommendation made by SEAC, the Board shall provide an opportunity for SEAC to be heard by the Board or any other committee of the Board to which the recommendation is referred.
- SEAC shall have the opportunity to participate in the Board's annual review of the special education plan.
- SEAC shall be provided with the opportunity to participate in the annual budget process as it relates to special education.
- SEAC shall be provided with the opportunity to review the financial statements of the Board that relate to special education.

Adopted February 17, 2000

**SUPERVISED ALTERNATIVE LEARNING FOR EXCUSED PUPILS COMMITTEE
THE HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD
TERMS OF REFERENCE**

In accordance with the Education Act and Regulation 308.

NAME: The name of the committee shall be The Hamilton-Wentworth District School Board Supervised Alternative Learning For Excused Pupils Committee (SALEP).

The Role of the SALEP Committee

1. A board shall establish a committee to be known as the Supervised Alternative Learning for Excused Pupils Committee. The Secretary will be the Manager of Social Work Services and a Recording Secretary will be designated.
2. A Committee shall be composed of not fewer than three persons, appointed by a board each year and a quorum shall consist of:
 - (a) a member of the board;
 - (b) a supervisory officer; and
 - (c) at least one other person who is not employed by the board.
3. The Committee shall designate a Chair.
4. A Committee may designate a school for the purposes of a program that is not the school where the pupil is enrolled.
5. The Committee shall after interviewing the child, his or her parent and any other appropriate person:
 - (a) reject the application; or
 - (b) approve the application (full or part-time) and prescribe a program directed towards the child's needs and interests.
6. A program may include one or more of:
 - (a) full or part time employment;
 - (b) completion of a life skills course; and
 - (c) continuing studies or other activity directed towards a pupil's needs and interests as may be acceptable to the committee.
7. There will be up to three business meetings of the whole Committee a year and each Sub-committee will hold monthly hearings. The format of the Sub-committee hearings is attached (see Page 23).

Adopted 1998

SUPERVISED ALTERNATIVE LEARNING FOR EXCUSED PUPILS (SALEP)
SUB-COMMITTEE HEARING MEETING

Meeting Format

Item	Time (minutes)
1. Committee reads reports (and reviews OSR)	4
2. Social worker presents background.	4
3. Principal presents academic and school background.	2
4. Social Worker brings family into committee room and introduces them and the chair.	1
5. The chair welcomes, introduces self, and asks committee members to introduce themselves.	1
6. The chair briefly reviews the purpose of the committee.	2
7. The committee members ask questions of the <u>parent(s)</u> and <u>student</u> .	15
8. The secretary writes the program on the Document of Agreement.	
9. The committee makes a decision to approve or not approve by general acknowledgement. If there is a disagreement, the committee may go into committee of the whole and then re-invite the parent and student into the meeting for the decision. The chair announces the decision.	
10. The chair or secretary will review the Document of Agreement.	1
11. Signatures are obtained.	1
12. The chair will end the Hearing.	1
13. The secretary will give a copy of the Agreement to the parties in the waiting area.	1

Terms of Reference - Hearing and Suspension Committee

Terms of Reference - The Board sitting as the Hearings and Appeals Committee

Chair

1. The Chair will be chosen at each meeting of the Hearings and Appeals Committee from members who are present.
2. Each member appointed as chair will sign the required documents for the meeting of which he or she is the chair.

Quorum

3. For this Board meeting only, a quorum is three (3) trustees.

Membership

4. The membership consists of all members of the Board.

Meetings

5. Meetings will be called by the Chair of the Board at the request of the Superintendent of Safe Schools to ensure meetings fall within the statutory deadlines.

Terms of Reference

6. Hear all appeals made to the Board regarding suspensions of students and decide to:
 - a. Confirm the suspension and the duration of the suspension; or
 - b. Shorten the duration of the suspension and amend the record of suspension accordingly; or
 - c. Withdraw the suspension and expunge the student's record of suspension.
7. Hear all recommendations made to expel a student and decide to:
 - a. Expel the student from his or her school; or
 - b. Expel the student from all schools of the Board; or
 - c. Decide not to expel the student.If the decision is the latter (7c) then the committee will
 - i. Confirm the suspension and its duration; or
 - ii. Confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the student's record accordingly; or
 - iii. Withdraw the suspension and expunge the student's record of suspension, even if the suspension has already been served.
8. Will follow the HWDSB Suspension of Students policy
9. Will follow the HWDSB Expulsion of Students policy
10. Will adhere to all legislative requirements in the Safe School legislation.

Adopted November 16, 2009

Parental Involvement Committee TERMS OF REFERENCE

MANDATE

Members of the Parental Involvement Committee (PIC) are valued partners of the Hamilton-Wentworth District School Board. Their advice, from their perspective, is much needed, and appreciated. The PIC will champion and demonstrate a commitment to parental engagement, contribute to productive meetings, participate in sub-committee work, represent the broad parent interest with respect to all PIC work and deliberations and provide input/feedback and raise issues as a representative of a Board Committee. The mandate is as follows:

The **Parental Involvement Committee (PIC)** will:

- I. Provide input to and evaluate the success of HWDSB parental engagement strategies annually in September, for the previous year, in a report to the Committee of the Whole including the following:
 - i. consultation of parents on relevant policy
 - ii. support for parent engagement
 - iii. information transparency
 - iv. communication responsiveness
 - v. combined school/parent engagement

(As outlined in *Ontario Education Excellence for All*
– *Developing Partners in Education* (December 1, 2005))

2. Provide advice to the Board regarding all matters related to the establishment, development, and delivery of parental engagement strategies.
3. Raise common parental issues of concern with the Board of trustees through formal and informal mechanisms including, but not limited to, written reports to the Committee of the Whole and to HWDSB staff.
4. Provide a link between parents and senior staff/trustees, in order to provide parent advice and to support parent engagement.
5. Be actively involved in supporting and embracing those elements of Effective Schools that relate to positive parental engagement.
6. Provide support to schools and the Board on ways in which to engage parents at the board/school/classroom/home level.

This would include supporting the work of School Councils, supporting the sharing of best practices across the district, and providing support for engagement that includes (Joyce Epstein):

- a. Parenting
- b. Communicating
- c. Volunteering

- d. Learning at Home
 - e. Decision-making
 - f. Collaborating with the Community
7. Liaise with Parental Involvement Committees from other school boards as well as the Provincial Parent Board to ensure it is informed about local and provincial issues related to parental engagement, to include best practices allowing for local adjustment thus ensuring ongoing effectiveness.
 8. Provide a formal link (see Membership, Section 2) to all mandated and organizational committees in the Board with parental representation, including SEAC, Rural and French Immersion Advisory Committees; and the Hamilton Council for Home and School.
 9. Provide assistance and support to parents as they navigate the various areas of the Board.

