

## **THE BRANDON SCHOOL DIVISION**

### **BYLAW NO. 9/2019**

BEING A BYLAW to regulate the proceedings of the Board of Trustees of The Brandon School Division, (hereinafter called "the Board") and the Committees thereof:

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

NOW THEREFORE be it and it is hereby enacted as a Bylaw of The Brandon School Division that, unless they shall at any time be contrary to the overriding provisions of The Public Schools Act, the following Rules of Procedure shall regulate the operation of the Board and Bylaw 13/2017 shall be repealed.

### **SECTION I**

#### **FIRST OR INAUGURAL MEETINGS OF THE BOARD**

- 1.1 The first inaugural meeting of the Board following the regular election of Trustees shall take place within 14 days after the election or in September in non-election years on a day and at an hour to be fixed by the Secretary-Treasurer who shall notify each trustee of the date, time and place of the meeting. (1)
- 1.2 At the first inaugural meeting of the Board, the trustees present shall elect from among themselves by majority vote a Chairperson and Vice-Chairperson for the next ensuing year and the Secretary-Treasurer of the 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 in the election. (2)
- 1.3 If more than two trustees are nominated for Chairperson or Vice-Chairperson, in the event a majority of votes is not received by one of the candidates on the first ballot, the individual with the fewest number of votes is removed from the ballot and subsequent votes taken to obtain a majority.
- 1.4 However, in the event of a tie vote in selecting a Chairperson or Vice-Chairperson, the Board shall determine by lot and in a secret manner who shall cast the deciding ballot. (3)  

Reference - (1) P.S.A. Section 29(1)  
(2) P.S.A. Section 29(2)  
(3) P.S.A. Section 29(3)
- 1.5 Scrutineers shall be the Secretary-Treasurer and Superintendent, or their delegates. Under no circumstances shall a trustee serve as a scrutineer.

### **SECTION II**

#### **MEETINGS OF THE BOARD**

##### **2.1 Regular Board Meetings**

After the first or inaugural meeting of the Board, the Board shall hold Regular Meetings on the second and fourth Monday in each and every month September through June, both inclusive, but excluding the fourth Monday in December, and on the fourth Monday in August. The meetings shall be held in the J. L. Milne Boardroom at the hour of six (6:00) o'clock p.m. or at such other times and places as the Board may from time to time designate. In the event the date scheduled for a Regular Board Meeting is a holiday, the Regular Board Meeting so affected shall be held on the immediately next following business day unless otherwise decided by the Board.

- 2.2 The Board shall not remain in session later than eleven (11:00) o'clock p.m. unless it shall be otherwise decided by a two-thirds (2/3rds) vote of the members present.
- 2.3 Special Meetings
- Special Meetings of the Board may be convened at any time by the Chairperson directly or by the Chairperson at the request of any trustee. At a special meeting no subject or matters other than those mentioned in the notice calling the meeting shall be considered.
- 2.4 Emergency Meeting
- Notwithstanding Article 2.5, the Board may hold a meeting at any time and any place to deal with an emergency situation if 6 trustees consent thereto and 6 are present thereat. (1)
- 2.5. Notice of Meetings
- Notice of all 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, stating the place, date and hour of the meeting. (2)
- 2.6 Information contained in and attached to the Agenda for regular and special Board of Trustee meetings may be provided in advance of the Board meeting for information purposes only. Any public release of same is not permitted until after the Board meeting. Breach of this understanding by any person receiving same will result in withdrawal of the privilege of receiving advance copies. The Secretary-Treasurer is authorized to make mutually satisfactory arrangements with news media representatives and others ad to the amount of information available in advance of a Board Meeting within the terms and conditions of the foregoing.
- 2.7 Inaugural, Regular and Special Meetings of the Board shall be open to the public. The Board recognizes, however, that from time to time it is in the best public interest to discuss sensitive matters in closed meetings. The Board may, therefore, by motion resolve itself into Committee of the Whole In Camera to discuss matters pertaining to personnel (including students and trustees), salary negotiations, security, goods and service contract negotiations, property acquisition and disposal negotiations, litigation strategy and trustee In Camera briefings. The minutes shall record only the topic discussed in camera. No decisions shall be made In Camera. (See also Section V, Articles 5.13 and 5.14 re Committee of the Whole.) (3)
- 2.8 The Chairperson shall preside at the meetings of the Board and may vote with the other members on all questions. Any question on which there is an equality of votes shall be deemed to be defeated. (4) The Chairperson of the Board does not have a deciding vote.
- 2.9 In the absence of the Chairperson, the Vice-Chairperson shall preside and while so presiding he/she has all the powers of the Chairperson. (5) In the absence of both the Chairperson and Vice-Chairperson, a Chairperson shall be appointed by the members present and he/she shall preside at said meeting, or until the arrival of the Chairperson or Vice-Chairperson.
- 2.10 Quorum
- A majority of the whole Board shall constitute a quorum. The number required for a quorum does not change if there is a vacancy. When at any Meeting of the Board there is no quorum present at the expiration of one-half (½) hour from the time appointed for the commencement of the Meeting, the Meeting shall stand adjourned, and the Secretary-Treasurer shall enter in the minutes the names of those members present.
- 2.11 All rules for meeting procedures and debate shall apply to all meetings of the Board.

