

BY-LAW NO. 1263

BEING A BY-LAW

OF

THE WINNIPEG SCHOOL DIVISION

TO REPEAL BY-LAW NO. 1203

and

TO REGULATE THE PROCEEDINGS OF THE

BOARD AND COMMITTEES THEREOF

As Adopted by the Board January 15, 2018

As amended by By-Law No. 1266

As amended by By-Law No. 1296

As amended by By-Law No. 1301

As amended by By-Law No. 1307

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THE ROLE OF SCHOOL BOARDS

The primary function of a school board is the determination of policy. These policies are, in effect, the laws under which a division or district operates. Implementation of that policy--that is, the day-to-day management of school business--is the role of the administrative staff hired by a school board.

A school board sets policy through the decisions it makes at public meetings. *The Public Schools Act* provides that "*An act or proceeding of a school board that is not done or taken at a regular or special meeting of the school board, is not valid or binding on any person affected thereby*" (*Public Schools Act - Section 35*).

In addition to full school board meetings, trustees also attend the meetings of any committees on which they serve. Most school boards have a number of standing committees that deal with areas such as finance, personnel, curriculum, and facilities. Special or ad hoc committees may also be appointed from time to time to deal with special projects or emerging issues. Unlike regular or special school board meetings, committee meetings do not have to be held in public, but may be held in camera. These committees make recommendations for Board approval. Their role generally is to investigate, deliberate, and report back to the full board. The board then has the option of adopting the recommendations of the committee at its public meeting, modifying any proposed course of action, or rejecting a committee report outright.

The decisions made by a school board at its meetings set the overall directions and policy for the school division. The school board employs administrators to see that this direction is implemented in an effective and efficient manner and for the day-to-day operation of the school division.

PREAMBLE

A. Powers and Duties of the Board of Trustees

In addition to the duties the Board of Trustees is required to perform under the provisions of the Public Schools Act and other acts of the Legislature of Manitoba, the Board of Trustees is the policy-making body in all matters of concern to the School Division. Without in any way restricting the generality of the foregoing, the Board of Trustees shall:

1. Assign duties and powers to all committees.
2. Set policy.
3. Organize such standing, special, and advisory committees as maybe deemed necessary, and stipulate the terms of reference for each.
4. Receive reports from all committees and take such action as may be deemed advisable. Assign various trustees to such committees or to represent the Board as may be required from time to time, and instruct the trustees so delegated as to their duties and responsibilities while acting on behalf of the Board.
5. Undertake such consultation with parents, tax payers, teachers, students and other groups as necessary to fully inform the Board in its deliberations.
6. Exercise appropriate care in overseeing the operations of the School Division as a whole.
7. Otherwise act wholly within the terms and conditions of the Public Schools Act and its regulations and such other legislation as may be applicable.

B. Authority of School Trustees

Trustees, severally, shall serve as the Board of Trustees of the Winnipeg School Division and, as such, shall have, when acting as a Board, all of the powers, duties, and responsibilities as are set out in the Public Schools Act, its Regulations, and any other act of the Province of Manitoba applicable to the Boards of Trustees of school divisions.

Without in any way restricting the generality of the foregoing, individual trustees shall:

- 1) Attend duly called meetings of the Board of Trustees and any committee to which they are appointed.
- 2) Serve as chairs of committees and of the Board as called upon and accept any other assignment given to them by the Board, unless they feel that they cannot fulfil the duties thus assigned.
- 3) In no event, shall a trustee absent themselves for three consecutive Regular meetings, without the formal approval of the Board.
- 4) Keep in strictest confidence any information surrounding any matter brought to the trustee's attention in Committee of the Whole.
- 5) Direct matters against Board policy, Board officials, principals, teachers, and other personnel through proper channels.
- 6) Act as representatives of the Board at all public functions which they are called upon to attend in the capacity of a trustee in accordance with the Protocol for School Events.
- 7) Make no statement, announcement, press or publicity release as representing Board policies, actions or plans, unless such policies, actions or plans have been formally adopted by the Board.
- 8) Trustees shall respect that the Chairperson shall be the Division's spokesperson.
- 9) Trustees may speak on their own behalf in respect to any proposed or existing Board policies, actions or plans.

C. Role of Chairperson

The Chair of the Board presides at all Board meetings; maintains order and proper conduct and decorum of meetings; decides motions of order subject to appeal of the Board. In addition, the Chair of the Board may vote at Board meetings; may call Special Meetings of the Board; is a signing authority of the division and with the Secretary-Treasurer signs all legal documents and cheques over \$50,000; is the official spokesperson of the Board and must present and publicly support the majority position of the Board; represents the Board at public functions in accordance with the established protocol.

SECTION I

PROCEEDINGS AT THE FIRST MEETING OF THE BOARD.

1.0 **First Meeting of the Board**

1.1 (PSA) In a year a regular election is held, the first meeting of the Board following a regular election shall be held within 14 days after the fourth Wednesday in October.

1.2 (PSA) In any other year, the first meeting of the Board shall be held on the second Monday in September.

1.3 The Secretary-Treasurer of the Board, at the first meeting following an election,

a) shall call the meeting to order and proceed to read to the Board the returns of the election as certified by the Returning Officer;

b) shall call the elected members collectively to take the Oath of Office and Allegiance;

c) shall call upon the elected members individually to sign the Affidavit of Qualifications as required under the Public Schools Act;

d) shall direct the elected officials to take their seats once the Affidavit of Qualifications has been signed.

1.4 At the first meeting of the Board following a regular election, or annually thereafter at the first regular meeting of the Board in each school year, the Chair shall read a formal statement that acknowledges that the School Board meeting is taking place on Treaty One Land and the traditional homeland of the Metis nation.

1.5 Upon each School Board meeting being called to order, other than subsection 1.4, the Chair shall state that the School Board meeting is taking place on Treaty One Land and the traditional homeland of the Metis nation.

