



**Policy Committee of the Whole**  
**Monday, September 16, 2019**  
**The Forum – PCTC**  
**1:00 to 2:30 p.m.**

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**Mandate:** To discuss and make recommendations to the Board on all matters related to Policy and Bylaws

**AGENDA**

1. Items Potentially Going to First Reading 30 minutes
  - Bylaw 3: *Meetings of the Board*
  - Bylaw 6: *Indemnification*
  - Policy 3000: *Foundational Principles*
  
2. Items Potentially Going to Second Reading 15 minutes
  - Policy 9000: *Information Management and Access*
  
3. Items Potentially Going to Third Reading (final review) 0 minutes
  - None
  
4. Other Business 20 minutes
  - Standardized format for policies/administrative procedures
  - Level of language
  - Policy/AP 8003: *Impairment in the Workplace* (timeline for review)
  
5. Future Items for Prioritizing 25 minutes
  - Bylaw 1: *Trustee Elections*
  - Bylaw 2: *Board Structure*
  - Bylaw 4: *Banking*
  - Bylaw 5: *Parent/Student Appeals to Board of Education*
  - Bylaw 7: *Policy Development and Review*
  - Policy 5020 and AP: Field Experiences
  - Provision of Menstrual Products to Students – Need for Policy
  - Trustee Handbook in Relation to Bylaws
  - Guide to Reading Bylaws and Policies
  
6. Adjournment





**PURPOSE:**

To set out the **structure of meetings and** rules for the conduct of meetings that will allow each Trustee to be heard and make informed decisions

**I. RULES OF ORDER**

1. Where these rules are silent and where not inconsistent with these Rules, *Robert's Rules of Order* shall apply to the conduct of meetings.
2. The Board may adopt a procedural Rule for one or more meetings by resolution of a simple majority of the Trustees present at the meeting. A Rule other than the requirement for notice of meetings may be suspended by unanimous consent of the Trustees present.
3. The Rules may be amended by Bylaw only, at a meeting of which notice of intention to propose the amendment has been given at the previous meeting.
4. The presiding officer's ruling on a point of order shall be based upon Rules of Order as stated in paragraph (1) above.
5. An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of Trustees present. When an appeal is successful it does not necessarily set a precedent.
6. All questions shall be decided by a vote on the motion.
7. These Rules shall be applicable to all regular, special and in-camera meetings of the Board.

**II. MOTIONS**

1. Motions shall be phrased in a clear concise manner so as to express an opinion or achieve a result. All motions shall be stated in the positive. The preamble does not form part of a resolution when passed.
2. The presiding officer may divide a motion containing more than one subject if the presiding officer feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
3. No motion, other than to postpone consideration of a question, or a procedural motion, shall be repeated during the calendar year except by the reconsideration process. (See Item 7 below.)
4. All motions must be seconded in order that they may be recognized by the Board Chair and allow debate to proceed.



5. All motions shall be subject to amendment except the following:
  - a. Motion that the question be now put.
  - b. Motion for adjournment of debate or adjournment of a meeting.
  - c. Motion to table unless such a motion contains a date for further consideration of the matter tabled.
  - d. Motion to refer to Committee.
  - e. Motion to proceed to next business.
  
6. **Amendment**

An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed and this shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.
  
7. **Reconsideration**

A question may be reconsidered only if notice of a request for reconsideration has been given at the previous meeting and if reconsideration is approved by a two-thirds majority of the votes cast.

**III. REGULAR BOARD MEETINGS**

1. There shall be one regular meeting of the Board of Education held on the fourth Tuesday in each calendar month at 6:00 p.m. during the regular school year.
2. Due to the Winter and Spring Break periods, the Regular Board Meetings in December and March will be held on a the second Tuesday of those two months.
3. During the summer months of July and August one regular meeting of the Board of Education shall be held on the last Tuesday in August at 6:00 p.m. No regular meeting will be held in July.
4. A quorum for all regular meetings shall be a majority of trustees holding office at the time.
5. At the appointed time for commencement of a meeting the presiding officer shall ascertain that a quorum is present before proceeding to the business of the meeting. If a quorum has not been made within one-half hour after the appointed time, the meeting shall stand adjourned until the next regular meeting date or until another meeting shall have been called in accordance with these Bylaws.
6. All regular meetings of the Board shall be open to the public.
7. Improper conduct at meetings shall be dealt with as set out in *the School Act*. Any person deemed by the presiding officer to be guilty of improper conduct shall be expelled.