## 2.12 Cancellation of Regular/Special/Emergency Board Meetings

The Chairperson may cancel or postpone a meeting of the Board of Trustees in the event that inclement weather is forecast or existent. Notification of the decision to cancel or postpone a Board meeting due to inclement weather shall be made, as soon as possible, to each member of the Board of Trustees, Senior Administration and all staff who are expected to attend the meeting, by the Secretary-Treasurer or his/her designate. Notice shall also be provided on the Division website, through public service announcements and other forms of media as required.

Inclement weather shall be defined as weather conditions which are so severe as to create unsafe conditions for travel.

## 2.13 Corporate Acts Must Be Done At Board Meetings

Trustees, as individuals, have no corporate decision making authority. All authority over acts of the Division is vested in the Board, as a whole. Trustees exercise their collective authority over Division affairs through voting at a duly constituted meeting of the Board.

An act or proceeding of the Board that is not done or taken at a regular or Special Meeting of the Board, is not valid or binding on any person affected thereby. (6)

The Board, in conducting its business, shall comply with all laws, Federal, Provincial and/or Municipal, including all statutory regulations passed pursuant thereto.

An individual Board member, including the Chairperson, shall have power only when the Board, by vote, has delegated authority to him or her.

## 2.14 Electronic Meetings

In accordance with Section 39.7.1 of The Public Schools Act and Regulation 201/2004, a member of the Board who participates in a meeting through electronic means shall be deemed to be present at the meeting for the purposes of The Public Schools Act and will be recorded in attendance for the meeting.

2.15 A trustee who wishes to participate in a meeting using electronic means shall make a request to the Chair of the Board or the Secretary-Treasurer. Wherever possible, the request must be made in writing at least forty-eight (48) hours prior to the commencement of the meeting.

2.16 Trustees participating in a meeting by electronic means shall notify the Chair of the departure (either temporary or permanent) from the meeting before absencing themselves, in order to ensure a quorum is maintained.

2.17 The following persons must be physically present in the meeting room of the Board:

- a) the Chair of the Board or his/her designate;
- b) at least one additional member of the Board;
- c) the Superintendent of Schools/CEO of the Division or his/her designate;
- d) the Secretary-Treasurer or his/her designate.

2.18 Every trustee must be physically present at a Regular Board meeting at least once every three months.

2.19 Electronic participation is not permitted at the Inaugural meeting or the Budget Day meeting.

2.20 Trustees are allowed to participate electronically a maximum of three (3) times per calendar year for Regular Board meetings and a maximum of three (3) times per calendar year for Regular Committee meetings; this limit does not apply to Regular Committee meetings that have been rescheduled. If a trustee wishes to participate in additional electronic meetings, it must be approved by two-thirds of the trustees.