2. MEMBERSHIP

2.1 PIC Voting Membership

PIC members will provide a parental perspective on items for which advice is being sought. They are not expected to represent the voice of all parents. The HWDSB Public Consultation process will be followed for acquiring a broader perspective.

Every effort will be made to ensure membership is representative of the broader Hamilton-Wentworth community. The objective is to create a balanced membership. The Membership Selection Sub-Committee (See Section 8), through recruitment and applications, will attempt to achieve membership from each cluster, geographic area, elementary /secondary balance, refugees, ethnic/cultural background, aboriginal people etc.

The PIC will consist of a maximum of 35 voting members. Membership is open to parents/guardians who have applied through an application process. The length of term for each member is two years. The expectation is that PIC members will endeavor to attend monthly meetings. When absent regrets should be made to the Chair. After 2 consecutive missed meetings the Chair or designate will contact the member and inquire about their ability to fulfill his or her roles and responsibilities. If membership ceases at that time that time the position will be filled (See Section 4 Vacancies).

All HWDSB advisory committees (i.e. SEAC, French Immersion Advisory and Rural Schools Advisory) and any additional committees formed where parents consist of a large part of the membership, will be asked to provide a liaison who will be a voting member of PIC and who will bring input/feedback/issues from their representative group.

An employee of the board cannot serve as a voting member of the PIC. The majority of PIC members must be parents

2.2 PIC Non-Voting Membership will consist of three Trustees, one elementary Vice Principal or Principal, one Secondary Vice Principal or Principal, one representative from the Program Services Department, one Corporate Communications representative, one Superintendent and additional support staff as determined.

The PIC may have a maximum of two community representatives who are selected through an application process and who are not parents/guardians of HWDSB students.

Membership of the PIC is reviewed each June.

Chair

Must be a parental Member of the PIC and is elected annually by the PIC Membership.

The Chair is elected in September of that year.

The Chairperson is responsible for

- a. Championing and demonstrating a commitment to parental engagement.
- b. Setting the agenda.
- c. Facilitating productive meetings.
- d. Acting as the spokesperson for the committee.
- e. Representing broad parent interest with respect to all PIC work and deliberations.
- f. Being aware of diverse parent perspectives across the district.
- g. There is no limit to the number of terms a Chair may seek re-election.

The Chair is a non-voting member. In the event of a tie, the motion is defeated.

Vice Chair

Must be a parental Member of the PIC and is elected annually by the PIC Membership.

The Vice Chair is elected in September of that year.

The Vice Chair is responsible for

- a. Championing and demonstrating a commitment to parental engagement.
- b. Facilitating productive meetings in the absence of the Chair.
- c. The Vice Chair is a voting member unless they are acting in the role of Chair.

3. MEETINGS

- ▶ At the September meeting of the PIC, a meeting schedule for the upcoming year will be established and shared with the community via the Board's website.
- ▶ Meetings will be held monthly, except for July and August.
- ▶ PIC meetings are open to the public.
- ▶ PIC agendas and minutes will be posted on the Board's website.
- ▶ Meeting agendas shall be provided two working days prior to the meeting.
- ▶ Minutes of the meetings will be circulated to members prior to approval.
- ▶ Meetings will be held outside of school hours.
- ▶ Extra meetings may be called at the discretion of the Chair.

4. VACANCIES

If any vacancies occur in the committee, the Membership Selection Sub-Committee (see Section 8) may fill the vacancy.

5. QUORUM

Half plus one of all voting members shall constitute a quorum.

6. CONFLICT RESOLUTION PROCESS

In the event of a conflict between members regarding the interpretation of this agreement or their obligations to the project, members will make every effort to resolve the dispute by negotiation.

Members of the PIC have a duty to make decisions consistent with Ministry and Board policy and procedures and in the best interest of students. Members will not act in order to gain financial or other material benefit personally. There may be times when members will be required to treat discussions, documents or other information relating to the work of the PIC in a confidential manner.

7. SUB - COMMITTEES

Sub -Committees will be established as required in order to achieve the Mandate as outlined.

8. MEMBERSHIP SELECTION SUB-COMMITTEE

Membership on the Selection Sub-Committee is determined annually in March. Membership includes the PIC Chair, Vice Chair, four Non-Staff Representatives (elected by the voting PIC members), one Trustee, One Corporate Communications Representative and One Superintendent.

This Sub-Committee will annually (from April to May) process the recruitment, application and selection process for members of the PIC. They will also be responsible for recruiting members where there are gaps, following the application process. For the 2009/2010 school year, the recruitment, application and selection process will happen from February 2010 to March 2010. Initial term will terminate June, 2010 (slightly over 2 years).

9. TERMS OF REFERENCE REVIEW

The PIC Terms of Reference will be reviewed on an annual basis in June. Notice of the review must be provided to members at least 5 days prior to the review meeting. Two-thirds of the voting membership is required to change the Terms of Reference



**HAMILTON-
WENTWORTH**
DISTRICT
SCHOOL
BOARD



Policy Development Process

Policy Development Process

Trustees have the legal responsibility to approve policy. It is the responsibility of the Director and staff to keep the trustees informed, to advise, assist, report, and recommend throughout the Policy Development Process. When Policies are made, it is the responsibility of the Director and staff to develop Policy Directives identifying the specific actions to be taken to attain the Policy’s intended outcomes. Working collaboratively, the Board of Trustees, the Director and staff complement each other’s efforts.

