



**BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 46 (SUNSHINE COAST)**

POLICY COMMITTEE

AGENDA

November 24, 2015 from 11:00-1:00 p.m.
School Board Office – Gibsons, BC

1. Policy 5 (Role of Board Committees)
2. Policy 3 (Role of the Trustee)

5 ROLE OF BOARD COMMITTEES

The Board may meet as a Committee of the Whole and will appoint Standing Committees and Ad Hoc Committees to help carry out its governance responsibilities in accordance with its Procedural Bylaw. Consequently, committees:

- 5.1 Are constituted to directly assist the Board by preparing policy alternatives, considering implications and recommending possible actions to be taken by the Board.
- 5.2 Shall not interfere with the wholeness of the Board's job, nor speak or act for the Board except when formally given such authority for specific, time-limited purposes.
- 5.3 Shall operate within the Terms of Reference approved by the Board, except when given other assignments by Board motion.
- 5.4 Shall have their agendas managed and set by Committee chairs, but every item must be either assigned by the Board, or by the Board's agenda-setting process.
- 5.5 Should provide a means of receiving stakeholder/community input, when appropriate, in an open, inviting and efficient manner.
- 5.6 May serve as venues for staff, external or trustee presentations, within each committee's Terms of Reference.
- 5.7 Shall be appointed by the Chair annually at the January regular Board meeting.
- 5.8 Shall include but not be limited to:

- (i) Education Standing Committee

Terms of Reference: The Education Committee shall review and consider the governance of education issues including curriculum; programs; education policy; student assessment; and student achievement.

- (ii) Operations Standing Committee

Terms of Reference: The Operations Standing Committee shall review and make recommendations on budget issues including the annual budget and consultation process; proposed plans related to school sites and buildings; the Annual Facilities Grant budget and Carbon Neutral Action Report/Plan; the Annual Capital Plan budget submission to the Ministry of Education; matters related to community use of school facilities; finance and facilities policy; local government land-use and planning referrals; and transportation service levels and costs.

- (iii) Policy Standing Committee

Terms of Reference: The Policy Standing Committee shall review existing policies and consider amendments or new policies to enhance the effectiveness of Board governance.

- (iv) Superintendent Evaluation Committee

Terms of Reference: The Superintendent Evaluation Committee shall be responsible for promoting professional growth and development through ongoing dialogue with the Superintendent, providing opportunities for reflection and collaboration. The Committee shall be chaired by the Board Chair, and will include two other trustees. Its meetings, called in coordination with the Superintendent Evaluation Cycle, will be Closed Sessions due to personnel matters.

(v) Trustee Honorarium Ad-Hoc Committee

Terms of Reference: At the beginning of the second year of each Board's term, the Chair will strike an Ad Hoc committee to review trustee honorariums and the committee shall bring recommendations to the Board on or before the regular Board meeting in March of that year.

Excerpted from the Minutes of the Regular Meeting of September 8, 2015:

“Trustees discussed two recommended changes to Policy 5 (Role of Board Committees) and agreed to defer the recommendation to change policy 5.4 for discussion at the Policy Standing Committee, once formed.”

The recommended change to 5.4, presented at that meeting, was as follows:

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3 ROLE OF THE TRUSTEE

The Board and Trustees shall operate in an ethical, respectful and professional manner. This policy shall be recognized as the Board's Code of Conduct. Consequently, trustees shall:

- 3.1 Be prepared for the work of the Board by devoting time, thought and study to meeting agendas, policies and bylaws, rules of order, provincial educational issues, community issues, the Board strategic plan and other relevant information.
- 3.2 Attend all Board meetings, working sessions, and meetings of all committees of which they are Board-appointed members, except when absence is necessary.
- 3.3 Work harmoniously with all other trustees in the spirit of openness, cooperation and trust; respect and encourage the free and appropriate expression of opinions by other trustees.
- 3.4 Immediately share with the Board and/or senior administration, through the Board Chair, any significant information that may impact the Board or School District No. 46 (Sunshine Coast), and not withhold from the Board any information necessary to make an informed decision.
- 3.5 Be knowledgeable and respectful of the roles of those who work with and for the Board.
- 3.6 Endeavour to fairly, impartially and equitably ensure the district and schools are administered by the most qualified and appropriate personnel.
- 3.7 Be loyal and accessible to the community at large, superseding any conflicting loyalties to employee, advocacy or interest groups; political parties; other councils or boards; individual employees, schools, electoral areas or communities; or personal interests.
- 3.8 Respect and maintain the confidentiality of confidential business of the Board and School District No. 46 (Sunshine Coast), including individual statements and opinions expressed in closed sessions.
- 3.9 Conduct themselves in a manner that represents the Board and School District No. 46 (Sunshine Coast) in a positive light, taking no action that compromises, or will compromise, the Board and its decisions.
- 3.10 Recognize that any interactions they have as individuals with staff, the public, press or other entities lack board authority; and always clarify, within reason, that personal, individual opinions do not reflect the corporate position of the Board.
- 3.11 Refrain from getting involved in or expressing judgments on any school-level disputes or concerns, but listen to complainants and refer them to the district's "How to Communicate with Us", Regulation 5350.
- 3.12 When appointed to a liaison position, faithfully keep apprised of any concerns or circumstances of the particular school, PAC or external organization that are relevant to the Board, and report them to the Board Chair for the arrangement of appropriate discussion, decision or delegation.
- 3.13 Share any materials or ideas gained from external professional development activities with the Board.
- 3.14 Carry out their fiduciary duty to vote on every motion before the Board, expressing their opinions during Board debate, but always abiding by majority decisions of the Board.