- 2.21 Trustees participating in a meeting electronically must do so in a way that respects sections 36 to 39.8 of The Public Schools Act, the Board's governance by-laws, and code of ethics. A trustee participating in an in camera portion of a meeting must ensure that he/she is in a private space with no other persons present.
- 2.22 A trustee participating in a meeting electronically must verbally indicate his/her vote followed by his/her name and if a vote is by secret ballot the trustee participating electronically may vote by emailing the Secretary-Treasurer with his/her vote.
- 2.23 If technical difficulties arise during a Trustee's electronic participation in a meeting, the Board will allow a maximum of five (5) minutes to resolve the issue. If the problem is not resolved within five (5) minutes, the meeting will continue and the absence will be noted.
- 2.24 Recording and Broadcasting of Regular and Special School Board Meetings
- It is the responsibility of the Secretary-Treasurer to take minutes of all Regular and Special meetings held by the Brandon School Division Board of Trustees. All Regular and Special meetings must be recorded via manual recording of minutes, audio recording, or video recording.
- 2.25 Written minutes of all Regular and Special board meetings, as well as the written minutes of all Committee meetings, shall be posted to the Division website after the minutes have been officially approved by the Board of Trustees. These approved written minutes are the only official public record of the meeting.
- 2.26 Discussions of any and all proceedings of Regular and Special School Board meetings may be digitally recorded by the Secretary-Treasurer or designate, and those audio or video recordings may be used for the purpose of assisting in the preparation of official written meeting minutes.
- 2.27 The absence of video recording and/or broadcasting due to equipment malfunction, other technical problems, or otherwise, shall not have any impact on the conduct of a meeting or affect the validity of any action lawfully taken at such meeting.
- 2.28 Electronic copies of the audio or video recordings of any Regular or Special School Board meeting produced by the Brandon School Division are the exclusive property of the School Division, to be used at the discretion of the Board of Trustees, and shall be archived for a period of two years, after which they shall be deleted unless they must be saved as a result of a litigation hold.

- Reference - (1) P.S.A. Section 30 (1)  
 (2) P.S.A. Section 30 (2)  
 (3) P.S.A. Section 30 (3), (4)  
 (4) P.S.A. Section 31  
 (5) P.S.A. Section 32  
 (6) P.S.A. Section 35, 41, 48, 51 & 53

### **SECTION III**

#### **REGULAR BOARD MEETING AGENDA**

- 3.1 The Secretary-Treasurer shall prepare the agenda and provide the order of business in the form of a prepared agenda, the order of same to be in accordance with or similar to the following:

#### AGENDA FORMAT

- 1.00 AGENDA/MINUTES  
 1.01 Approval of Agenda  
 1.02 Adoption of Minutes of Previous Meetings
- 2.00 IN CAMERA DISCUSSION  
 2.01 Student Issues

- Reports
- Trustee Inquiries
- 2.02 Personnel Matters
  - Reports
  - Trustee Inquiries
- 2.03 Property Matters/Tenders
  - Reports
  - Trustee Inquiries
- 2.04 Board Operations
  - Reports
  - Trustee Inquiries

### 3.00 PRESENTATIONS AND COMMUNICATIONS

- 3.01 Presentations for Information
- 3.02 Communications for Information
- 3.03 Communications for Action

### 4.00 REPORT OF SENIOR ADMINISTRATION

### 5.00 GOVERNANCE MATTERS

- 5.01 Reports of Committees
- 5.02 Delegations and Petitions
- 5.03 Business Arising
  - From Previous Delegations
  - From Board Agenda
  - MSBA Issues
- 5.04 Public Inquiries (Max. 15 mins)
- 5.05 Motions
- 5.06 Bylaws
- 5.07 Giving of Notice
- 5.08 Trustee Inquiries

### 6.00 ANNOUNCEMENTS

### 7.00 ADJOURNMENT

Any variation of the foregoing order of business requires a two-thirds (2/3rds) majority vote of the members present, which shall be without debate.