8. The Secretary Treasurer or another employee designated by the Board must be present at the time that a decision of the Board is rendered and must record any decision.
9. The order of business at all regular meetings unless varied by resolution shall be as follows:
  - 1) Call to Order and Introductions
  - 2) Acknowledgement of Traditional Territory
  - 3) Adoption of the agenda
  - 4) Approval of the Consent Agenda
  - 5) Delegations/Presentations (10 minutes each)
  - 6) Business arising from the minutes.
  - 7) Mount Arrowsmith Teachers' Association
  - 8) Canadian Union of Public Employees, Local 3570
  - 9) District Parents Advisory Council
  - 10) Public Questions and Comments (written)
  - 11) Action Items
  - 12) Information Items
  - 13) Education Committee of the Whole Report
  - 14) Finance and Operations Committee of the Whole Report**
  - ~~15~~6) Policy Committee of the Whole Report
  - ~~15~~6) Reports from Representatives to Outside Organizations
  - ~~16~~7) Trustee items
  - ~~17~~8) New or Unfinished Business
  - ~~18~~9) Board Correspondence and Media
  - ~~19~~20) Public Question Period
  - ~~20~~21) Adjournment
10. A change to the prescribed order of business may be proposed by any trustee and shall require the consent of a simple majority without debate.
11. The agenda shall be prepared by the Secretary Treasurer and the Superintendent of Schools under the direction of the Chair and shall be available at the Board office by noon of the day preceding the Regular Board Meeting.
12. An addition to the agenda of any item not listed requires the consent of a simple majority without debate.
13. Minutes of all regular meetings shall be kept by the Secretary Treasurer in accordance with the *School Act*.
14. Minutes of all regular meetings shall be communicated electronically upon ratification by the Board.



**IV. IN-CAMERA BOARD MEETINGS**

1. The Board of Education may meet in-camera for the following purposes:
  - a. To discuss matters of collective negotiations between the Board and School District Staff.
  - b. To discuss acquisition, lease, sale or exchange of real property prior to completion.
  - c. To consider information regarding appointment, employment, dismissal and personnel matters.
  - d. Legal opinions and or claims respecting the liability or interest of the Board.
  - e. Matters pertaining to individual students including conduct, discipline, suspension or expulsion.
  - f. Medical examiners or examinations and medical reports.
  - g. Matters pertaining to the safety, security or protection of Board property.
  - h. Such other matters as the Board may decide.
2. Minutes of an in-camera meeting shall be kept in the same manner as a regular meeting, shall be approved by the Board in an in-camera meeting and ratified by the Board in regular meeting. The minutes of an in-camera meeting shall not be filed with the minutes of regular meetings. A Section 72 Report, as per *the School Act*, shall be made available to the public following approval by the Board.
3. An agenda, similar in format to that of a regular meeting, shall be prepared by the Secretary Treasurer and the Superintendent of Schools under the direction of the Chair. The proposed agenda shall be available at the Board Office by noon of the day preceding the meeting.
4. The order of business at all in-camera sessions, unless varied by motion, shall be as follows:
  1. Call to order
  2. Adoption of the Agenda
  3. Approval of the Minutes
  4. Business Arising from the Minutes
  5. Personnel Items
  6. Action Items
  7. Information Items
  8. New or Unfinished Business
  9. Trustee Items
  10. Adjournment
5. All newly elected School Trustees shall be invited to attend any in-camera Board meetings between the time of their election and the Inaugural Board Meeting.

**V. SPECIAL MEETINGS**

1. A special meeting of the Board of Education may be called by the Chair of the Board or, upon written request of a majority of the Trustees, may be called by the Secretary Treasurer. No business other than that for which the meeting was called shall be conducted at the meeting. Time for public comments and/or questions will be included. Public Comments/Questions must be directly related to the topics on the special meeting agenda
2. All reasonable steps shall be taken to notify each Trustee 24 hours in advance of a special meeting.
3. In the event of crisis or catastrophe within the School District, all reasonable steps shall be taken to notify each Trustee immediately of a special meeting.
4. The Agenda shall be set by the Board of Education. The agenda shall be prepared by the Secretary Treasurer and/or the Superintendent of Schools under the direction of the Chair.