2.0 **Appointment of Scrutineers**

2.1 The Board shall appoint two scrutineers, selected from administration, to examine and count the ballots of each vote taken, and report the results to the presiding officer.

3.0 **Election of Chair and Vice-Chair**

3.1 (PSA) At the first meeting of the School Board, the trustees present shall elect from among themselves a Chair and a Vice-Chair for the next ensuing year and the Secretary-Treasurer of the School Board shall preside at the election, or, if there is no Secretary-Treasurer present, the trustees present shall select one of themselves to preside at the election and the member selected to preside may vote on the election.

3.2 To be elected Chair or Vice-Chair, a nominee requires more than one-half of the votes of the members present.

- 3.3 Where on any vote for Chair or Vice-Chair there are more than two nominees, and no nominee receives more than one-half of the votes of those members present, the name of the nominee who received the least number of votes shall be struck off the list of nominees and a further vote shall be taken.
- 3.4 Where two or more nominees receive the same number of votes and they have received the least number of votes, the members present shall vote on those nominees and the name of the nominee who receives the least number of votes shall be struck off the list of nominees.
- 3.5 (PSA) In the event of a tie vote in electing the Chair or the Vice-Chair, the Board shall determine by lot who shall cast the deciding ballot.
- 3.6 (PSA) The Chair and Vice-Chair shall hold office until the next election is held under clause 1.0 above.
- 3.7 During a four year term of office, the number of terms served by the Chair shall not exceed two consecutive terms as Chair and the number of terms served by the Vice-Chair shall not exceed two consecutive terms as Vice-Chair.

4.0 **Appointment of Committees**

- 4.1 At the first meeting of the Board following a regular election, or annually thereafter at the first regular meeting of the Board in each school year, the Board shall appoint such committees as are required to be continued for the ensuing year.

5.0 **Chair Ex-Officio Member of Committees**

- 5.1 The Chair of the Board shall be a member ex-officio of all Board committees and as such shall be entitled to vote on all matters at any committee meeting at which they are in attendance.

6.0 **Absence of Chair**

- 6.1 (PSA) Where for any reason the Chair is absent from a duly called and regularly held meeting of the Board, the Vice-Chair shall preside and while so presiding shall have all the powers of the Chair. Where the Chair is absent from the School Division the Vice-Chair may exercise all the powers and discharge all the duties of the Chair.

7.0 **Officers of the Board**

- 7.1 The officers of the Board shall be the Chief Superintendent of Schools, the Secretary-Treasurer, and the Chair of the Board, or in the event of the unavailability of the Chair of the Board, the Vice-Chair of the Board.

SECTION II

MEETINGS OF THE BOARD

8.0 **Notice of Meetings**

8.1 (PSA) Notice of all School Board meetings, regular and special shall be given by the Secretary- Treasurer to all trustees so that the notice will be received at every trustee's designated address at least 24 hours before the meeting, by notifying each of them personally or in writing or by email, stating the place, date and hour of the meeting.

9.0 **Recording of Meetings**

9.1 All Regular and Special Meetings of the Board will be recorded and livestreamed with the exception of Business Matters as defined in Rule 44.7.

9.2 Audio/video recordings shall not be the official public record of the meeting, rather the meeting minutes as approved by the Board of Trustees. Audio/Video recordings will be posted for public viewing.

9.3 Audio/video recordings shall be edited in consultation with the Board Chair, Freedom of Information and Privacy Protection Act Officer and Freedom of Information and Privacy Protection Act Coordinator, if a privacy breach is identified within the recordings.

9.4 The Board of Trustees shall be notified by the Access & Privacy Officer or Coordinator, when audio/video recordings are edited and state the violation under the Act.

10.0 **Regular Meeting Dates**

10.1 Regular meetings of the Board will normally be held during the first and third weeks in the months during the school year at 7:00 p.m. The agenda will include the hearing of delegations.

11.0 **Special Meetings of the Board**

11.1 When necessary, special meetings of the Board may be held on the second week of each month at 7:00 p.m., provided however that if any such day falls on a statutory or civic holiday, the Board may meet on another date to be designated by the Board.

11.2 Other special meetings of the Board may be called by the Chair or upon written petition addressed to the Chair or Secretary-Treasurer stating the special business to be brought before the meeting, and signed by at least five members of the Board.

11.3 The written or printed notice of every special meeting sent to the members shall state all business to be considered or transacted thereat, and no other business shall be considered unless all members of the Board are present and agree.

12.0 (PSA) **Emergency Meeting**

12.1 Notwithstanding subsection 10.1 above, the School Board may hold a meeting at any time and any place to deal with an emergency situation if all the trustees consent thereto and are present thereat.

12.2 The written or printed notice of every emergency meeting sent to the members shall state all business to be considered or transacted thereat, and no other business shall be considered unless all members of the Board are present and agree.

13.0 **Quorum**

13.1 A majority of the members of the Board shall constitute a quorum, and the vote of the majority will be such quorum, unless otherwise provided for herein, shall be valid and shall bind the Division.

13.2 (PSA) In order to achieve quorum, arrangements may be made for a trustee to participate in a regular meeting of the Board through electronic means and that trustee shall be deemed to be present at the meeting. The electronic means shall include teleconferencing and videoconferencing. Trustees must make a request in writing 24 hours prior to the meeting.

13.3 Required attendance at every meeting of the school board, the following persons be physically present in the meeting room of the board:

- (a) the chair of the board or his or her designate;
- (b) at least one additional member of the board;
- (c) the superintendent of the division or his or her designate;
- (d) the Secretary-Treasurer or his or her designate.

Every trustee must be physically present at a regular meeting at least once every three months.

13.4 Unless there shall be a quorum present within one half hour after the time appointed for a meeting of the Board, the Board shall stand adjourned until the next regular meeting or until a special meeting may be called as hereinafter provided. The Secretary-Treasurer shall take down the names of the members present, at the expiration of the said half hour.