Stages in the Process	Responsibilities
<p style="text-align: center;">Issue Identification</p> <p>The process of developing a Policy begins by recognizing the need for written information that addresses an issue, goal or task. There are five general sources for policy development:</p> <ul style="list-style-type: none"> ▪ Legislative directives; ▪ The Board’s role as an employer; ▪ Issues emerging from staff, trustees or parents and the community; ▪ Matters related to the Board’s strategic directions; and ▪ As a result of an existing policy’s scheduled review. <p>Issues that may require policy development can be:</p> <ul style="list-style-type: none"> ▪ Directed to the Associate Director by the Board of Trustees; ▪ Recommended by the Policy Working Sub-Committee to the Board of Trustees and referred to the Associate Director; or ▪ Recommended by staff/stakeholders and directed to the Associate Director. <p>For cases where the development of a Policy is legislated by a government body – i.e. the purpose, intended outcomes and timelines are specified - the Policy Development Process may require an expedited, flexible approach. For example, both phases of the Scoping Report could be developed simultaneously and/or the Consultation Stage could be condensed or omitted. The lead person may use a small committee to develop the Policy and take it to: Executive Council for input/direction; the Policy Working Sub-Committee for input/direction; and The Committee of the Whole for approval. Recognizing that the Policy will not undergo a collaborative/consultative developmental process, it is recommended that a review date be established for one year enabling the Policy to be refined as required.</p>	<p>The <u>Associate Director</u> refers issues that may require policy development to Executive Council and assigns responsibility to one member (the lead person) who will:</p> <ul style="list-style-type: none"> ▪ Coordinate the Policy Development Process; and ▪ Assign appropriate staff to assist with policy development.
<p style="text-align: center;">Scoping Report</p> <p><u>Phase One - Policy Development Inquiry</u> A report recommending appropriate action based on accompanying rationale is developed for the Policy Working Sub-Committee (see Appendix One):</p> <ul style="list-style-type: none"> ▪ A new policy is required; ▪ An existing policy needs to be revised; ▪ An existing policy needs to be rescinded and replaced by a new policy; ▪ An existing policy needs to be reviewed; ▪ The issue can be incorporated into an existing policy; or ▪ A policy is not required. 	<p>The <u>lead person</u>:</p> <ul style="list-style-type: none"> ▪ Develops a report with a recommended action based on stated rationale and takes it to Executive Council for input/direction; and ▪ Takes the report with a recommended action based on stated rationale to the Policy Working Sub-Committee. <p>The <u>Policy Working Sub-Committee</u> reports to the Committee of the Whole for</p>

<p>There is preliminary discussion by the Policy Working Sub-Committee.</p> <p><u>Phase Two - Scoping Report</u></p> <p>Once the Policy Development Process has been initiated, a Scoping Report is written which summarizes a plan for the development of the Draft Policy (see Appendix One). The report articulates:</p> <ul style="list-style-type: none"> ▪ The purpose of the proposed Policy; ▪ The intended outcomes of the Policy; ▪ Matters to be included in the scope of the Policy or Policy Directive and matters falling outside its scope; ▪ The importance of the Policy, impact or implications (including risk analysis as appropriate), alignment with Strategic Directions, and benefits to the organization; ▪ Alignment to the appropriate Pillar Policy and other related Policies and Policy Directives; ▪ An overview of the plan for the Policy's development including a decision regarding the need for consultation and the appropriate size and scope of consultation as required; ▪ Timelines for development; and ▪ Trustee involvement in the development process. 	<p>approval to proceed.</p> <p>The <u>Committee of the Whole</u> considers and decides whether or not to initiate the policy development process.</p> <p>The <u>lead person</u>:</p> <ul style="list-style-type: none"> ▪ Develops a Scoping Report (see Appendix One) and takes it to Executive Council for input/direction. ▪ Takes the Scoping Report to the Policy Working Sub-Committee. <p>The <u>Policy Working Sub-Committee</u>:</p> <ul style="list-style-type: none"> ▪ Provides input; ▪ Finalizes Scoping Report; and ▪ Reports to the Committee of the Whole for approval to proceed with the Policy's development. <p>The <u>Committee of the Whole</u> approves, amends or rejects recommendation to proceed with the Policy's development.</p> <p><u>Corporate Communications</u>:</p> <ul style="list-style-type: none"> ▪ Posts notice of policy development/review on the HWDSB website; ▪ Posts the Scoping Report on the website; and ▪ Invites staff, student leaders, parents and community to give input regarding any key challenges, issues, and opportunities associated with the initiative.
<div style="text-align: center; border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>Draft Policy Development</p> </div> <p>The quality of the Policy is improved by utilizing an inclusive approach. Involving representatives of groups that will use the Policy or be affected by it creates shared understanding, fosters collaboration and helps develop positive relationships. A decision is made regarding the degree of inclusivity based on the:</p> <ul style="list-style-type: none"> ▪ Importance of the Policy; and ▪ Number of people in the organization who will be impacted. <p>The Scoping Report helps guide the development of the Policy. Using the approved template, (See Appendix Three) a Draft Policy is written.</p>	<p>The <u>lead person</u>:</p> <ul style="list-style-type: none"> ▪ Uses an inclusive process to develop and write the Draft Policy; ▪ Takes the completed Draft Policy to Executive Council for input/direction; and ▪ Takes the completed Draft Policy to the Policy Working Sub-Committee for input/direction and to make a decision regarding the scope of consultation. <p>The <u>Policy Working Sub-Committee</u> considers the Draft Policy and determines the required degree of consultation and whose input specifically is to be sought.</p> <p><u>Corporate Communications</u>:</p> <ul style="list-style-type: none"> ▪ Posts the Draft Policy on the Board's website; and ▪ Invites staff student leaders, parents and community to give input regarding any key challenges, issues, and opportunities associated with the initiative.

Stakeholder Consultation

Consultation affords an opportunity to:

- Develop and strengthen knowledge of the Policy;
- Deepen an understanding of issues;
- Create awareness of the Policy's implications;
- Provide opportunities for input;
- Identify alternative courses of action;
- Build consensus; and
- Develop ownership.

While consultation should involve those parties who can contribute or are affected by the Policy, the appropriate size, scope and duration (often 30 days) of consultation needs to be determined using the following criteria:

- Importance of the issue;
- Time available for consultation;
- Number of stakeholder groups affected; and
- Significance of the impact or implications of the Policy.

For example, a Policy affecting a few stakeholders, but in a significant manner may require just as extensive a consultation as another Policy, which affects many stakeholders, but in a less substantial manner. (See Policy No. 2.02 Public Consultation)

The process used for the consultation will be determined by the nature of the Policy. They may include:

- Public delegations/presentations to the *Policy Working Sub-Committee*;
- Public meetings;
- Facilitated focus groups;
- Advisory committees; and
- Web surveys or opinion polls.

To facilitate consultation, participants need to be provided with:

- A clear mandate;
- Knowledge of the Policy;
- An understanding of the context – i.e. a brief, factual background of the issue;
- Awareness of the Policy's goals and objectives;
- Focus questions to solicit input; and
- Information regarding how their input will be used.

Whatever method is selected, care should be taken to ensure the consultations are characterized by honest, open dialogue and respect for the points of view of all participants.

The lead person and assigned staff:

- Carry out the consultation;
- Collect and collate data;
- Acknowledge and thank stakeholders for their input;
- Analyse the data;
- Make recommendations for revisions to the Draft Policy as required; and
- Develop a written report for the Policy Working Sub-Committee summarizing consultation responses.

Corporate Communications posts the collated data for 30 days with the acknowledgement to those who provided input on the Board's Website.

The Policy Working Sub-Committee may direct the lead person to provide a copy of the report to those who participated in the consultation process to acknowledge and thank them for their contribution.