**VI. DELEGATIONS**

1. Delegations wishing to appear before the Board of Education shall provide a request in writing to the Secretary Treasurer by 9:00 a.m., the Monday one week prior to a Board meeting. The exception will be for statutory holidays that fall on the third Monday of the month that will require the request from the Delegation to be received by 9:00 a.m. on the Friday before the statutory holiday Monday. The request shall include the brief to be presented.
2. The Secretary Treasurer will advise the Board Chair of the request. The Board Chair, at his/her discretion, will rule whether the Delegation will be heard by the Board. The period of time normally allocated to the delegation shall be ten minutes. The Secretary Treasurer will advise the delegation of the Board Chair's decision.
3. At the earliest opportunity following the Board's decision the Secretary Treasurer will contact the spokesperson of the delegation to advise the delegation of the Board's decision and subsequently, confirm the Board's decision in writing to the delegation.

**VII. CONSENT AGENDA**

1. The full agenda, including the consent items should be disseminated prior to the Board Meeting along with copies of reports and back up materials so that Board members can do their due diligence prior to voting.
2. As the first item of business the Board Chair should ask if anyone wishes to remove an item from the consent portion of the agenda.



3. The Board Chair then asks for a motion to accept the consent agenda.
4. Once the motion has been received, the Board Chair opens the floor for any questions or discussion on the items remaining on the consent agenda. The understanding, though, is that the board members have come prepared and, other than a quick point or question, they are comfortable voting for the items or they would have asked to have them removed.
5. If any items were removed from the consent agenda the Board Chair will determine where on the agenda those items will be discussed. Quickly reviewing the remaining items, the Board Chair will ask for any objections to the adoption of those remaining items. If none are offered all items on the consent agenda are considered to be passed.

#### What Belongs on the Consent Agenda?

Typical consent agenda items are routine procedural matters and decisions that are likely to be noncontroversial, including:

- Approval of minutes
- Reports for information only e.g. Enrolment Report
- Routine matters such as appointments to committees
- Field trip approvals
- Matters which do not appear to warrant a discussion

### VIII. PUBLIC QUESTION PERIOD

1. The Board of Education encourages the participation of members of the public at each Regular Board Meeting.
2. Persons wishing to question the Board during the public question period should stand and identify themselves.
  - a. Questions at a Regular Board Meeting may deal with any topic related to the Board's conduct of the schools.
  - b. Questions at Special Board Meetings must be related to the call of the meeting.
3. Questions asked by the public will, when possible, be answered immediately by the Board Chair or referred to staff members present for reply. Questions requiring investigation shall be referred to the Board Chair or administrative staff for consideration and later response.
4. A question period for the Press will be provided after the meeting adjourns.





## IX. BOARD STANDING COMMITTEES

1. The Board will operate within three Board Standing Committees, all of which will be Committees of the Whole:
  - i. Education Committee of the Whole
  - ii. Finance and Operations Committee of the Whole
  - iii. Policy Committee of the Whole
  
2. The Board Chair will, on an annual basis, appoint the Chairperson of each of the Board's Standing Committees.
  
3. Any matters considered by a committee of the Board which have financial implications are to be referred to Finance and Operating Committee of the Whole for comment before the originating committee brings the matter to the Board.
  
4. Education Committee of the Whole:

*Mandate:* To discuss and make recommendations to the board on the general directions for education in the district, and to serve as a vehicle for regular reports to the board on educational programs and services.

*Membership:* The committee would consist of all five trustees, the associate superintendent, the director of instruction, the superintendent, and as topics require, the secretary treasure. The associate superintendent would serve as the lead for senior staff. By invitation, one representative from each of school-based administration, the Mount Arrowsmith Teachers Association (MATA), CUPE 3570 and the district parent advisory council (DPAC) would serve on the committee in an advisory capacity.

*Operation:* The trustee chair of the committee would host the meeting in a structured but informal manner. Presentations would be scheduled and introduced by the associate superintendent, and would be of a duration that makes sense for that topic at that time, as determined by the chair and associate superintendent. On matters of deliberation for the committee to refer to the board, the chair would invite administration and partner representatives to comment, and would seek the advice of senior staff present. The chair would then lead trustee deliberation on whether or not, and if so how, the matter would be referred to the board by way of a motion for a subsequent board meeting. The decision as to what would be referred to the board would be by consensus among trustees, with the chair being the final arbiter of the decision.
  
5. Finance and Operations Committee of the Whole:

*Mandate:* To discuss and make recommendations to the board on financial matters and matters pertaining to facilities, maintenance, technology and transportation.