14.0 **Time Limit for Meetings of the Board**

14.1 The Board and/or Committee of the Whole shall not remain in session later than 10:30 p.m. unless it is otherwise determined by a majority vote of the members present.

14.2 The Board and/or Committee of the Whole shall not remain in session later than 11:00 p.m. unless it is otherwise determined by the unanimous consent of all those members present.

15.0 **Board Agendas**

- 15.1 A member of the Board may submit an item for inclusion in the agenda by advising the Board and Community Liaison Officer at least seven days in advance of a requested meeting.
- 15.2 A Notice of Motion may be added to an agenda for a regular meeting of the Board by advising the Board and Community Liaison Officer, no later than the Thursday before the meeting.
- 15.3 A matter that is not included in the agenda, including consent agenda items, may be added to the agenda at the beginning of the meeting at a regular meeting of the Board if the matter is time sensitive or of an urgent matter, and if a majority of the trustees present agree to do so, unless otherwise prohibited by this By-Law.
- 15.4 The agenda for all regular and special school board meetings, including related correspondence, reports and attachments, will be provided to trustees at least 24 hours prior to the meeting.
- 15.5 The agendas for all regular school board meetings and special meetings of the Board will be available electronically to the public and on the Division website at least 24 hours prior to the meeting.
- 15.6 The agenda for regular board meetings including Superintendent's report, committee reports, draft Board Meeting minutes, a list of correspondence identified by number, New Business, Correspondence Information and Superintendent's Information Report will be available to the public.

SECTION III
RULES OF ORDER

16.0 **Chair Shall Preside**

16.1 The Chair shall preside at the meetings of the School Board.

16.2 In the absence of the Chair, the Vice-Chair shall preside and while so presiding shall have all the powers of the Chair.

16.3 In the absence of both the Chair and Vice-Chair, the Secretary- Treasurer shall call the meeting to order and a Chair pro tempore shall be elected by the Board.

16.4 In the absence of both the Chair and the Vice-Chair and the Secretary-Treasurer, if there is a quorum in attendance, the members present may appoint a Chair and Secretary-Treasurer pro tempore.

17.0 **Duties of Presiding Officer / Trustees**

17.1 The presiding officer shall:

- a) call the meeting to order at its appointed hour or as soon thereafter, within one-half hour, as there shall be a quorum present
- b) maintain the order and proper conduct and decorum of the meeting
- c) decide questions of order subject to the appeal of the rest of the Board
- d) announce each item of business as it arises and call on the proper person to speak
- e) cause a motion to be stated clearly before allowing discussion
- f) authorize members to speak in discussion
- g) enforce the observance of decorum and the rules of procedure
- h) submit motions to the final decision of the Board
- i) give a clear ruling when a point of order is raised, stating the applicable rule of procedure
- j) do or cause to be done all such things which are properly the responsibility of the presiding officer
- k) in the absence of provisions in this By-Law, be guided by Robert's Rule of Order

- 17.2 Trustees are responsible for assisting in debate by:
- a) addressing all remarks to the Chair
 - b) confining their remarks strictly to the motion under consideration
 - c) stating their position clearly, succinctly and without repetitiveness
 - d) maintaining an impersonal and respectful tone and not making personal comments
 - e) drawing the attention of the presiding officer to a lack of a quorum
 - f) making an appeal to correct any improper procedure, breach of the rules of order or to alleviate a detrimental situation.
- 17.3 (PSA) Where, at a meeting of the School Board, any person other than a member of the School Board is, in the opinion of the Chair of the meeting, guilty of disorderly or improper conduct, the Chair of the meeting may require them to leave the meeting forthwith and if they fail to do so may cause them to be removed.
- 18.0 **Appeal of Chair's Decision on Rules**
- 18.1 A member may bring a departure from the rules of order to the attention of the Chair by raising a point of order. (A breach of the rules of order under this by-law)
- 18.2 A member may interrupt another member to raise a point of order.
- 18.3 The point of order shall be clearly stated, with reference to the particular By-Law or rule that has been breached.
- 18.4 The Chair shall decide on the point of order without debate.
- 18.5 When the Chair or other presiding officer is called upon to decide a point of order or practice, they shall give their decision, and shall state the rule applicable to the case without argument or comment, subject to an appeal.
- 18.6 The Chair may declare a recess in order to review the point of order and make a decision.
- 18.7 An appeal of the ruling of the Chair can be made by any member of the Board. If this appeal is seconded, the vote on the appeal shall be taken without debate and decided by a majority of the members present, except the mover may explain the reason for appeal and the Chair may explain the reasons for ruling.

19.0 **Voting**

19.1 All motions shall be decided by a majority vote of the Board members present.

19.2 Each trustee shall be required to vote on every motion unless excused by the Chair or by a majority vote of the Board for just reason such as a Conflict of Interest as defined in Public Schools Act.

19.3 (PSA) Where, during any meeting, there arises a matter in which a trustee or any of the trustees' dependants has a direct or indirect pecuniary interest; or involving the direct or indirect pecuniary of any person, corporation, subsidiary of a corporation, partnership or organization to whom or to which a trustee or any of the trustee's dependants has a direct or indirect pecuniary liability; the trustee shall disclose the general nature of the direct or indirect pecuniary interest or liability; withdraw from the meeting without voting or participating in the discussion; and refrain at all times from attempting to influence the matter.

19.4 The Chair shall declare the result of all votes. Any member, prior to the vote being taken, may request a recorded vote be called on any motion, which must be seconded and a majority must be in favour, and thereupon the names of those who voted for or against shall be entered upon the minutes.

19.5 A recorded vote shall be taken and in each instance they shall be counted alternating from the Chair's left/right hand. The Chair is not required to vote unless there is a tie. (section 19.7)

19.6 Each member upon their name being called by the Secretary-Treasurer shall state Yea or Nay. The record of the vote shall be taken by the Secretary-Treasurer to be announced to the Board.

19.7 The Chair may vote with the other members on all motions, and any motion on which there is an equality of votes shall be deemed to be defeated.