- 3.2 Introduction of all new matters, other than matters of privilege, shall be published in the agenda and mailed to trustees at least twenty-four (24) hours before the meeting unless such rule is dispensed with by a two-thirds (2/3rds) majority vote of the members present.
- 3.3 Any trustee may request that the Chairperson or Secretary-Treasurer place an item on the agenda.
- 3.4 Any items received too late for the agenda shall be held until the following regular meeting unless deemed to be of an urgent nature, as determined by the Superintendent, Secretary-Treasurer and/or Chairperson. Late items to be considered shall be identified to the Board by the Secretary-Treasurer prior to approval of the Agenda. The Board shall decide, without debate by a two-thirds (2/3rds) majority vote of the members present, whether a late item will be considered.

## SECTION IV

### REGULAR BOARD MEETING PROCEDURES

#### General Regulations For Meetings

- 4.1 Each and every member of the Board has equal rights. The meeting is a highly democratic process and shall be conducted accordingly.
- 4.2 A trustee, administrator or other person wishing to speak to the gathering shall address him/herself to the Chair. The Chairperson will decide who has the right to the floor.

- 4.3 No trustee shall be interrupted while speaking, unless:
- a) he/she is out of order
  - b) on a point of privilege
  - c) for clarification.
- 4.4 When any matter is before the Board, the consideration of same cannot be interrupted except on a motion:
- a) to adjourn
  - b) to lie on the table
  - c) to postpone
  - d) to refer
  - e) to amend.
- 4.5 Exceptions to rules within the jurisdiction of the Board can be made by a two-thirds (2/3rds) majority vote of the members present.

#### **Role of the Chairperson**

- 4.6 It shall be the duty of the Chairperson at all times to preserve order and to endeavor to conduct all business before the Board with propriety, fairness and dispatch, in accordance with the rules of procedure herein provided or, if not provided, by Robert's Rules of Order.
- 4.7 The Chairperson should call the meeting to order precisely at the hour for which the meeting is called, providing a quorum is present, or as soon as a quorum is present as hereinbefore provided. (Article 2.9)
- 4.8 When called upon to decide a point of order or practice, the Chairperson shall state the rule applicable to the case, without argument or unnecessary comment, and without debate. The decision of the Chair shall be final unless reversed by a vote of two-thirds (2/3rds) of the members present.
- 4.9 The Chairperson, or in his/her absence the Vice-Chairperson, is the official public spokesperson for the Board.

#### **Motions**

- 4.10 All motions must be put in writing and seconded before being stated by the Chairperson, after which they shall only be disposed of by vote of the Board, unless the mover by permission of the Board withdraws same. The Chairperson, in his/her discretion, may waive the necessity of a motion being in writing. The Chairperson may waive the necessity of a motion and call for general consent provided there is no objection to this procedure. If there is an objection, a motion is required.
- 4.11 To begin a motion, "I move that" is the correct phrase to use, following which the mover of the motion should identify by name the seconder of the motion.
- 4.12 Any trustee who has made a motion shall have the liberty to withdraw or modify it, with the consent of his/her second and prior to the debate.
- 4.13 After a motion has been moved and seconded and debate has begun, the motion shall be deemed to be in possession of the Board (Corporate Motion).
- 4.14 An amendment may be moved on any motion, and shall be decided before the original motion; but no more than one amendment to an amendment shall be entertained. An amendment can only modify the motion, not change the intent of the motion.
- 4.15 A motion for adjournment, duly moved and seconded, shall always be in order and shall be decided without debate, except that it cannot be entertained when the Board is voting on another question or while a trustee is addressing the Board.
- 4.16 A motion for postponement takes precedence over a motion for referral, and a motion for referral takes precedence over a motion to amend or a vote on the original subject.