**Membership:** The committee would consist of all five trustees, the secretary treasurer, the superintendent, the general manager of operations, and as topics require, the associate superintendent. The secretary treasurer would serve as the lead for senior staff. By invitation, one representative from each of school-based administration, the Mount Arrowsmith Teachers Association (MATA), CUPE 3570 and the district parent advisory council (DPAC) would serve on the committee in an advisory capacity.

**Operation:** The trustee chair of the committee would host the meeting in a structured but informal manner. Materials would be provided ahead of time by the secretary treasurer, with support from the general manager of operations for matters related to facilities, maintenance, technology and transportation. On matters of deliberation for the committee to refer to the board, the chair would invite administration and partner representatives to comment, and would seek the advice of senior staff present. The chair would then lead trustee deliberation on whether or not, and if so how, the matter would be referred to the board by way of a motion for a subsequent board meeting. The decision as to what would be referred to the board would be by consensus between the trustees, with the chair being the final arbiter of the decision. From time to time the finance and operations would have to operate in camera.

**This committee will also serve as the Audit Committee of the Board. In that capacity the committee will:**

- a. **Review the audited financial statements and once satisfied recommend approval by the board of the submission to the Minister of Education and publication of the audited statements;**
- b. **Review the Statement of Financial Information, specifically the compensation and expenses for employees;**
- c. **Oversee the internal control structure with a focus on safeguarding district assets;**
- d. **Review audit results with the external auditors and follow up on the implementation of the auditor's letter of recommendations;**
- e. **Review the nature and extent of other services provided by the auditor in relation to auditor independence;**
- f. **Monitor the development of and changes to accounting principles and practices and financial reporting standards, and their impact on the school district's financial reporting;**
- g. **Oversee engagement of external auditors including the terms of the audit engagement and appropriateness of proposed fees;**
- h. **Meet as necessary with the external auditors at an in camera meeting, without staff members present;**
- i. **Meet annually with the external auditor to review the financial statements;**
- j. **Have a separate agenda and terms of reference which reflect best practice for audit committees.**



## **6. Policy Committee of the Whole:**

**Mandate:** To discuss and make recommendations to the board on all matters related to policy and bylaws.

**Membership:** The committee would consist of all five trustees, the superintendent, the secretary treasurer and the associate superintendent. The superintendent would serve as the lead for senior staff. By invitation, one representative from each of school-based administration, the Mount Arrowsmith Teachers Association (MATA), CUPE 3570 and the district parent advisory council (DPAC) would serve on the committee in an advisory capacity. The committee would be supported by the Executive Assistant, Board Governance and Operations.

**Operation:** The trustee chair of the committee would host the meeting in a structured but informal manner. Materials would be provided ahead of time by the superintendent. On matters of deliberation for the committee to refer to the board, the chair would invite administration and partner representatives to comment, and would seek the advice of senior staff present. The chair would then lead trustee deliberation on whether or not, and if so how, the matter would be referred to the board by way of a motion for a subsequent board meeting. The decision as to what would be referred to the board would be by consensus between the trustees, with the chair being the final arbiter of the decision. How matters get to the committee and are then processed by the board would be in accordance with Board Policy 7: Bylaw and Policy Development and Review.

## **7. Committee Meeting Times:**

**The time and dates for meetings for the ensuing year will be determined by the Board Chair in consultation with the Board and Executive Leadership Team.**

## **X. CHIEF EXECUTIVE OFFICER**

**The Superintendent of Schools shall be the chief executive officer of the board and is responsible and accountable to the board for the effective and efficient operation of the school district.**

**The Superintendent of Schools will be responsible for ensuring the following:**

- a. **Leadership and direction is provided at all levels of the school system.**
- b. **The board is assisted in its short and long-term planning, and in working to achieve the board-approved goals.**
- c. **The district has an efficient and effective organizational structure and management system.**
- d. **Processes are in place for the supervision and evaluation of the district's schools, programs and services.**
- e. **Decisions and policies of the board are implemented.**
- f. **Resources are allocated based on board-approved budget levels.**
- g. **Communications within the district and through public and community relations are effective.**



- h. A synergy is built within the district that challenges all employees to contribute to the success of the school system.