19.8 Prior to the vote being taken and upon being recognized by the Chair, any member may request that their vote or abstention be recorded in the minutes whereupon the member's vote or abstention shall be so recorded.

20.0 **Chair Entering Debate**

20.1 The Chair or other presiding officer may express their opinion on any subject under debate, but in such case they shall leave the Chair, appointing some other member to temporarily assume the chair.

21.0 **Recognition of Members**

21.1 Every member, previous to speaking, shall address the Chair.

21.2 When two or more members rise to speak at the same time, the Chair shall maintain a speakers list.

21.3 Upon being recognized by the Chair, the member shall speak only on the motion under debate.

22.0 **Interruptions**

22.1 No member, while speaking, shall be interrupted by another, except:

- a) on a point of order, bringing the attention of the Chair to a breach of the Rules of Order under this By-law. (the particular By-Law or rule that has been breached)
- b) on a point of privilege, related to the comfort of members of the Board with respect to heating, ventilation, lighting, and noise or other disturbance, or to the conduct of officers, employees, or visitors in attendance at the meeting.
- c) for the purpose of moving the suspension of the 10:30 p.m. rule or the 11:00 p.m. rule.

22.2 A member so interrupting shall be confined to stating the point of order, the point of privilege, or the motion for suspension of the said rule as the case may be.

23.0 **Time Limit of Speaking**

23.1 The mover of a motion shall be entitled to speak for 5 minutes. A member shall not speak longer than ten minutes nor twice on the same motion, unless in explanation of something which may have been misunderstood, or in reply to a question not to exceed two minutes.

23.2 The mover of a motion shall have five minutes to close debate.

24.0 **Reading of Motion**

24.1 A member of the Board may require the motion under discussion to be read at any time during the debate, but not so as to interrupt the speaker.

25.0 **Putting the Question**

25.1 No member shall speak to any motion after the question has been put by the Chair, and while the Chair is putting the question no member shall speak.

26.0 **Notice of Motion**

26.1 Notice shall be given of all motions:

- introducing new matters not on the agenda
- dealing with matters affecting policy
- reversing previous decisions

at a meeting prior to that in which it comes up for discussion, unless the rule is dispensed with by the unanimous vote of the members present.

26.2 This rule shall not apply to any matter coming regularly before the Board by way of a report from any committee or the Chief Superintendent.

- 26.3 The Board and Community Liaison Officer will assist trustees with the preparation of motions to be presented to the Board for consideration. Such notice of motion may be given by a member of the Board delivering a written copy of such notice during the course of any Board meeting, to the Chair, whereupon such notice of motion shall be read to the Board as soon as possible thereafter.
- 26.4 A member in giving a notice of motion, may, or if requested by another member shall, explain briefly the purpose of their motion but without argument or debate and shall not in any event speak longer than three minutes.
- 26.5 A matter raised by notice of motion can become the subject of discussion at any subsequent meeting and may be moved by any member.
- 27.0 **Question of Jurisdiction**
- 27.1 Any member of the Board may question a matter introduced by way of motion on the grounds that such matter is outside the jurisdiction of the School Division. The member making such a motion will quote the authority applicable to the case, or give reasons, and the Chair, without further debate, shall ascertain by a vote of the members present whether the matter should be further discussed.
- 27.2 Whenever any member is of the opinion that a motion presented is contrary to the By-Laws and privileges of the Board, the member shall so apprise the Board and quote the authority applicable to the case, without debate.
- 28.0 **Motions**
- 28.1 Before it is considered by the Board, every motion, shall be moved, seconded, and stated by the Chair after which it shall be accepted, rejected, withdrawn or otherwise disposed of only by a vote of the Board.
- 28.2 The member who moved a motion may withdraw it from consideration by the Board before a vote is commenced on the motion, and provided no other member present objects to it being withdrawn. If any member objects to a request to withdraw a motion, the Board shall immediately decide by majority vote whether to permit the motion to be withdrawn.
- 28.3 A motion, other than an appeal from a ruling of the Chair, shall be defeated on a tie vote.
- 28.4 When a motion is being considered by the Board, no other motion shall be in order except a motion of precedence.
- 28.5 A motion is a motion of precedence if it proposes to (Debatable):
- a) postpone consideration of the motion indefinitely;
 - b) amend the main motion;
 - c) refer the motion to a committee for consideration;
 - d) defer consideration of the motion to a specified time.
- 28.6 A motion of precedence shall take precedence over the main motion and any pending amendments, and shall be decided before the debate on the main motion and amendments resume.

- 28.7 Only one motion of precedence shall be before the Board at any one time.
- 28.8 A motion of precedence to do the following shall be decided without debate:
- a) End debate;
 - b) Recess;
 - c) Appeal of Chair's Ruling (clause 18.0)
 - d) Question of Jurisdiction (clause 27.1)
 - e) Variation of Agenda (Regular) (clause 31.2)
 - f) Previous Question (clause 29.1)
 - g) To Adjourn (clause 33.3)
 - h) To go into Committee of the Whole (clause 33.3)
 - i) Committee of the Whole to Rise and Report (clause 53.4)
 - j) By-law First Reading (clause 55.1)
- 28.9 If a motion of precedence is defeated, another motion of precedence to the same effect cannot be made until some other business has intervened and been decided.
- 29.0 **Motion for the Previous Question**
- 29.1 The Chair shall put the previous question in this form,
"Shall the main motion question be now put?"
and its majority adoption shall end all debate, and bring the Board to a vote.
- 29.2 The following motions require a unanimous vote of the members present:
- a) To Sit after 11:00 p.m. (clause 14.2)
 - b) To Waive Requirement for Notice of Motion (clause 26.1)
 - c) Variation of Agenda (Regular) (clause 31.2)
 - d) Reversal of Decision (same meeting) (clause 34.2)
 - e) Suspension of Section III (Rules) (clause 39.0)
 - f) Suspension of Rules re: Reading of By-laws (clause 54.4)
- 30.0 **Amendments**
- 30.1 A motion being considered by the Board may be amended, except a motion to:
- a) appeal a ruling of the presiding officer;
 - b) end debate;
 - c) postpone consideration of the motion indefinitely;
 - d) reconsider a previous decision of the Board;
 - e) temporarily suspend the rules;
 - f) table a motion;
 - g) bring back for consideration a tabled motion;
 - h) withdraw a motion.