- 4.17 A motion, prior to the question being called, may be:
- postponed - to a specific date
  - referred - to a committee, the administration or other person(s) designated
  - tabled - temporarily until lifted from the table by any trustee at the same meeting or at the next regular meeting. After the next meeting the motion is "dead".
  - received - to accept and no action to be taken.
- 4.18 A motion "to recess or to adjourn debate", "to lay on the table", or to "Resolve into Committee of the Whole," shall be decided without debate.
- 4.19 A member of the Board shall not participate in the discussion of any question in which he/she has a direct or indirect pecuniary interest as defined in The Public Schools Act. Members of the Board shall be governed by the conflict of interest provisions of The Public Schools Act, Sections 36 through 39 inclusive, and Board policies established from time to time.
- 4.20 Every member shall obtain recognition in order to speak by addressing himself/herself to the Chair and shall confine himself/herself to the question under debate. When two or more members speak at once, the Chairperson shall decide the order of speaking.
- 4.21 No member while speaking shall be interrupted by another, except upon a point of order, or for the purpose of explanation. The member so interrupting shall confine himself/herself strictly to the point of order or explanation.
- 4.22 If any member transgresses the rules, the Chairperson shall, and any member can, call the member to order in which case the member so called shall immediately be silent but shall afterwards be permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate.
- 4.23 No member, unless otherwise herein provided, shall speak to a question or motion for longer than five (5) minutes nor more than twice (except in Committee) on the same question without leave of the Chair. The trustee who proposes the question is permitted to reply and thereby closes debate. A member may speak more than twice for clarification purposes only.
- 4.24 A member may require the question or motion under discussion to be read for his/her information at any time of the debate but not so as to interrupt a member speaking.
- 4.25 If the Chairperson wishes to speak to a motion, he/she shall vacate his/her seat as Chairperson and ask the Vice-Chairperson to take over. The Chairperson should speak just prior to the last speaker who will be the mover of the motion.
- 4.26 No member shall speak to any question after a vote on the question has been called for by the Chairperson, who shall announce clearly the result of the vote.

### **Voting Method**

- 4.27 Reversal of Decisions
- (i) Subject to subsection (1) (ii), a question once decided by the 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.  
(PSA Section 33(2)).
  - (ii) A decision of a Board may be reversed
    - a) at the same meeting at which it is made; and
    - b) by unanimous consent of all members present and voting thereon (PSA Section 33(3)).

4.28 Abstention from Voting

Although it is the duty of every member who has an opinion on a question to express it by his/her vote, he/she can abstain since he/she cannot be compelled to vote. A member not voting for or against is expected to declare his/her abstention. A member who abstains may request that his/her abstention be recorded in the minutes and the Secretary-Treasurer shall record the same.

4.29 Division of the Question

When the question under consideration contains independent propositions, upon the request of any member, the vote upon each such independent proposition shall be taken separately.

4.30 Declaration of Results

The Chairperson shall declare the results of all votes and they shall be recorded as carried or defeated. Any member may request that his/her vote be recorded, and his/her vote shall be entered upon the minutes by the Secretary-Treasurer.

4.31 Communication of Results

Decisions of the Board shall be communicated in writing to persons directly affected by the decision. Correspondence on behalf of the Board shall be carried out by the Secretary-Treasurer or the Chairperson if so directed by the Board.

**Giving of Notice**

4.32 Written notice may be given by a trustee from one meeting to the next for the purpose of the following:

- i) to rescind a decision previously made by the Board.
- ii) introduction of a bylaw.

**Bylaws**

4.33 Matters resolved by Bylaw:

- a) amendments to bylaws
- b) rules of Board procedure, organization and operation of meetings
- c) where required by The Public Schools Act.