<p style="text-align: center;">Draft Policy Revisions</p> <p>Based on the consultations, revisions are made to the Draft Policy.</p>	<p>The <u>lead person</u>:</p> <ul style="list-style-type: none"> ▪ Takes the revised Draft Policy together with a written summary of the data from consultation to Executive Council for input/direction; and ▪ Takes the revised Draft Policy together with a written summary of the data from consultation to the Policy Working Sub-Committee for approval. <p>The <u>Policy Working Sub-Committee</u> recommends next steps.</p> <p><u>Corporate Communications</u> posts the revised Draft Policy on the Board's website for 30 days and notes it in the Policy Tracking Sheet.</p>
<p style="text-align: center;">Policy Approval</p> <p>Upon approval of the Policy Working Sub-Committee, the Draft Policy is taken to the Committee of the Whole for approval.</p>	<p>The <u>Chair of the Policy Working Sub-Committee</u> takes a summary of the development process (stages and chronology), the finalized Draft Policy and a copy of the original Scoping Report to the Committee of the Whole for approval.</p> <p>The <u>Committee of the Whole</u> considers and approves the Policy.</p> <p>The <u>Associate Director</u> sends the approved Policy to superintendents, trustees, appropriate managers and administrators and places a copy in the Policy Manual.</p> <p><u>Corporate Communications</u> posts the approved Policy on the Board's website for 30 days and notes it in the Policy Tracking Sheet.</p>
<p style="text-align: center;">Policy Implementation</p> <p>As required, a Policy Directive is developed containing specific actions that must be taken by staff at various levels of the organization in order to implement the Policy. Often the team assembled by the lead person responsible for development of the Policy is utilized to help develop the Policy Directive. Their knowledge of the Policy, perspective and experience contribute to the development of a clear, reasonable and effective Policy Directive. Often the Policy Directive and the Policy are developed simultaneously.</p> <p>As with the development of the Policy, a collaborative/consultative process creates shared understanding, fosters ownership and helps develop positive relationships. In cases where a Policy Directive impacts particular groups, consultation with those directly affected is especially important.</p> <p>Staff development is often required to facilitate effective implementation. For staff who will use the Policy/Policy Directive or will be affected by it, opportunities should be provided to:</p> <ul style="list-style-type: none"> ▪ Develop and strengthen knowledge of the Policy/Policy Directive; ▪ Understand the implications of the Policy/Policy Directive; 	<p>The <u>lead person</u>:</p> <ul style="list-style-type: none"> ▪ Develops a Policy Directive and an implementation plan; and ▪ Takes the Policy Directive and the implementation plan to <u>Executive Council</u> for input and action. <p><u>Executive Council</u>:</p> <ul style="list-style-type: none"> ▪ Provides input; ▪ Approves the Policy Directive and implementation plan; ▪ Takes the Policy Directive to the Policy Working Sub-Committee and the Committee of the Whole for information; and ▪ Assigns appropriate staff to implement the Policy Directive with required staff development according to the plan. <p>The <u>Policy Working Sub-Committee</u>:</p> <ul style="list-style-type: none"> ▪ Receives Policy Directives for discussion and may offer suggestions for

<ul style="list-style-type: none"> ▪ Provide opportunities for dialogue to ensure understanding; and ▪ Identify specific actions, responsibilities and time lines required for implementation. 	<p>consideration.</p> <ul style="list-style-type: none"> ▪ Refers Policy Directives to The Committee of the Whole for information. <p>The <u>Committee of the Whole</u> receives the Policy Directive and may offer suggestions for consideration.</p> <p>The <u>Associate Director</u> sends the approved Policy Directive to superintendents, trustees, appropriate managers and administrators and places a copy in the Policy Manual.</p> <p><u>Corporate Communications</u> posts the Policy Directive on the Board's Website for 30 days.</p>
<div style="text-align: center; border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Policy Evaluation and Review </div> <p>Policies are to be reviewed three years from the date they are approved. In accordance with the Policy's established review date, an evaluation is conducted using the Policy's <i>Progress Indicators</i>. Input is sought from those using the policy or those affected by it in order to collect data that will provide evidence of the degree to which the Policy's <i>Intended Outcomes</i> have been achieved.</p> <p>The review also addresses the following questions:</p> <ul style="list-style-type: none"> ▪ Is the Policy still relevant and aligned with best practice? ▪ Are there new circumstances or needs that require changes in the Policy? ▪ Is there new legislation that the Policy does not address? <p>Small changes to Policies that are required – e.g. new nomenclature, changed regulations, and the need for improved clarity – are incorporated into the existing Policy.</p> <p>A communication strategy is developed for staff who use the Policy or for those who are affected by it to ensure understanding. The strategy addresses:</p> <ul style="list-style-type: none"> ▪ Implications of the revisions to the Policy; and ▪ Specific actions, responsibilities and time lines required for implementation. <p>If the review determines that the existing Policy requires major revisions or needs to be rescinded and replaced by a new Policy, the Policy Development Process is re-engaged.</p>	<p>The <u>Associate Director</u>:</p> <ul style="list-style-type: none"> ▪ Monitors the review cycle of all Policies and refers them to the appropriate lead person to carry out scheduled reviews; and ▪ Sends the revised Policy to superintendents, trustees, appropriate managers and administrators and places a copy in the Policy Manual. <p>The <u>lead person</u>:</p> <ul style="list-style-type: none"> ▪ Conducts the review and takes the results to Executive Council; ▪ Makes recommended revisions and develops a communication strategy; ▪ Refers recommended revisions and the communication Strategy to EC for input and direction; and ▪ Refers recommended revisions and the communication strategy to the PWSC for input. <p><u>Executive Council</u>:</p> <ul style="list-style-type: none"> ▪ Determines if further action is required; ▪ Provides input and direction; and ▪ Assigns appropriate staff to implement the communication strategy. <p>The <u>Policy Working Sub-Committee</u>:</p> <ul style="list-style-type: none"> ▪ Provides input; and ▪ Submits recommended revisions to the Committee of the Whole for approval. <p>The <u>Committee of the Whole</u> considers and approves revisions or refers back to the PWSC.</p> <p><u>Corporate Communications</u> highlights the Policy revisions and posts the revised Policy on the Board's website and notes it in the Policy Tracking Sheet.</p>

Appendix One:

Phase One: Policy Development Inquiry Template

Date: _____

An overview of the issue with a recommendation:

- To develop a new policy;
- To revise an existing policy;
- To rescind an existing policy and replace with a new one;
- To review an existing policy;
- To incorporate the issue into an existing policy; or
- That a policy is not required.