- 30.2 To be in order, an amendment must:
- a) be directly relevant to the motion it proposes to amend;
 - b) propose some change in the substance or form of the motion; and
 - c) not be contrary to the motion it proposes to amend.
- 30.3 Only one amendment to an amendment shall be considered by the Board at any one time.
- 30.4 The vote on the motion, the amendment and the amendment to the amendment shall be taken in the reverse order of that in which they were moved.
- 30.5 If the Board fails to dispose of a motion within 90 days following the introduction of the motion, the motion shall be deemed to have been removed from the agenda and the subject matter of the motion shall not be re-introduced for a period of one year following its removal from the agenda without the approval of the majority of the Board.
- 30.6 A motion containing one or more separate parts, each of which is capable of standing as a complete proposition, may be divided by the Chair. A separate vote will then be taken on each part of the motion as divided.

31.0 **Order of Business - Regular Board Meetings**

- 31.1 The order of business at all regular meetings shall be as follows:
- a) call to order and roll call
 - b) approval of the agenda
 - c) delegations
 - d) reading and confirming minutes
 - e) reading of communications and petitions
 - f) presentation and consideration of reports of any Committees, and of the Chief Superintendent. (Such reports to be in writing unless otherwise ordered by the Board.)
 - g) enquiries and announcements
 - h) new business, including by-laws, policies, administrative memoranda, notices of motion
 - i) agenda information items (ie, correspondence, superintendent's information report)
 - j) business matters as defined in Rule 44.7.
- 31.2 The foregoing order and items of business may be varied by a unanimous vote of the members present, which vote shall be taken without debate.
- 31.3 All correspondence and petitions under the heading of Official Correspondence will be assigned an Official Correspondence number. The agenda for the members of the Board and the administration will include all correspondence and attachments. Correspondence received from individuals will be referred to in all other agendas and minutes of the Board by Official Correspondence number and topic only.

- 31.4 Under the item of enquiries, questions may be put to the Chair or through the Chair to any member of the Board or to the senior administration relating to any matter on the agenda. No argument or opinion is to be offered or any facts stated except such as may be necessary to explain the same, and in answering such a question a member is not to debate the matter. Other matters not on the agenda, will be answered at a future meeting and written responses to information requested under Enquiries will be provided to all trustees. Enquiries of a personnel nature will be dealt with under Business Matters as Defined in Rule 44.7.
- 31.5 Board members are encouraged to raise administrative enquiries directly with the Board and Community Liaison Officer in order that the matter be addressed in a timely and efficient manner. Written responses to information requested by trustees directly to the Board and Community Liaison Officer or through Enquiries and Announcements will be provided to all trustees.
- 31.6 Under the item of announcements, trustees are encouraged to submit written reports of events/activities to the Board and Community Liaison Officer no later than the Thursday before a Regular meeting for inclusion in the Superintendent's Information Report. Trustees may make brief announcements on events without argument or debate regarding educational matters and/or professional development opportunities which may be of interest to the Board.
- 31.7 The item of New Business shall include:
- a) By-laws (see Section VI)
 - b) Policies
 - c) Administrative memoranda
 - d) Notices of Motion (see clause 26.0) which shall be provided to the Board and Community Liaison Officer by 12:00 noon the Thursday prior to the meeting.
- 32.0 Delegations
- 32.1 When regular meetings of the Board are held, the agenda will include the hearing of delegations provided that such delegations have registered and provide a verbal or written brief outline of the topic to the Board and Community Liaison Officer in accordance with this By-law.
- 32.2 Delegations will be received from Winnipeg School Division residents, parents/guardians, stakeholders and students provided they have registered with the Board and Community Liaison Officer by 12:00 noon the Thursday prior to the Board meeting. Should the number of registered delegations reach the maximum number of five, priority shall be given to Division residents, parents/guardians and students.
- 32.3 A delegation shall be granted permission to address the Board on programs and services that support and/or impact students, families and/or community members which is within the jurisdiction of the Board. If a delegation request does not meet the requirements of the Procedural By-Law, the Chair of the Board will provide written notice that the delegation is denied. Delegations that are denied, may submit their presentation in writing to the Board of Trustees for information.

- 32.4 The maximum number of delegations scheduled for any Regular meeting shall be five (5) unless otherwise determined by the Chair of the Board.
- 32.5 Requests from Delegations for action or consideration shall be referred to a future Board or Committee Meeting for discussion.
- 32.6 Division employees wishing to address the Board in their role as an employee will only be received through representation by their respective employee group provided the employee group has registered with the Board and Community Liaison Officer, as required under clause 32.2 of this By-law.
- 32.7 Delegations appearing before the Board shall be introduced by the Chair of the Board or designate.
- 32.8 Delegations shall be granted a maximum of ten (10) minutes to make their presentation to the Board. Unless extended for an additional ten (10) minutes by 2/3 majority vote of trustees in attendance.
- 32.9 Members of the Board may not enter into debate with the delegation; questions only for clarification will be permitted. The Chair shall determine the order of speakers and may limit the time available to any one speaker during *question* period.
- 32.10 Delegations may participate through electronic means, either telephone conferencing or video conferencing by requesting accommodations at the time of registering as a delegation. All late requests for accommodation will participate by teleconferencing.
- 33.0 **Recess/Adjournment**
- 33.1 The Chair shall have the right, whether a member has the floor or not, to recess the sitting of the Board for any period not exceeding ten minutes, and the Board shall immediately re-convene at the expiration of such period of recess.
- 33.2 The Chair shall consider a motion to adjourn as always in order, but in case such motion is defeated, no second motion to the same effect shall be made until some business shall have intervened and been disposed of.
- 33.3 A motion to adjourn or go into the Committee of the Whole, shall always be decided without debate.
- 34.0 **Reversal of Decision**
- 34.1 (PSA) Subject to clause 34.2, a motion once decided by a School Board shall not be reversed unless:
- a) written notice of a proposal to reverse the decision has been given from at least one meeting to another; and
 - b) a majority of the total number of trustees for the Division votes in favour of the reversal.
- 34.2 (PSA) A decision of a School Board may be reversed:
- a) at the same meeting at which it is made; and
 - b) by unanimous consent of all members present excepting member(s) declaring Conflict of Interest in accordance with the Public Schools Act.