4.34 Every Bylaw shall be dealt with in the following stages by a final motion of the Board:

- i) First Reading - "That this Bylaw be now read a first time" shall be decided without amendment or debate.
- ii) Second Reading - When the second reading of the Bylaw has been moved, the principle of the Bylaw may be discussed and it shall be lawful for the Board to defer, amend or reject the Bylaw and a motion may be made to that effect.
- iii) Third Reading - This is the final reading of the proposed Bylaw and shall be deemed to be passed when given its third reading.

Every Bylaw shall receive three separate readings. The three separate readings of any Bylaw shall be given at different meetings unless by a vote of a majority of the whole Board this rule be suspended. The Secretary-Treasurer shall certify on a copy of each Bylaw, the readings and dates of the readings of the Bylaw passed.

**SECTION V****COMMITTEES**

- 5.1 Meetings of Committees may be held In Camera (PSA Section 30(4)).
- 5.2 Committees of the Board shall be appointed at the Inaugural, Regular or Special Meetings in accordance with Board policies and procedures. Committees may be struck for specific purposes as required, and shall be discharged when that purpose has been met and upon the receipt and acceptance of a written report to the Board.
- 5.3 If the Chairperson of a Committee is not appointed by the Board, it shall be the duty of the first named on any Committee to convene the first meeting at which time a Chairperson should then be elected.
- 5.4 The Chairperson of the Board is an ex-officio member of all Committees to which he/she has not been directly appointed by the Board. He/she may attend all meetings and contribute to debate, but he/she shall not have the right to vote when attending in an ex-officio capacity.
- 5.5 The number of trustees on any Committee should be three (with a fourth acting as alternative) or less, except for Committee of the Board as a Whole, unless approved unanimously by the Board. To function as a Committee of the Whole, the quorum of the Committee of the Whole is the same number as a quorum for the Board.
- 5.6 At least one senior administrative staff officer shall attend each committee meeting in an ex-officio capacity to provide background, do research and to ensure the recording of the minutes.
- 5.7 Any Committee of the Board may establish a Sub-Committee or Sub-Committees provided that the Chairperson of any Sub-Committee and at least one other member of that Sub-Committee are members of the main committee. Reports of any Sub-Committee shall be presented to the main Committee for acceptance, revision or rejection prior to the presentation to the Board.
- 5.8 Committees appointed to report on any subject referred to them by the Board shall report in writing a statement of facts and, also, their opinion and recommendation thereof.
- 5.9 No Committee has the authority to bind the Board to any decision or commitment unless previously authorized by the Board.
- 5.10 Advance notice of all Committee meetings shall be included in "Announcements" on the agenda for Regular Board meetings whenever possible.
- 5.11 All Trustees shall be entitled to attend any Committee meeting except when attendance would be in conflict of interest under Board policy or Provincial Statute. Any Trustee attending as a non-appointed member shall attend as a non-voting observer and, in this capacity, may contribute to the debate but shall not do so in a fashion that, in the opinion of the Committee chair, detracts from the work of the Committee.
- 5.12 The Senior Administrator responsible for arranging the meeting of a committee shall ensure that all Trustees in attendance receive written material appropriate to the agenda, and when agreed by the Committee members shall provide such information to all other Trustees of the Board.

**Committee of the Whole**

- 5.13 By a vote of the majority of the members present the Board may resolve itself into "Committee of the Whole In Camera" for the purpose of discussing reports of Committees or any other motion or matter before the Board of a confidential matter (see also Section II, Article 2.7).

- 5.14 The rules of procedure of the Board shall be observed in Committee of the Whole so far as applicable. No decisions of the Board shall be made while in Committee of the Whole and no minutes shall be recorded other than a record in the minutes of the Regular Meeting of the topic discussed while in Committee of the Whole. (See also Section II, Article 2.7 re "In Camera" discussions).