A rationale for the recommendation with reference to applicable sources:

- Legislative directives;
- The Board's role as an employer;
- Issues emerging from staff, trustees or parents and the community;
- Matters related to the Board's strategic directions; and
- As a result of an existing policy's scheduled review.

Phase Two: Scoping Report Template

Date: _____

- The purpose of the proposed Policy.
- The intended outcomes of the Policy.
- Matters to be included in the scope of the Policy or Policy Directive and matters falling outside its scope.
- The importance of the Policy, impact or implications (including risk analysis as appropriate), alignment with Strategic Directions, and benefits to the organization.
- Alignment to appropriate Pillar Policies, other related Policies, Policy Directives, Administrative Memos and legislation as required.
- An overview of the plan for the Policy's development (stages in the approved policy development process) including a decision regarding the need for consultation and details of the consultation process:
 - Stakeholder groups who will participate;
 - How the process will be carried out; and
 - Time required for completion.
- Timelines for development.
- Trustee involvement in the development process.

Appendix Two

Pillar Policies are foundational policies that serve to classify or categorize the organization's Policies and guide the development of specific Policies within their frame of reference. These overarching policies ensure that specific HWDSB Policies, which are statements of intent for action, are aligned with guiding principles.

Pillar Policy Template	
Board Logo	Name of Pillar Policy
Date Approved:	Projected Review Date:
1.0 Purpose	
2.0 Guiding Principles	
3.0 Intended Outcomes	
4.0 Responsibility	
5.0 Definitions	
6.0 Action Required	
7.0 Progress Indicators	
8.0 References	

Purpose: The general goal or aim of the Pillar Policy. It answers the question: "What are the main things the Pillar Policy will accomplish?"

Guiding Principles: The guiding principles are value statements (relevant to the Pillar Policy) that will guide the development of specific Policies within their frame of reference. This ensures that all Policies are principle-based.

Intended outcomes: Specific, attainable, measurable and results-based statement(s) describing outcomes the Policy will attain.

Responsibility: Those responsible for implementation, maintenance and review are identified.

Definitions: Key terms that need to be defined to clarify meaning.

Action Required: Actions to be taken by the Director, members of Executive Council or designated staff.

Progress Indicators: These are the critical factors that will be in place following successful implementation of the Pillar Policy. At the *Policy Evaluation and Review* stage, they enable the organization to determine if the Pillar Policy's intended outcomes have been achieved.

References: A comprehensive list of related documents including acts, regulations, Pillar and other Board Policies, and Policy Directives.

Appendix Three

Policy Template	
Board Logo	Policy Number and related Pillar Policy
Date Approved:	Projected Review Date:
1.0 Purpose	
3.0 Intended Outcomes	
4.0 Responsibility	
5.0 Definitions	
6.0 Action Required	
7.0 Progress Indicators	
8.0 References	

Purpose: The general goal or aim of the Policy. It answers the question: “What are the main things the Policy will accomplish?”

Intended outcomes: Specific, attainable, measurable and results-based statement(s) describing outcomes the Policy will achieve.

Responsibility: Those responsible for implementation, maintenance and review.

Definitions: Key terms that need to be defined to clarify meaning.

Action Required: Actions to be taken by the Director, members of Executive Council or designated staff.

Progress Indicators: The critical factors that will be in place following successful implementation of the Policy. At the *Policy Review and Evaluation* stage, they enable the organization to determine if the policy’s intended outcomes have been achieved.

References: A comprehensive list of related documents including acts, regulations, Pillar and other Board Policies, and Policy Directives.

Policy Development Process – Summary of Roles and Responsibilities

Stages	Policy Working Sub-Committee	Committee of the Whole	Associate Director	Executive Council	Lead Person	Corporate Communications
Issue Identification	<ol style="list-style-type: none"> 1. Refers issues that may require policy development to the Committee of the Whole (CoW). 	<ol style="list-style-type: none"> 2. Refers issues that may require policy development to the Associate Director. 	<ol style="list-style-type: none"> 3. Recommends an expedited Policy Development Process (PDP) for legislated Policies 4. Refers issues that may require policy development to Executive Council (EC) 	<ol style="list-style-type: none"> 5. Assigns responsibility to one member (the lead person) 	<ol style="list-style-type: none"> 6. Accepts responsibility to coordinate the PDP. 7. Assigns appropriate staff to assist with policy development. 	
Scoping Report Inquiry Phase and Scoping Report	<ol style="list-style-type: none"> 4. Recommends actions to the CoW. 9. Provides input. 10. Finalizes the Scoping Report. 11. Makes recommendations to CoW. 	<ol style="list-style-type: none"> 5. Considers and decides whether or not to initiate the policy development process. 12. Approves, amends or rejects the plan for development of the Draft Policy as outlined in the Scoping Report. 		<ol style="list-style-type: none"> 2. Provides input and direction. 7. Provides input and direction. 	<ol style="list-style-type: none"> 1. Develops a report with recommended actions based on stated rationale and takes it to EC. 3. Takes the report with recommended actions to the Policy Working Sub-Committee (PWSC). 6. Develops a Scoping Report and takes it to EC. 8. Takes the Scoping Report to the PWSC. 	<ol style="list-style-type: none"> 13. Posts notice of policy development on the Board's website. 14. Posts the Scoping Report on the website and notes it in the Policy Tracking Sheet. 15. Invites staff, student leaders, parents and community to give input regarding any key challenges, issues and opportunities associated with the initiative.
Draft Policy Development	<ol style="list-style-type: none"> 5. Provides input and direction. 6. Decides the scope of consultation and whose input specifically is to be sought. 			<ol style="list-style-type: none"> 3. Provides input and direction. 	<ol style="list-style-type: none"> 1. Uses an inclusive approach to develop and write the Draft Policy. 2. Takes the completed Draft Policy to EC. 4. Takes completed Draft Policy to the PWSC. 	<ol style="list-style-type: none"> 7. Posts the Draft Policy on the Board's website. 8. Invites staff, student leaders, parents and community input regarding key challenges, issues and opportunities.