35.0 **Permission to Leave Board Meeting**

35.1 No member shall leave the Board meeting for the balance of the session, without notification to the Chair.

36.0 **Code of Conduct**

36.1 It is the responsibility of all trustees to commit to the Code of Conduct and to act at all times respectfully and with good faith, and in the best interests of the Winnipeg School Division in accordance with the Board Procedural By-Law, all Division policies and other relevant legislation including, but not limited to, the Canadian Human Rights Act, the Manitoba Human Rights Code, the Public Schools Act, the Education Administration Act and its Regulations, the Freedom of Information and Protection of Privacy Act and the Personal Health and Information Act.

36.2 It is the responsibility of the Chair/Acting Chair of the Board of Trustees to bring any breaches or issues relating to conduct to the attention of all trustees.
During Board activities all trustees are expected to:

- a) advocate on behalf of students;
- b) act with integrity and in a manner that maintains the dignity of the office;
- c) be punctual and in regular attendance;
- d) be properly prepared and committed to dealing with the topics in question;
- e) demonstrate rigor and honesty in debates;
- f) be prepared to listen and to respect the ideas expressed;
- g) be involved, frank and transparent in the expression of opinion;
- h) operate in a collegial manner with fellow Board members and administration;
- i) seek to make equitable decisions;
- j) demonstrate discretion and confidentiality with respect to information dealt with in closed sessions;
- k) ensure that items dealing with:
 - the security of the property of the Board;
 - the disclosure of intimate, personal or financial information about a member of the Board or committee, an employee or prospective employee of the Board, or a pupil or their parent or guardian;
 - the acquisition or disposal of a school site;
 - negotiations with employees of the Board, and
 - litigation affecting the Board;are discussed in closed sessions only, as outlined in the Education Act;
- l) demonstrate discretion and confidentiality with respect to information dealt with in closed sessions including, but not limited to other matters identified as Confidential Information;
- m) keep in confidence any personal or confidential information obtained in their capacity as a trustee and not disclose the information except when required by law or authorized by the school board to do so;
- n) place in priority one's obligation to the democratic process rather than to one's own interests;
- o) refrain from using the position on the Board for personal, religious, commercial, political or partisan gain;
- p) respect the Board's established due process;
- q) respect the consultation process;
- r) act respectfully towards others who may have differing opinions;
- s) be supportive of policies adopted by the majority;

- t) refrain from the use of offensive language;
- u) respect the decision of the Chair or Board on points of order;
- v) refrain from making disparaging remarks about another trustee or group of trustees;
- w) trustees shall abide by the Trustee Code of Ethics;
- x) refrain from speculating on the motives of a trustee or a group of trustees, and; maintain a focus on issues being discussed without the inclusion of personal or anecdotal comments.
- y) refrain from engaging in private conversation in such manner as to interrupt the business of the Board.
- z) refrain from using a cellular telephone, electronic or other device that may interrupt the business of the Board.

37.0 **Conflict of Interest**

37.1 Conflict of Interest provisions for elected Board members are set out in the Public Schools Act as pecuniary interest (a financial or monetary interest, direct or indirect).

37.2 All Conflicts of Interest and the general nature of the conflict will be disclosed prior to any consideration of the matter at a Committee or Board meeting.

37.3 A trustee declaring a conflict will not take part in the discussion of, or vote on, any questions in respect of the matter, nor seek to influence the outcome.

37.4 In a public meeting, a trustee declaring a conflict may choose to absent themselves from the portion of the meeting in which the matter will be considered.

37.5 In an "In-Camera" meeting (closed to the public), a trustee declaring a conflict will absent themselves from the part of the meeting in which the matter will be considered.

38.0 **Declarations, Removals, Censures and/or Restrictions**

38.1 The Board may, by special motion (a motion duly moved, seconded and adopted by a two-thirds majority of the entire board) in an open session, but may be debated in closed session or Committee of the Whole, or "In- Camera" sessions:

- (PSA) a) censure a trustee for breach of Board policies, procedures, or Code of Conduct of any relevant legislation, and/or conduct unbecoming a trustee;
- b) bar the trustee from attending all or part of a meeting of the school board or a committee of the school board.
- c) suspend the trustee from the school board, including suspending all the trustee's rights, duties and privileges as a member of the school board, for up to three months.
- d) direct that a trustee be prohibited from receiving specified materials of "In-Camera" Board or committee meetings.

38.2 **Sanctioned member not considered to be absent:**

When a sanction has been imposed under item b or c, it is considered to be an absence authorized by the school board. (section 35-PSA)

38.3 Appeal to adjudicator:

In accordance with the regulations, a trustee who is sanctioned under item b or c may appeal to a single adjudicator appointed by the minister. (section 35-PSA)

38.4 An individual trustee may bring a suspected breach of security to the attention of the Board Chair. The Board Chair shall request that the Division's designated officer under the Freedom of Information and Protection of Privacy Act to appoint an independent investigator to review this matter. This request may occur only after such a motion has been discussed and agreed to by a majority of trustees present at an in-camera meeting of the Board. This decision shall immediately be approved in a public meeting of the Board. The independent investigator shall conduct an investigation and submit a report of findings and recommendations to the Board Chair for appropriate action.

