



# Board Operations and Procedural By-Laws

**Section B:** Board Governance and Operation **Code:** BD

## POLICY

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The Hanover School Division Board of Trustees recognizes that the Board is a legal corporate body, responsible for providing governing procedures, guidelines and expectations to those individuals acting as trustees. Hanover School Division is a political subdivision of the Province of Manitoba whose duties, responsibilities, and powers are outlined in the Public Schools Act of Manitoba.

The Hanover School Division Board of Trustees in accordance with Section 33-(1) of the Public Schools Act, shall pass by-laws establishing rules of procedure for the operation of the school board, as well as, a Trustee Code of Conduct. All board members are required to adhere to the following guidelines and standards.

## GUIDELINES

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1. Trustees of Hanover School Division will continue in office until their successors are elected and take their oath of office.
2. A trustee elected to fill a vacancy holds office only for the unexpired term of the person in whose place he/she has been elected.
3. Individual Trustees need to be an active participant of the Board, respecting and representing a diversity of viewpoints.
4. Individual trustees are accountable to the public and have a responsibility to bring forward the voice and views of the people within the communities they represent.
5. Decisions of the Board are a result of been voted upon by the Trustees. Board decisions do not require unanimous support. Board decisions are only those that have been voted upon and are reflected in the Minutes of the Board meetings as policies or resolutions.
6. Once a decision has been made all Trustees will respect the decision of the Board, as well as, be prepared to explain the decision of the Board to the public.
7. Individual Trustees have no authority over staff and staff operations. Trustees are not to attempt to exercise individual authority of the Division or the Superintendent.
8. First Meeting
  - 8.1. The first meeting of a school board following a regular election shall be held in the month of November not later than the 14th day after the 4th Wednesday in October in the year of the election at an hour to be fixed by the Secretary-Treasurer of the school division who shall notify each trustee of the time and the place of the meeting.



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### 9. Oath of Office

9.1. All newly elected trustees shall take the oath of office at the first meeting.

### 10. Election of Chair and Vice-Chair

10.1. From among the trustees present, the Secretary-Treasurer must conduct an election of a chair and a vice-chair of the board. The election must be held in a year a regular election is held, at the first meeting of a school board after the regular election; and in any other year, at the first meeting of a school board in September.

10.2. If the Secretary-Treasurer is absent when an election is to be held the Trustees must select from among themselves a Trustee to conduct the election, and the Trustee selected is entitled to vote in the election.

The Secretary-Treasurer is responsible for conducting the election and shall appoint two scrutineers.

10.3. The Secretary-Treasurer shall ask all trustees present if anyone is not willing to let their name stand for the position of Chair and Vice-Chair, prior to casting of ballots.

10.4. The Chair shall be elected first, followed by the Vice-Chair.

10.5. The positions shall be determined by a simple majority (50% plus 1)

10.6. The vote shall be by secret ballot. No abstentions are permitted. A spoiled ballot will be considered an abstention and a re-vote will take place.

10.7. If a clear majority has not been determined after the first ballot, the name(s) with the lowest number of votes shall be dropped from the next ballot.

10.8. If there are multiple names tied for the lowest they will all be dropped unless the total of these votes is a majority. In this event, another vote will be held among those tied. The name with the greatest number of votes will be moved forward to the next ballot.

10.9. In the event of a three-way tie or a four-way tie for first place on the initial ballot, trustees will be asked to vote for their top two choices. The two names with the greatest total number of votes will be moved forward to the next ballot. If there is still a tie, the names of all trustees present shall be placed in a hat. One name shall be drawn out and that trustee will not vote in the next ballot.

10.10. If there is an even number of trustees present and the last ballot ends in a tie, the names of all trustees present shall be placed in a hat. One name shall be drawn and that trustee will not vote in the final ballot.

### 11. Time of Meetings

11.1. The date of regular meetings in July, August and December shall be published in the divisional calendar, once approved by the Board.

### 12. Regular Board Meeting Procedures

12.1. The Chairperson is the official spokesperson of the Board, signs all legal documents on behalf of the Board, and chairs the meetings of the Board unless otherwise arranged. At special meetings of the Board, the Chairperson may delegate the chairmanship of the meeting to the Vice-Chairperson.

- 12.2. The Board Chair shall preside at meetings of the board of trustees and may vote with the other members on all questions. Questions on which there is an equality of votes shall be deemed to be defeated.
- 12.3. Vice-Chair shall preside in the absence of the Chair - When the chair is absent from a duly called and regularly held or special meeting of the Board of Trustees, the vice-chair shall preside and while so presiding, he/she has all the powers of the chair.
- 12.4. In the absence of the Chair and Vice-Chair, the Chair of Finance will preside over meetings of the Board.
- 12.5. The Chair shall call all meetings to commence on time.
- 12.6. The Chairperson shall maintain order and preserve decorum, and may, if necessary, call a Trustee or another member of the Board to order and if necessary, to cause that person to be removed.
- 12.7. The Chair shall determine:
  - the order in which Trustees may speak;
  - that all Trustees that wish to, have spoken to a motion, and when the Trustees are ready to vote, shall call the vote.
- 12.8. A proposed agenda is presented at the beginning of each regularly scheduled Board meetings, which shall take place on the first and third Tuesday of each month, except July, August and December.
- 12.9. The agenda reflects the business the Board must monitor, attend to and pursue in its governance role.
- 12.10. The meeting format respects Roberts Rules of Order.
- 12.11. Regular Board meetings should not normally be convened without the Superintendent and Secretary-Treasurer present.