Stages	Policy Working Sub-Committee	Committee of the Whole	Associate Director	Executive Council	Lead Person	Corporate Communications
Stakeholder Consultation	8. May direct the lead person to provide a copy of the report to those who participated in the consultation process to acknowledge and thank them for their contribution.				<ol style="list-style-type: none"> 1. Carries out the consultation. 2. Collects and collates data. 3. Acknowledges and thanks stakeholders for their input. 4. Analyses the data. 5. Makes recommendations for revisions to the Draft Policy as required. 6. Develops a written report for the PWSC summarizing consultation responses and recommended changes. 	7. Posts the collated data for 30 days on the Board's website with an acknowledgement to those who provided input.
Draft Policy Revisions	4. Considers and approves the revised Draft Policy.			2. Provides input and direction.	<ol style="list-style-type: none"> 1. Takes the revised Draft Policy together with a written summary of the data from consultation to EC. 3. Takes the revised Draft Policy together with a written summary of the data from consultation to the PWSC. 	5. Posts the revised Draft Policy on the Board's website for 30 days and notes it in the Policy Tracking Sheet.
Policy Approval	1. The chair takes a summary of the development process (stages and chronology), the finalized Draft Policy and a copy of the original Scoping Report to the CoW.	2. Considers and approves the Policy or refers back to the PWSC.	4. Sends the approved Policy to superintendents, trustees, appropriate managers and administrators and places a copy in the Policy Manual.			3. Posts the approved Policy on the Board's website for 30 days and notes it in the Policy Tracking Sheet.

Stages	Policy Working Sub-Committee	Committee of the Whole	Associate Director	Executive Council	Lead Person	Corporate Communications
Policy Implementation	<ul style="list-style-type: none"> 7. Receives the Policy Directive and may offer suggestions for consideration. 8. Refers the Policy Directive to CoW for information. 	<ul style="list-style-type: none"> 9. Receives Policy Directive and may offer suggestions for consideration. 	<ul style="list-style-type: none"> 10. Sends the approved Policy Directive to superintendents, trustees, appropriate managers and administrators and places a copy in the Policy Manual. 	<ul style="list-style-type: none"> 3. Provides input and direction. 4. Approves the Policy Directive and implementation plan. 5. Takes the Policy Directive and the implementation plan to the PWSC and CoW for information. 6. Assigns appropriate staff to implement the Policy Directive with required staff development according to the plan. 	<ul style="list-style-type: none"> 1. Develops a Policy Directive and an implementation plan. 2. Takes the Policy Directive and the implementation plan to EC. 	<ul style="list-style-type: none"> 11. Posts the Policy Directive on the Board's website for 30 days.
Policy Evaluation and Review	<ul style="list-style-type: none"> 8. Provides input. 9. Submits recommended revisions to the CoW. 	<ul style="list-style-type: none"> 10. Considers and approves revisions or refers back to the PWSC. 	<ul style="list-style-type: none"> 1. Monitors the review cycle of all Policies and refers them to the appropriate lead person to carry out scheduled reviews. 12. Sends the revised Policy to superintendents, trustees, appropriate managers and administrators and places a copy in the Policy Manual. 	<ul style="list-style-type: none"> 3. Determines if further action is required. If the Policy requires major revision or needs to be rescinded and replaced by a new Policy, the PDP is re-engaged. If minor revisions to the Policy are required, the lead person is directed to make recommended revisions and develop a communication strategy. 6. Provides input and direction. 11. Assigns appropriate staff to implement the communication strategy. 	<ul style="list-style-type: none"> 2. Conducts the review and takes the results to EC. 4. Makes recommended revisions and develops a communication strategy. 5. Refers recommended revisions and the communication strategy to EC. 7. Refers recommended revisions and the communication strategy to the PWSC. 	<ul style="list-style-type: none"> 13. Highlights Policy revisions and posts the revised Policy on the Board's website and notes it in the Policy Tracking Sheet.

TRUSTEE ATTENDANCE AT CONFERENCES

When the Canadian School Boards' Association holds its annual conference out of the province, the following have the first option to attend with reimbursement according to Board policy:

- the OPSBA Director
- the Chair
- the Vice-Chair

Openings to the above allotment will be filled by drawing lots from those trustees interested in attending.

That all trustees be encouraged to attend appropriate in-province conferences including, but not limited to, the following: the Ontario Public School Boards' Association (OPSBA) and the CSBA (when held in Ontario) with reimbursement according to Board policy.

Adopted May 12, 2003

Hamilton-Wentworth District School Board
Conflict of Interest Legislative Compliance Procedure

Preface

The *Municipal Conflict of Interest Act* (“the Act”) identifies a framework for appropriate conduct once a trustee (a “Trustee”) determines he or she must absent himself or herself from the decision-making. The Act obliges a Trustee who has a pecuniary interest (direct, indirect or deemed) in a matter that comes before the Board to refrain entirely from any participation in the decision-making process in respect of matters where a conflict of interest exists. The following procedure (the “Procedure”) is intended to provide the Trustees and senior staff of Hamilton-Wentworth District School Board (the “Board”) with guidance in complying with the Act by providing a process to identify, notify and declare a conflict of interest.

1. Definition

In this Procedure,

- (a) “Conflicted Trustee” means a Trustee who has a direct, indirect or deemed pecuniary interest (as those terms are defined in the Act) in a Matter and, in turn, is subject to the disclosure requirements in section 5 of the Act.
- (b) “Chair” means the Chair of the Board
- (c) “Matter” means a matter that is the subject of consideration at a Council, committee or subcommittee meeting of the Board

2. Identification and Notification

- (a) Where a Trustee believes that he or she may be a Conflicted Trustee, the Trustee shall notify the Chair of his or her potential conflict of interest at the earliest possible time after becoming aware of such potential conflict, but at least prior to the commencement of the agenda items of the Matter by the Board or its committees. The Trustee shall complete the relevant declaration form described in Section 5 below.
- (b) Where a Trustee or staff member (the “Notifying Party”) believes that another Trustee may be a Conflicted Trustee, the Notifying Party shall notify the Chair of the potential conflict interest at the earliest possible time after becoming aware of such potential conflict by utilizing the Potential Conflict of Interest Form attached as Appendix “A”.
- (c) Where the Trustee believed to be a Conflicted trustee is the Chair, the Vice-Chair of the Board shall be the Acting Chair in respect of said potential conflict and the Chair in respect of said potential conflict and the Chair or the Notifying Party, as the case may be, shall notify the Acting Chair of the conflict of interest.

3. Notification to the Board

- (a) Where the Chair or Acting Chair, as the case may be, is notified by a Notifying Party that a Trustee is believed to be a Conflicted Trustee, the Chair or Acting Chair shall notify the Conflicted Trustee confidentially in writing of such notification prior to any review of said conflict by the Board.