38.5 If a trustee is disqualified under Section 39.6 (1) or 39.8 of the Public Schools Act from remaining as a trustee of the Board and does not resign as required, the Board may by resolution declare the trustee to be disqualified from remaining a trustee or the Board may apply for originating notice to the Court of Queen's Bench for an order determining whether the trustee is qualified to remain as a trustee, or an order declaring the trustee to be disqualified from remaining as a trustee. There may be violations deemed to be so extreme that the Board may omit steps in the process defined above.

39.0 Suspension of Rules

39.1 Any member may move the temporary suspension of any specific provision in Section III of this By-law. Such motion shall be subject to the following provisions:

- a) a motion to suspend any provision of Section III of this By-law is debatable
- b) such a motion shall require, for passage, unanimous consent of the members present
- c) the following provisions of this By-law shall not be suspended under any circumstances
 - i. Section III in its entirety
 - ii. any provision stipulating unanimous vote

SECTION IV

COMMITTEES

40.0 **Appointment of Standing Committees**

40.1 There shall be four standing committees of the Board which shall hereinafter be known as the Finance/Personnel Committee, the Building/Transportation Committee, the Policy/Program Committee and the Governance and Public Relations Committee.

40.2 The personnel for the Finance/Personnel Committee, the Building/Transportation Committee and the Governance and Public Relations Committee shall consist of three Board members, and the personnel of the Policy/Program Committee shall consist of four Board members including the Chair of the Finance/Personnel Committee, the Chair of the Building/Transportation Committee, the Chair of the Governance and Public Relations Committee and one trustee elected at large, who shall chair the Policy/Program Committee.

40.3 The Chairs of the standing committees shall be elected at the first meeting held in each year as provided for in clause 1.0.

40.4 The membership of the committees shall be elected by the Board at the first regular meeting held in each year as provided for in clause 1.0.

40.5 The committees shall meet whenever necessary on the call of the Chair of the respective committees or upon direction from the Board.

40.6 The Board may refer any business coming before it to the committees for recommendation and report.

40.7 The Secretary-Treasurer shall provide to the respective committees all documents referred to such committee.

41.0 **Sub-Committees**

41.1 Shall be appointed by any Committee to deal with a specific matter or a related group of matters only and shall, if possible, have a time limit within which to operate;

41.2 Shall be appointed at any time deemed advisable by the Committee;

41.3 Shall consist of no less than two members, one of whom shall be appointed as Chair;

41.4 Shall meet as soon as possible after appointment and shall meet as often as required to complete expeditiously and wisely their work as laid out in their terms of reference;

41.5 Shall cause a report to be made at the completion of their appointed task for presentation by the sub-committee chair or delegate to the earliest possible meeting of the Committee which appointed the sub-committee;

41.6 Shall cause no action to be taken on any matter by any official of the Board but shall submit recommendations to the Committee for approval;

41.7 Shall make no statement, announcement, commitment, press or publicity release dealing with Board policies, actions or plans unless prepared in writing and approved by the Board;

41.8 Shall be automatically dissolved as a sub-committee upon Committee acceptance of the sub-committee report unless asked to continue by the Committee.

42.0 **Appointment of Special Committees**

42.1 Notwithstanding anything contained herein, the Board may at any time in session establish a special committee to deal with a matter within its jurisdiction.

42.2 Any member who introduces a motion which results in the establishment of a special committee shall chair the committee.

42.3 Unless otherwise determined by the Board, the Chair shall appoint the members of the special committee.

42.4 Any member who introduces a petition or motion upon any subject which may be referred to a special committee, shall be one of the committee.

42.5 Special committees shall include at least three trustee representatives.

42.6 That special committees be re-established annually at the first meeting of the Board.

43.0 **Terms of Reference**

43.1 Standing committees may deal with any matters within their terms of reference as established by the Board with the exception that the Finance/Personnel Committee shall move into Committee of the Whole for matters related to the development of the budget, with the Chair of the Finance/Personnel Committee in the Chair.

43.2 The terms of reference for a special committee shall be established by the Committee and approved by the Board.

43.3 Committees appointed to report on any subject referred to them by the Board shall report a statement of facts and also their opinion, in writing.

44.0 **Rules Governing Committees**

44.1 The business of committees shall be conducted under the following regulations:

44.2 The Secretary-Treasurer will notify all members of the Board in writing of a committee meeting at least 24 hours in advance of the meeting and shall include the agenda for the meeting with the notice.

44.3 A member of the Board may request that a matter be included in the agenda by submitting the matter and related information in writing to the Board and Community Liaison Officer at least seven days in advance of the meeting.

44.4 The majority of the members constituting any committee shall be a quorum.

- 44.5 The agenda of committee meetings may be amended if all Board members are present and the amendments are unanimously agreed upon.
- 44.6 The rules of the Board, as far as may be applicable, shall be observed.
- 44.7 All such meetings of committees shall be held in public session except when the following items are to be considered:
- a) salary claims
 - b) legal opinions respecting the liability of the Board
 - c) efficiency, discipline, or retirement of employees, and any personnel matter of a confidential nature, including staff changes or medical reports
 - (PSA) d) indigent pupils, including the hearing of representations about and determining whether to expel a pupil
 - e) confidential reports of outside organizations
 - f) purchase, lease or sale of property prior to actual acceptance of offer
 - g) matters pertaining to the safety, security or protection of Board property
 - h) and such other matters as the Board or Committee concerned may in public session decide
- provided that the Board may in public session decide to consider in public session any question including a private recommendation of any Committee or the administration.
- 44.8 All Committee meetings not held in public session shall be informal sessions wherein there will be no minutes kept.
- 44.9 No motion made shall be required to be seconded.
- 44.10 A member shall not speak longer than ten minutes nor twice on the same motion, unless in explanation of something which may have been misunderstood or in reply to a question not to exceed two minutes.
- 44.11 The Chair of the committee shall preside at every meeting and may vote on all motions.
- 44.12 In the Chair's absence the members present may appoint a Chair pro tempore from among themselves.
- 44.13 Any motion on which there is an equality of votes shall be deemed defeated.
- 45.0 **Duties of Committee Chairs**
- 45.1 The Chair of the committee shall sign all such orders and documents as the committee may properly order.