- 3.15 Make no disparaging remarks or accusations, in or out of Board meetings and including in election campaigns, about other members of the Board or their opinions, nor about Board employees.
- 3.16 Disclose the nature of any conflict of interest to the Board, and avoid exerting any influence on any school district issue when in conflict of interest—as defined by legislation, policy or personal declaration—including absenting oneself from discussing or voting on issues when in a conflict of interest.
- 3.17 Refrain from sitting on the board or executive of any corporation or organization that receives funding from School District No. 46 (Sunshine Coast).
- 3.18 Refrain from sitting on any specific school-related or program-related group in the district, including Parent Advisory Councils except as a liaison from the Board.
- 3.19 Comply with Policy 3 (Role of the Trustee), and all policies and bylaws of the Board of School District No. 46 (Sunshine Coast).

Proposed Wording Changes to Policy 3 and Policy 7

Dear Trustees:

Below I have provided some recommendations as to changes to the wording of certain sections of the Board policies and the rationale behind these changes. These changes are based upon advice that I have received from my solicitor, Mr. Wayne Rowe, from the accounting firm of Smythe Ratcliff, of Vancouver, who are specialists in tax and estate preparation, and from my conversation with an agent at Canada Revenue Agency. My recommendations are based upon the advice I have received and that Board policy should not be inconsistent with the School Act or other Acts of Law, nor infringe upon the rights of any trustee or any organization that they chose to serve with.

Policy 3, Role of the Trustee

For clarification purposes:

Section 3.10

This section also applies equally to the Chair of the Board, that the Chair has no authority to give direction to the Superintendent or any other staff, without direction from the Board. This is confirmed by the wording of Section 4.8, Role of the Chair.

Section 3.14 and Section 3.16

These two sections are in conflict with each other. Section 3.14 states that the trustee must “vote on every motion before the Board”, while Section 3.16 states that a trustee should “absent oneself from discussing or voting on issues when in a conflict of interest.” The recommendation is to amend Section 3.14 to allow for trustees to “abstain” from voting when in a perceived conflict of interest. Section 3.14 also is in conflict with Section 4.5, Role of the Chair, which limits the right of the Chair to vote. There is no such provision for this under the School Act.

Section 3.15

This section states that trustees “Make no disparaging remarks or accusations.....including in election campaigns”. The conduct of any candidate in an election campaign is subject to the provincial Elections Act and this is where a candidate should be held accountable for their conduct, not under any Board of Education policy which has no authority over candidates in an election campaign. I recommend that the wording “and including in election campaigns” be removed from Section 3.15.

Section 3.17

The Board of Education has no authority to dictate to other organizations or societies who can serve on their Boards. The responsibility of a trustee to self declare a conflict of interest is clear under the School Act. It is not for the Board of Education to determine what organizations a trustee may belong to or on what Boards of Directors they may serve. I recommend that this section be removed from our policy.

Section 3.18

This section is actually in conflict with the School Act. Any parent or guardian of a student at a public school in British Columbia is automatically a member of the Parent Advisory Council of that student's school. Also, as these societies are separate societies, not governed by the school district, a Board of Education has no right to dictate who can serve on their Boards of Directors. I recommend that this policy be amended or removed.

Section 3.19

As the responsibilities and obligations of trustees are governed by the School Act, not by Board policy, I recommend that this section be removed. Should anyone be unsure of the duties of the office of trustee, please check with "bullet" 3 on the Oath of Office.

Policy 7, Trustee Donations

This particular piece of policy has one word, "un-targeted", that really could create difficulties for the School District. I have received advice about the laws governing taxable donations from the accounting firm of Smythe Ratcliff and the wording in the Policy 7. Under Canada Revenue Agency guidelines there needs to be a process for determining how donations accepted by a "charitable organization" are used. Normally that is determined by the donor. If there is no stipulation on the purpose of a donation, there needs to be a process in place that determines how that donation will be used by the organization and on whose authority that decision will be determined. We have no process in place to make those determinations. That could put our "charitable status" at risk.

It is my recommendation that the word "un-targeted" be removed from Policy 7. It is my understanding that the concern about trustees making donations was, in part, due to the perception that they could be attempting to gain a benefit from making those donations. This is why I insisted that the policy wording we discussed in the autumn of 2013, include the word "anonymous" in this policy, for just that purpose. I don't believe there is any issue with that policy if the word "un-targeted" is removed.