## **SECTION VI**

### **PUBLIC PARTICIPATION AT BOARD MEETINGS**

- 6.1 The Board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct (PSA Section 30(3)) or for In Camera discussions (Article 2.7).
- 6.2 The public is encouraged to attend Board meetings. Visitors to the meeting are permitted under Board meeting agenda item 5.04, Public Inquiries, to ask questions concerning a matter on the agenda. Responses from the Board will not necessarily occur at the same meeting and may be provided at a later date.
- 6.3 At meetings of the Board or its committees, except as may be specifically permitted by resolution of the Board, the use of all video, audio, and/or recording devices by members of the public, including non-accredited and other representatives for any news media, shall be prohibited. Accredited members of the news media shall be permitted to use recording devices and photographic equipment at Board meetings.
- 6.4 Where, at a meeting of the Board, any person other than a member of the Board is, in the opinion of the Chairperson of the meeting, guilty of disorderly or improper conduct, the Chairperson of the meeting may require him to leave the meeting forthwith and, if he fails to do so, may cause him/her to be removed in accordance with The Public Schools Act, Section 30(6).
- 6.5 The number of persons in the Board Room may never exceed the Manitoba Fire Code occupant load posting of 50 persons. The Chairperson has the discretion to adjourn the meeting to another larger location if it is deemed necessary.

### **Delegations & Petitions**

- 6.6 Any resident elector of the Division shall have the right to be placed on the agenda of a regular board meeting to be heard under "Delegations and Petitions". Appearance at a Board Meeting shall be arranged through the Secretary-Treasurer and the Delegation shall provide, wherever possible, a written brief or petition in sufficient time for inclusion in the agenda package, their letter/brief/petition/presentation in writing, preferably with sufficient copies for all Trustees, by 12:00 noon on the Tuesday prior to the Board meeting at which they wish to appear, and shall identify a spokesperson whom the Chairperson can address and to whom correspondence can be forwarded. If a delegation wishes to make their submission available to the news media or any other parties, it will be at their discretion. During a presentation by a delegation, the Board will only ask questions for clarification.
- 6.7 Any individual desiring to speak as a delegation shall give his/her name and the name of the group, if any, that is represented at the Board meeting. Also, the individual's address should be submitted to the Secretary-Treasurer, in writing, for any further correspondence.
- 6.8 The Board may hear any other delegations at its discretion.
- 6.9 The delegation will be heard for information purposes only. In the event a decision of the Board is required, the matter shall be postponed to the next regular meeting for action or referred to a Committee or the Administration for consideration or further information and report. If a decision is required prior to the next regularly scheduled meeting, the Board may by a two-thirds (2/3rds) majority vote suspend the rules and consider the delegation's request at the same meeting, for decision making.

- 6.10 The Secretary-Treasurer shall communicate in writing to the identified spokesperson for the delegation the action taken by the Board and the final decision of the Board.
- 6.11 Public Inquiries will be limited to 15 minutes unless extended by a majority vote of the Board members present.
- 6.12 Speakers may offer such objective criticisms of school operations and programs as concern them, but in public session, the Board will not hear personal complaints against school personnel or against any person connected with the school system. Board consideration and disposition of legitimate complaints involving individuals shall be addressed in camera.
- 6.13 Correspondence that is received by the Division may be placed on the Board agenda and, at the Board meeting, the Secretary-Treasurer shall state, with respect to the correspondence placed on the agenda:
- a) who the letter is from (individual or group)
  - b) the subject of the letter for Board consideration or action.
- Correspondence will not be distributed to the public by the Board.