**XI. EXECUTIVE COMMITTEES AND COMMUNICATIONS WITH THE BOARD**

- a. The Executive Committee, composed of the Superintendent of Schools, the Secretary-Treasurer, and the Associate Superintendent, shall be chaired by the Superintendent of Schools.
- b. The executive committee shall administer the district and provide leadership in accordance with the Board's directives and policies.
- c. The Superintendent of Schools shall be the chief spokesperson for the executive committee and is responsible and accountable for the coordination and functioning of the executive committee.
- d. The Superintendent of Schools shall be the chief spokesperson for the executive committee and is responsible and accountable for the coordination and functioning of the executive committee.
- e. The Superintendent of Schools shall ensure that information, reports, and proposed resolutions shall be brought to the board table by the appropriate member of the executive committee, either directly, or in support of one of the standing committees as it reports to the board.
- f. Members of the executive committee may consult with individual trustees, or groups of trustees, or committees of the board, as necessary, to carry out their individual responsibilities. Individual trustees, or groups of trustees, or committees of the board may consult, as necessary, with one or more members of the executive committee.
- g. The Superintendent of Schools shall ensure that executive decisions and recommendations are reached, wherever possible, through discussion and collaboration. However, in cases where a consensus cannot be reached, the Superintendent of Schools shall, unless the issue is properly a matter to be decided by the board, resolve the issue at hand. In this event the Superintendent will report each such resolution to the Board at the next opportunity.

**XII, TITLE**

This bylaw may be cited as "School District No.69 (Qualicum) Meetings of the Board Bylaw No.3".

Read a first time the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read a second time the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read a third and final time, passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
SECRETARY TREASURER

\_\_\_\_\_  
BOARD CHAIR



A bylaw to provide that the Board of Education shall indemnify a trustee, an officer or an employee of the Board against a claim for damages arising out of the performance of ~~her/his~~ **that person's** duties; and for an inquiry or proceeding involving the administration and conduct of the business of the school district; and will pay legal costs incurred in a court proceeding arising out of the claim or the legal costs arising from such inquiries or proceedings.

WHEREAS the *School Act* R.S.B.C. 1996 c. 412 provides that the Board of Education may by bylaw provide that the Board will indemnify a trustee, an officer, or an employee of the Board against a claim for damages against a trustee, officer, or employee of the Board arising out of performance of ~~her or his~~ **that person's** duties and, in addition, pay legal costs incurred in proceeding arising out of the claim;

AND WHEREAS the *School Act* R.S.B.C. 1996 c. 412 also provides that the Board may by bylaw indemnify a trustee, an officer, or an employee of the Board where an inquiry under Part 2 of the *Public Inquiry Act* or other proceeding involves the administration and conduct of business of the School District, and also pay legal costs incurred in a proceeding arising out of the inquiry or other proceeding;

NOW THEREFORE the Board of Education of School District No. 69 (Qualicum) in open meeting assembled enacts as follows:

### 1. Interpretation

In this bylaw, which may be cited as "Indemnification Bylaw No. 18":

- a. "Board" means the Board of Education of School District 69 (Qualicum);
- b. "trustee" means a member of the Board of Education of School District 69 (Qualicum);
- c. "officer" means a superintendent, assistant superintendent, secretary-treasurer, assistant secretary-treasurer, district principal, principal or vice principal of the Board;
- d. "employee" means all Board teaching and non-teaching personnel other than officers;
- e. ~~wherever the singular or masculine or neuter is used in this bylaw, the same shall be construed as meaning the plural, the feminine, or the body corporate whenever the context so requires.~~

### 2. Indemnification

- a. The Board shall indemnify a trustee, an officer, or an employee of the Board against a claim for damages against the trustee, officer, or employee arising out of the performance of ~~her/his~~ **that person's** duties and, in addition, pay the reasonable legal costs incurred by the trustee, officer, or employee in proceedings arising out of the claim except as otherwise provided for in this bylaw.
- b. The Board shall indemnify a trustee, an officer, or an employee where there is an inquiry under the *Public Inquiry Act* or other proceedings involving the administration and conduct of the business of School District No. 69 (Qualicum), and also pay reasonable legal costs incurred in such inquiries or proceedings, except as otherwise provided in this bylaw;



- c. The Board may, by affirmative vote of not less than 2/3 of all trustees, pay any sum required to indemnify a trustee, an officer or an employee if the prosecution arises out of the performance of ~~his or her~~ **that person's** Board duties, and costs necessarily incurred.
- d. Section 2(a), 2(b), and 2(c) apply in respect of a person who was a trustee, an officer, or an employee of the Board at the time ~~he/she~~ **that person's** performed the duties out of which the claim, inquiry or other proceeding arise, whether or not ~~he/she~~ **that person's** is a trustee, an officer, or an employee at the time the claim for damages, inquiry, prosecution, or other proceeding arises, or any legal action arising out of the claim, inquiry or other proceeding is commenced or concluded except as otherwise provided in this bylaw;
- e. This bylaw applies only to:
  - i. the performance of duties by current or former trustees, officers, or employees; and
  - ii. inquiries or proceedings arising out of the administration and conduct of the business of School District No. 69 (Qualicum).