4. Review of Potential Conflicts of Interest

- (a) Where a Conflicted Trustee receives notification referred to in Section 3 above, he or she shall review the circumstances and determine whether he or she believes there to be a conflict of interest. He or she shall do so prior to consideration of the Matter and advise the Chair of his or her decision.
- (b) Once a Trustee has concurred that a conflict of interest exists, he or she shall complete the relevant declaration form in accordance with the Act by completing and filing the relevant form of declaration as described in Section 5 hereof with the Chair and same shall be received at the outset of the meeting whereupon the Trustee shall absent himself or herself from the proceedings and conduct his or her activities in accordance with the Act.
- (c) Should the trustee not believe there to be a conflict of interest he or she shall so notify the Chair of the reasons why such conflict of interest does not exist. After receiving such reasons, if the Chair believes a conflict of interest does exist, the Chair shall bring the matter in camera before the Board for consideration.
- (d) The Trustee believed to be a Conflicted Trustee shall be afforded an opportunity to address the Board in respect of the potential conflict of interest and shall answer questions of the Board in respect of said potential

conflict, but shall in no other way participate in the Board's determination of whether a conflict of interest exists in respect of the Matter.

- (e) The Board may review such information as it deems relevant, including posing questions to the potentially Conflicted Trustee or, where applicable, the Notifying Party. If the Board determines that there is a conflict of interest, it shall so advise the Conflicted Trustee.
- (f) Determinations of the Board under this section 4 are solely intended to provide Trustees with guidance in determining whether such Trustees are Conflicted Trustees. Legally, it is the sole decision and responsibility of a Trustee to determine whether he or she is a Conflicted Trustee under the Act and Trustees may wish to obtain independent legal advice in respect of such determinations.

5. Declaration

In accordance with section 6 of the Act, where a Trustee is a Conflicted Trustee, he or she shall disclose a conflict of interest and the general nature thereof at a meeting of the Board and such disclosure shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the secretary of the Board. Where the meeting is not open to the public, the declaration of the interest made, but not the general nature of that interest, shall be recorded in the minutes of the next meeting that is open to the public. The alternative forms of declaration are attached hereto as Appendix "B".

6. Conflict with the Act

This Procedure is intended to complement the Act and assist Trustees and Staff Members in ensuring compliance with the Act. Should this Procedure conflict with the Act in any manner, the provisions of the Act shall supercede this Procedure.

Adopted May 14, 2007

Notice of a Trustee's Conflict of Interest in Respect of
a Matter to be Heard at a Meeting of the Board

PLEASE ENCLOSE IN A SEALED ENVELOPE AND FORWARD
TO THE ATTENTION OF THE CHAIR OF THE BOARD

Whereas the *Municipal Conflict of Interest Act* provides that a Trustee shall not deal with any matter brought before the Board at a meeting of the Board in which the Trustee has a direct, indirect or deemed pecuniary interest, I the undersigned, a Trustee of Hamilton-Wentworth District School Board, hereby confidentially notify you that I may have a conflict of interest in respect of a matter to be brought before the Board at a meeting of the Board on the ____ day of _____, 20__.

<p>General Description of the Conflict of Interest:</p>	
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I shall hereby refrain from any discussion or voting on the matter.

Name

Date

Declaration of Conflict of Interest in Respect of
a Matter to be Heard by the Board in a Private Meeting

Whereas the *Municipal Conflict of Interest Act* provides that a Trustee of Hamilton-Wentworth shall not deal with any matter brought before the Board at a meeting of the Board in which the Trustee has a direct, indirect or deemed pecuniary interest, I the undersigned, hereby declare an interest in a matter to be brought before the Board at a private meeting of the Board on the ____ day of _____, 20__.

I shall hereby refrain from any discussion or voting on the matter.

Name

Date

Declaration of Conflict of Interest in Respect of
a Matter to be Heard by the Board at a Public Meeting

Whereas the *Municipal Conflict of Interest Act* provides that a Trustee of Hamilton-Wentworth District School Board shall not deal with any matter brought before the Board at a meeting of the Board in which the Trustee has a direct, indirect or deemed pecuniary interest, I the undersigned, hereby declare an interest in a matter to be brought before the Board at a public meeting of the Board on the ___ day of _____, 20__:

General Nature of the Pecuniary Interest held by the Trustee	
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I shall hereby refrain from any discussion or voting on the matter

Name

Date

Municipal Conflict of Interest Act

R.S.O. 1990, Chapter M.50

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Public Statutes – Legislative History Overview.

Amended by: 1996, c. 32, s. 76; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156; 1999, c. 6, s. 41; 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45.

Definitions

1. In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Ontario Court (General Division); (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; (“père ou mère”)

“school board” means a board as defined in subsection 1 (1) of the Education Act, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the Education Act; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs

functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2).

Indirect pecuniary interest

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body,that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

Exceptions

Where s. 5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,
- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
 - (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
 - (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
 - (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
 - (e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 relating to local improvements;
 - (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;
 - (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
 - (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
 - (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
 - (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
 - (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table.

Duty of Member

When present at meeting at which matter considered

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5.

Record of Disclosure

Disclosure to be recorded in minutes

6. (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be.

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6.

Remedy for Lack of Quorum

Quorum deemed constituted

7. (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises.

Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7.

Action where Contravention Alleged

Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

Who may apply to judge

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3).

Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3).

Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9.

Power of judge to declare seat vacant, disqualify member and require restitution

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

(a) shall, in the case of a member, declare the seat of the member vacant; and

(b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member.

Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10.

Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member.

Definition

(5) In subsection (4), “electoral group” has the same meaning as in Part VIII of the Education Act as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

Appeal to Divisional Court

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court.

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal.

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11.

Proceedings not invalidated but voidable

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

Other procedures prohibited

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

General

Insurance

14. (1) Despite section 279 of the Municipal Act, 2001, the council of every municipality may at any time pass by-laws,

(a) for contracting for insurance;

(b) despite the Insurance Act, to enable the municipality to act as an insurer; and

(c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the Insurance Act,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table.

Insurance Act does not apply

(2) The Insurance Act does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

Surplus funds

(3) Despite subsections 387 (1) and (2) of the Insurance Act, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under section 418 of the Municipal Act, 2001. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table.

Note: During a one-year transitional period, beginning on March 6, 1997 and ending on March 6, 1998, the following rules apply:

Subsection 14 (3), as it read on March 5, 1997, continues to apply to investments made before that date.

However, an investment made before that date shall not be continued beyond the transitional period unless it is a permitted investment under section 167 of the Municipal Act.

Surplus funds and the reserve fund of a municipal reciprocal exchange may also be invested in securities in which the municipality is permitted to invest under section 167 of the Municipal Act.

See: 1996, c. 32, ss. 76 (2-4), 102 (4).

Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the Insurance Act is complied with. R.S.O. 1990, c. M.50, s. 14 (4).

Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

Conflict with other Acts

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

Note: On March 9, 1995, a proclamation was issued naming April 15, 1995 as the day on which this Act would be repealed. On April 13, 1995, a proclamation was issued revoking the proclamation of March 9, 1995.