45.2 The reports of all committees shall be signed by the Chair of the committee submitting such report but need not be signed by any of the other members thereof.

46.0 **Minority Reports**

46.1 The minority of any committee may bring in a minority report which shall be signed by such minority and shall be presented in the same manner as a majority report is presented.

47.0 **Attendance of Non-Members at Meetings**

47.1 All members of the Board shall have the right to attend meetings of all committees of the Board as an observer and will have no right to vote on any motion to be decided by the committee unless they are a member thereof, and every member of the Board shall, if they request, be supplied with full information concerning any matter brought before the committee. A member wishing to address the committee must request approval to speak on a specific topic from the Committee Chair 24 hours prior to the Committee meeting.

48.0 **Naming of Designate Member**

48.1 Notwithstanding anything to the contrary contained in this section a member of a committee who is unable to attend a meeting of that committee may, by prior notification to the Secretary-Treasurer, name a member of the Board who is not a member of that committee, to substitute for them at the meeting and the member so named shall be deemed to be a member of that committee for the meeting at which they so attend.

49.0 **Timeline for Committee Reports**

49.1 Any committee of the Board shall, unless otherwise specified, report on the matters referred to it within the following time limits:

- a) if such committee is appointed more than sixty days before the last meeting of the Board in the current year then such report shall be made within sixty days from the date such committee was so appointed.
- b) if such committee is appointed less than sixty days from the last meeting of the Board in the current year then such report shall be made not later than the last meeting of the Board for such year.

49.2 The Board may, by a majority vote, extend the time for making such reports.

SECTION V

COMMITTEE OF THE WHOLE

50.0 **Committee of the Whole**

50.1 By a majority vote of the members present, the Board may resolve itself into a Committee of the Whole for the consideration of the reports of the committees, or any other motion before the Board.

50.2 All matters referred to Committee of the Whole for consideration in camera shall be dealt with as they arise on the agenda of the Board.

51.0 **Presiding Officers**

51.1 During such consideration of the Committee of the Whole the Chair shall vacate the chair and call the Vice-Chair or any member thereto, to preside until the Board otherwise orders.

52.0 **Committee of the Whole Report**

52.1 The report of the Committee of the Whole shall be dealt with on an item by item basis and may be amended by a majority of the members present before its adoption.

53.0 **Committee of the Whole Rules**

53.1 The rules of the Board shall be observed in Committee of the Whole except:

- a) the rule requiring a member to rise to speak
- b) the rule requiring the Chair to vacate the Chair to speak

53.2 No motion for "the previous question" or for any adjournment can be received by the Chair, but a member may at any time move that the Chair leave the Chair and report progress, or reconvene into Committee of the Whole.

53.3 All original motions shall be put in the order in which they are proposed, and shall not be required to be seconded.

53.4 On motion in Committee of the Whole to rise and report, the question shall be decided without debate.

SECTION VI

READING OF BY-LAWS AND PROCEEDINGS THEREON

54.0 **Introduction and Readings of By-laws**

54.1 Every by-law of the Board shall be introduced upon motion specifying the title of the by-law, or upon motion to appoint a committee to prepare and bring it in.

54.2 A by-law shall only be introduced upon being certified by the Board.

54.3 Each by-law of the Board shall receive three readings previous to it being passed.

54.4 The readings of any by-law shall be given each on a different date unless upon a unanimous vote of the members present this rule be suspended.

54.5 When a by-law is read in the meetings of the Board, the Secretary-Treasurer shall certify the readings and the time on the back thereof. If a by-law as introduced is amended, an engrossment may be directed for signature and attestation as the by-law of the Board.

54.6 Any by-law to regulate or amend the proceedings of the Board and Committees thereof shall require a two-thirds (2/3) majority vote of the Board at each reading.

55.0 **First Reading**

55.1 The motion "that this by-law be now read a first time?" shall be decided without amendment or debate.

55.2 On the first reading of a by-law the title only shall be read, and on such first reading the by-law shall not be discussed or amended.

56.0 **Second Reading**

56.1 When the second reading of a by-law shall be moved the principle of the by-law may be discussed, and it shall be lawful for the Board to reject, defer, amend or refer the by-law to a committee, and a motion may be made to that effect.

56.2 On the second reading of a by-law the title only of such by-law need be read unless a member of the Board shall request it to be read clause by clause, and on the second and third reading such by-law may be amended.

56.3 In the case of a by-law referred by the Board to a Committee of the Whole, all amendments made in such committee shall be reported by the Chair to the Board which shall receive the same forthwith. After report, in case the by-law has been amended in Committee of the Whole, the by-law shall be open to debate and amendment before it is ordered for the third reading.

57.0 **Third Reading**

57.1 On the third reading of a by-law the title only need be read.

58.0 **Signing and Custody of By-laws**

58.1 Every by-law which has passed the Board shall immediately be signed by the Chair or other presiding officer and the Secretary-Treasurer or in the absence of the Secretary-Treasurer the Chief Superintendent of the School Division shall have full power to sign any by-law passed at a meeting at which they are present and to seal the same with the seal of the Division.

58.2 After by-laws have passed the Secretary-Treasurer shall be responsible for their custody.

By-law No. 1203 of the said School Division and all By-laws amending same, are hereby repealed.

GIVEN FIRST READING by the said Board of Trustees of The Winnipeg School Division, assembled at the City of Winnipeg, in the Province of Manitoba, this 18th day of December A.D. 2017.

SECOND READING this 15th day of January A.D. 2018.

DONE AND PASSED by the Trustees of The Winnipeg School Division, in meeting assembled this 15th day of January A.D. 2018.

Chairperson

Secretary-Treasurer

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