### 3. Administration of Medication

Without limiting the generality of Section 2, the Board's indemnification of trustees, officers, or employees against claims for damages as set out in Section 2(a) hereof, shall include, but is not limited to, claims arising from Board-authorized administration of medication to students, supervision of self-administration of medication by students, and performance of physical procedures relating to the medical needs of students.

### 4. Contracts

This bylaw refers to officer and employee employment contracts, including collective agreements, now in force or in force in the future. It does not supersede those contracts or collective agreements.

### 5. Exclusions

- a. In the event that insurance coverage is available to the trustee, officer, or employee with respect to the liability of the trustee, officer, or employee, the Board shall not indemnify the trustee, officer, or employee as the case may be until the available insurance coverage is exhausted.
- b. The Board shall not indemnify a trustee, officer, or employee against:
  - i. legal fees and/or liability resulting from an action or any other proceeding taken by the trustee, officer, or employee against the Board.
  - ii. liability and/or legal fees resulting from investigations or proceedings undertaken pursuant to the *Teachers Act* unless the Board agrees to the contrary by an affirmative vote of a majority of its members.
  - iii. a fine, penalty, or order imposed as a result of a conviction for a criminal offense.
  - iv. legal fees incurred in an appeal of any conviction, sentence, judgment, or order unless the Board agrees to the contrary by an affirmative vote of a majority of its members.



- v. liability and/or legal fees incurred by a trustee where there has been a determination by a Court that the trustee knowingly contravened Section 58 of the *School Act*. liability and/or legal fees incurred by a trustee, officer, or employee where there is a determination by a Court that the trustee, officer, or employee knowingly permitted and/or authorized an expenditure not otherwise authorized by an enactment.
- vi. liability incurred by a trustee resulting from any restitution ordered pursuant to Section 63(1)(b) of the *School Act*.
- vii. those matters for which the Board pursuant to its authority under Section 95(3) of the *School Act* may seek indemnity from an employee.
- viii. in respect of any complaint of harassment made against the trustees, officer or employee.

**6. Legal Counsel**

For those matters provided in Sections 2 and 3 of this bylaw, and not excluded by Section 5 and 6:

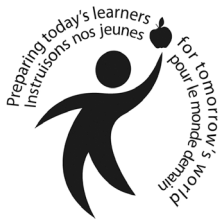
- a. the Board has the authority to appoint and instruct legal counsel; or,
- b. with the prior approval of the Board, the trustee, officer, or employee may retain legal counsel chosen by the trustee, officer, or employee, in which case the Board shall have the right to:
  - i. approve, in advance, any agreement for legal fees and disbursements;
  - ii. pay all or part of the legal fees and disbursements and to set a reasonable maximum for legal fees and disbursements;
  - iii. direct the defence and to settle or compromise a claim or action;
  - iv. review the account of the legal counsel pursuant to the *Legal Profession Act* and the trustee, officer, or employee shall include such a term in an agreement with her/his that person's legal counsel; and,
  - v. determine whether or not the trustee, officer, or employee will be reimbursed by the Board for legal fees or any portion of the legal fees that have been paid by the trustee, officer, or employee prior to the approval of the Board.

**7. Amounts Payable**

Any amount that may be payable by the Board shall be reduced by any court costs awarded and paid to the trustee, officer, or employee.

**8. Advancing Legal Costs**

The Board may advance legal costs to the trustee, officer, or employee prior to the final resolution of a claim or action in order to prevent undue hardship. When the Board advances such costs to a trustee, officer, or employee, the trustee, officer, or employee shall provide written authorization for the Board to deduct an amount equivalent to the costs advanced from future funds payable to the trustee, officer, or employee by the Board. The authorization shall only be used by the Board if it is determined at a later date that the trustee, officer, or employee is not entitled to be indemnified pursuant to the terms of this bylaw.