### 13. In-Camera Meetings

- 13.1. According to the Public Schools Act of Manitoba, all School Board meetings are held openly and no one is excluded or removed from those meetings except for improper conduct.
- 13.2. It is appropriate for the Board to meet behind closed doors when the Board must deal confidential and/or with sensitive matters such as:
  - negotiations,
  - personnel matters,
  - litigation,
  - student files,
  - land acquisitions/disposal,
  - security and discipline matters.

### 14. Call to Order

- 14.1. The Chair shall call the meeting to order precisely at the hour for which the meeting is called, providing a quorum is present. If a quorum is not present, within thirty minutes of the time the meeting was slated to begin, the meeting shall be adjourned and the chair shall decide on a future date. A quorum is a majority of the whole board; no business can be legally transacted without a quorum being present.



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- 14.2. Every member, previous to speaking shall address himself to the chair and confine himself to the question under debate.
- 14.3. No member shall speak on any question after the chair has called a vote on the question.
- 14.4. Notice shall be given of all motions introducing new matters, at a meeting previous to that in which it comes up for discussion, unless the rule is dispensed with by the unanimous vote of the members present. A member, in giving notice of motion, may or if requested by another member shall, explain briefly the purpose of his motion but without argument or debate and shall confine his explanation to a maximum of three minutes.
- 14.5. Only one amendment shall be allowed to an amendment, and a motion by way of amendment must be directly relevant to the main motion.
- 14.6. No question once decided shall be reversed without notice from at least one meeting to another. No question shall be reversed without a two-third majority voting for the reversal.
- 14.7. Every member of the board present when a question is put, shall vote thereon, unless he/she asks to be excused and a majority of the board then present excuse him/her.
- 14.8. When a member requests a recorded vote, the Secretary-Treasurer shall record the name and vote of every member voting on any matter or question. The request for a recorded vote has to be made prior to voting on the motion.
- 14.9. It shall be the duty of the Chair at all times to preserve order and to endeavour to conduct all business before the board with propriety and dispatch.

### 15. Board Committees and Special Meetings

- 15.1. 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.
- 15.2. 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, stating the place, date and hour of the meeting.
- 15.3. Special meetings are not usually convened without the Superintendent and Secretary-Treasurer present.
- 15.4. Board Committees assist the Board to do its work; they do not assist or advise staff and shall request information through the Superintendent.
- 15.5. The Board may establish standing Committees and/or Ad Hoc Committees for a specified purpose. In keeping with the broad focus of the Board, Board committees will not normally have direct dealings with staff operations.
- 15.6. It shall be the duty of the Chair to appoint committees. The number of trustees on any committee shall be fewer than a quorum of the board. It shall be the prerogative of the chair to appoint as many committees as he deems necessary. The chair is an ex-officio member of all committees. He may attend all meetings and contribute to debate and also has the right to vote along with the other committee members. At least one staff officer shall be assigned to each committee to provide background, do research and record the minutes.
- 15.7. Committee meetings are held on the second board meeting of the month.



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### 16. Procedures for Delegations Wishing to Appear Before the Board

- 16.1. Any resident of the division can make a presentation to the Board on a Divisional issue provided:
  - All normal dispute resolution procedures or formal channels have been exhausted.
  - Written or electronic notification is received by either the Superintendent or Secretary Treasurer by Thursday at noon of the week prior to the board meeting at which the presenter(s) wish to appear.
  - An outline of the topic and content is received either at the board office or electronically by Thursday at noon of the week prior to the board meeting at which the presenter(s) wish to appear.
- 16.2. The presentation would occur immediately following the official opening of the meeting with the exception of personnel or contract issues in which case it would be deferred to the Committee of the Whole In-Camera Meeting.
- 16.3. One spokesperson shall be identified for the group presenting.
- 16.4. The maximum time allotted per presentation is 10 minutes.
- 16.5. No decision will be made at the meeting where the presentation occurs. It will be carried forward to the next official meeting.
- 16.6. If a copy of the full presentation has not been received prior to the meeting, the board requests that the presenters provide a copy to the board once the presentation is complete.
- 16.7. Presentations from a person or group from outside of the division may be heard at the discretion of the board.

### 17. Other

- 17.1. Motions to accept recommendations of committees shall be moved by the respective chair of the committee presenting the report.
- 17.2. All regular meetings beginning at 7:30 p.m. shall be adjourned at or before 10:00 p.m., except by unanimous decision of the board to suspend the rules.
- 17.3. Any trustee who has made a motion, shall have the liberty to withdraw it, with the consent of the seconder, before any debate has taken place thereon, but not after debate is had, without leave being granted by the board.
- 17.4. Motions may be dealt with in the following manner:
  - Voted on immediately when the question is called.
  - Postponed to a specific date.
  - Tabled indefinitely.
  - The last two would have to be decided by majority decision of the board.
- 17.5. A mover or seconder of any motion may still vote against the motion.
- 17.6. No member shall leave the board meeting before the close of the sessions without permission of the chair.
- 17.7. Only after there is a mover and seconder shall a motion be discussed.
- 17.8. A trustee may appeal the decision of the chair and a vote has to be taken. There is no debate; the vote is taken; the meeting continues. The chair may without injury to his position, accept the decision if such is negative and carry on.



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Legal References: Manitoba Public Schools Act / Sections 21.50 through section 35 of the PSA

Additional Information:

Appendix