## **SECTION VII**

### **CONDUCT OF BOARD HEARINGS**

The procedures for conducting Board Hearings shall be as follows:

- 7.1 The requirement for a Board Hearing will be determined by the Superintendent of Schools/CEO in consultation with the Board Chairperson;
- 7.2 The Secretary-Treasurer's Office will make the necessary arrangements for the hearing;
- 7.3 The hearing will be held at a duly convened Special Board Meeting;
- 7.4 The Board will resolve into Committee of the Whole In-Camera (closed session) to conduct the hearing;
- 7.5 The In-Camera hearing is not open to the public. Those in attendance will be members of the Board of Trustees, the Division/School Administration and effected staff as appropriate; and the student, parent(s)/guardian(s) and/or legal counsel for each party; or the aggrieved employee and his/her Union and /or legal representative.
- 7.6 The Superintendent/CEO shall provide the affected party in writing, two weeks prior to the scheduled Board Hearing, a notice of the Board Hearing regarding the matter, giving the reason for the Board Hearing and providing the recommendations being made by the Superintendent/CEO to the Board of Trustees in this regard.
- 7.7 Such written notification shall inform the affected party of the options of the student where he/she is an adult, and otherwise of his/her parent/guardian, or an employee to make a presentation in writing and/or verbally at the hearing conducted by the Board.
- 7.8 Legal counsel and/or a representative for the student where he/she is an adult, and otherwise of his/her parent/guardian or for the employee and for the Board may attend and/or make a presentation at the hearing.
- 7.9 The Secretary-Treasurer shall provide to the student, where he/she is an adult, and otherwise to his/her parent/guardian or the employee, one week prior to the scheduled hearing date, a copy of the Superintendent's Report that will be presented at the hearing before the Board of Trustees.
- 7.10 The Chairperson of the Board shall preside over the hearing, explain the procedures to be followed during the hearing, respond to any questions concerning the hearing and may specify time limits.

- 7.11 During the In-Camera hearing, the Superintendent/CEO will present his/her report and recommendation(s), which will have been provided to the student or parents/guardians or employee in advance.
- 7.12 The Superintendent/CEO report is followed by a written and/or verbal presentation of the student, the parent/guardian, and/or their legal counsel; or by the employee and/or his/her representative(s).
- 7.13 Upon receiving the information, Trustees may ask questions for clarification to any party present.
- 7.14 There is no provision for cross-examination by each of the parties.
- 7.15 Following the presentations, those present, with the exception of the Board of Trustees and the Secretary-Treasurer, will adjourn from the meeting but will remain in the Administration Office should it be necessary for them to rejoin the meeting.
- 7.16 The Board of Trustees will discuss and consider the matter;
- 7.17 The Committee of the Whole In-Camera will resolve from the hearing into open Board and the Board of Trustee's decision will be presented for approval by motion;
- 7.18 The meeting will then be adjourned;
- 7.19 No minutes of The Committee of the Whole In-Camera session will be recorded. The topic discussed while in Committee of the Whole In-Camera and the decision approved will be recorded in the minutes of the Special Board Meeting.
- 7.20 The Secretary-Treasurer will communicate the decision of the Board in writing to the affected parties, as soon as possible.
- 7.21 If the affected party fails to attend the hearing of which he/she has been formally notified, the Board of Trustees will hear the case in their absence using the information presented at the hearing.
- 7.22 Any reinstatement of expulsion must be made to the Board of Trustees through the Superintendent's Office.

**SECTION VIII**

**GENERAL**

- 8.1. That this Bylaw be placed in the hands of each Board Member and each new Board Member.
- 8.2. That Bylaw No. 3/2014 passed September 22, 2014, as amended by By-law 6/2014, January 12, 2015, By-law 2015, January 11, 2016, By-law 3/2017, April 24, 2017 and By-law 9/2017, October 10, 2017 and the same is hereby repealed effective the date of passing this Bylaw.

GIVEN FIRST READING by the said Board of Trustees of The Brandon School Division, assembled at Brandon, in the Province of Manitoba,

this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

SECOND READING: \_\_\_\_\_ 2017.

THIRD READING: \_\_\_\_\_ 2018.

\_\_\_\_\_  
Chairperson

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Secretary-Treasurer

Certified a true copy of Bylaw No. 9/2019  
of the Board of Trustees of The Brandon  
School Division.

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Secretary-Treasurer