STUDENT TRUSTEES REGULATIONS

Hamilton-Wentworth District School Board requires that two Student Trustees be elected to the Board to serve for a term of one year. Each Student Trustee participates in the deliberations and decision-making of all matters brought before the Board. The inclusion of Student Trustees enables the perspective of students to be considered in the decisions of members of the Board, and provides students with valuable learning experiences.

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

1.0 Eligibility

To be eligible for the role of Student Trustee, students must meet the following criteria:

- 1.1 Must be enrolled in good standing in the senior division of a Hamilton-Wentworth District School Board secondary school on August 1st following the election;
- 1.2 Be willing to commit the necessary time to attend meetings and perform the duties and responsibilities of a Student representative;
- 1.3 Shall, if under the age of 18, provide written confirmation of support and acknowledgement of their responsibilities from their parent/guardian;
- 1.4 Shall sign a Confidentiality Agreement agreeing to maintain confidentiality with respect to board business dealt with in closed sessions of board and/or committee meetings;
- 1.5 Shall acknowledge the responsibilities and consequences of becoming disqualified.

2.0 Responsibilities

The responsibilities of the Student Trustee include the following:

- 2.1 To regularly attend Board meetings and the Committee of the Whole sessions.
- 2.2 To be knowledgeable about, and comply with Board of Trustees' Rules and Regulations and the Trustee Code of Ethics, and to conduct herself/himself in accordance with Robert's Rules of Order.
- 2.3 To have a standing position on and/or be a Co-Chair of the Student Senate.
- 2.4 To serve as a student liaison representative for the Board at various events. The Student Trustee is often asked to represent the student voice at special community events and provincial student conferences, and to be involved in selected Board activities.
- 2.5 To attend all conferences of OSTA-AECO (Ontario Student Trustees' Association - l'Association des élèves conseillers et conseillères de l'Ontario) except in the case of a reasonable conflict

3.0 Term of Office

- 3.1 The term of office for Student Trustees shall be one year commencing August 1st to and including July 31st of the following year.
- 3.2 A Student Trustee may be re-elected for a second term if they meet the eligibility requirements and are successful in the selection process.

4.0 Voting

- 4.1 The Student Trustees are recorded but not counted in the voting.
- 4.2 The Student Trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter. If the motion is not moved by a member of Board or of committee, the record shall show the suggested motion.

5.0 In-Camera Meetings

- 5.1 Student Trustees may attend In-Camera meetings, pursuant to section 207(2), when the subject matter under consideration involves:
 - a) The security of the property of the Board;
 - b) The acquisition or disposal of a school site;
 - c) Decisions in respect of negotiations with employees of the Board, or
 - d) Litigation affecting the Board.

- 5.2 The Student Trustee **may not** attend In-Camera meetings in the following circumstances:
- a) The Student Trustee declares an interest; and/or
 - b) Any of the subject matter, including the subject matter in subsections a), b), c) and d) above, reveals intimate, personal or financial information in respect of a member of the Board or a Committee, an employee or prospective employee of the Board, or a pupil or his or her parent(s)/guardian(s).

6.0 **Conflict of Interest**

- 6.1 When a student trustee realizes he or she is in a conflict of interest, the student trustee must declare this conflict to the Chair of the Board or Chair of the committee as per our Conflict of Interest procedures.

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

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

7.0 **Honorarium**

- 7.1 The Student Trustees are each entitled to receive an honorarium from the Board, in the amount of \$2,500 for a completed term of office, or an amount pro-rated, as necessary.
- 7.2 The Student Trustee shall be reimbursed for out-of-pocket expenses reasonably incurred in connection with carrying out the responsibilities of a Student Trustee.

8.0 **Access to Board Resources**

Student Trustees have the same access to professional development opportunities, conferences, and other resources as provided to Ward Trustees. The Student Trustees shall have the same access to material and information as Trustees to allow for participation at meetings of the Board and at meetings of Committees of the Board.

9.0 **Co-op Credits**

Service as a student trustee may be acknowledged by the granting of co-operative education credits, in recognition of the experience gained and the commitment demonstrated. Such credits will be granted by the Principal of the student trustee's home school.

10.0 **Travel**

In all cases where the Student Trustees travel outside the jurisdiction of the Board, in carrying out their duties as Student Trustees, and where they are under the age of 18, written parent/guardian consent is required.

11.0 **Mentors**

- 11.1 There will be a main advisor called the Student Trustee Mentor chosen by the ward trustees to coach and guide the student trustees in their general activities related to the Board.
- 11.2 Each of the Student Trustees will be assigned a member of the Board to serve as their table mentor during meetings.

12.0 **Disqualification**

- 12.1 A student trustee is disqualified when he or she:
- (a) ceases to be a student of the Hamilton-Wentworth District School Board.
 - (b) is absent from three consecutive regular meetings of the Board without being authorized by resolution of the Board;
 - (c) is convicted of an indictable offense;
- 12.2 A student trustee may be disqualified when he or she
- (a) breaches the confidentiality of the Board;

- (b) is suspended from school for a serious violation of the behaviour code

A Student Trustee, who ceases to be qualified, must resign from the position.

13.0 **Vacancy**

In the event a vacancy arises prior to the expiration of the term of a Student Trustee, it will be filled in a by-election. Potential candidates for the by-election are members of the Hamilton-Wentworth Student Senate.

14.0 **Selection Process (Indirect Elections)**

The selection process is lead by the Student Trustee Mentor (or Vice-Chair of the Board). An election shall be held no later than April 30th in each year. The Student Trustees shall be elected via the following procedure:

- a) By the end of March of each year, a notice will be sent out about the student trustee opportunities outlining the role, the commitment and the responsibilities, of a Student Trustee;
- b) Each Candidate for the position of Student Trustee will submit a completed Application.
- c) A panel consisting of the Executive Council Member assigned to Student Senate, the Student Trustee Mentor (or Vice-Chair of the Board), outgoing student trustees, Student Senate Teacher Advisor and one other will interview all applicants and select four or five to proceed to the Student Trustee Election Assembly (composed of members of the Student Senate and invited others)
- e) Candidates will have an opportunity to make presentations that speak to their suitability to represent the interests of students on the Board.
- g) The Student Trustee Election Assembly will elect two candidates by secret ballot.
- h) Before April 30th, the Student Trustee Mentor (or Vice-Chair of the Board) will advise the Board of the Student Trustees elected;
- i) The names of the two elected Trustees are to be provided to the Ministry within 30 days after the election or the by-election.

15.0 **Orientation**

Orientation for the newly-elected Student Trustees will be the responsibility of the Student Trustee Mentor or the Vice-Chair of the Board.

Adopted May 2010