**9. Severability**

If any section or lesser portion of this bylaw is held invalid, the invalidity shall not affect the validity of the remaining portions of this bylaw.

**10. Citation**

This bylaw may be cited for all purposes as Board of Education of School District No. 69 (Qualicum) "Indemnification Bylaw No. 6".

**TITLE**

This bylaw may be cited as "School District No.69 (Qualicum) Indemnification Bylaw No.6".

Read a first time this \_\_\_ day of \_\_\_\_\_, 2019.

Read a second time this \_\_\_ day of \_\_\_\_\_, 2019.

Read a third and final time, passed and adopted this \_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
CHAIRPERSON OF THE BOARD

\_\_\_\_\_  
SECRETARY TREASURER





**Our Mandate:**

Through the School Act, the Minister of Education has vested in the Board of Education the power and authority to govern the School District. Accordingly, the mandate of the Board of Education is to provide appropriate learning opportunities within the context of the Board of Education's Mission, Vision, Values and Strategic Priorities.

**Vision:**

*Preparing today's learners for tomorrow's world.*  
**Intruisons nos jeunes pour la monde demain.**

**Mission:**

The Qualicum School District is a dynamic, flexible learning community that:

- provides personalized educational experiences that complement traditional disciplines and structures to honour the unique needs, strengths, interests and learning styles of our students;
- maintains a learning environment that fosters the development of empathy, respect and social responsibility in our learners through strong partnerships between home, school and the broader community;
- embraces a spirit of curiosity and a passion for lifelong learning that prepares our students **to become educated citizens** and challenges them to become informed, confident, and creative designers of their own future;
- **is committed to weaving Indigenous learning throughout the educational experiences of all learners; and,**
- **brings a trauma-informed lens to the work that we do with learners.**

**Values:**

In the Qualicum School District, we value:

- ~~Diversity, choice and flexibility in educational programming and structures~~
- ~~Experiential learning that builds relevant skills, knowledge and competencies~~
- ~~Personalization of learning based on an understanding of the unique needs, strengths and passions of each student~~
- **student voice, choice and partnerships;**
- **support for students' engagement in their learning;**
- **hands on learning that builds skills, knowledge and competencies;**
- **inclusion of all learners and system wide support for diversity;**
- **community partnerships in support of learning**



- **choice and flexibility in educational programming and structures;**
- **experiential learning that builds relevant skills, knowledge and competencies;**
- **personalization of learning based on an understanding of the unique needs, strengths and passions of each student;**
- educating the whole child – heart, body and mind
- social responsibility and environmental sustainability
- a collaborative mindset and the time for meaningful, focused collaboration
- innovation as a means of ensuring that we respond and adapt to a changing world and new understandings;
- use of technology to ~~empower teaching and~~ **enhance** learning;
- our connections with ~~a supportive community~~ **place and community;**
- recognition and celebration of success, effort and accomplishment; and,
- recognition and celebration of success, effort and accomplishment; and,
- experiences that bring joy in the pursuit of learning.

#### Guiding Principles for Organizational Decision-making:

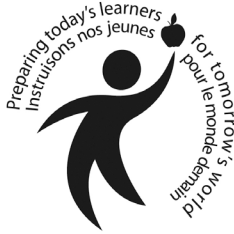
- ~~Meeting the needs of the learners must be our primary focus.~~ **Our primary focus is to meet the needs of all learners where they are, and planning for the next steps in their journey.**
- The foundation of organizational health and success is trust relationships – we commit to clear, open communication that builds personal and public confidence in the work we do with and for our learners.
- Parents and the broader community are our partners in education - we must ensure that they are given meaningful roles in helping to shape the educational experience provided to students.
- People are the most valuable asset in our organization - we invest in this asset when we provide opportunities ~~for them~~ **for employees and volunteers** to further their own knowledge, skills and competencies in deep, purposeful and relevant ways.
- Stewardship of the public investment in education in our community is crucial – this requires an unwavering commitment to fiscal responsibility and allocation of resources based on identified needs and strategic priorities.
- Leadership is most powerful when responsibility and accountability are spread across the system at all levels – we expect everyone in our district to demonstrate a commitment to system change and improvement.
- We care deeply about the ~~results~~ **impacts** of our work – that is evident when we ~~seek to~~ access and use credible information to develop plans, ~~to~~ measure progress and ~~to~~ inform decision-making.
- **Public education has a key role to play in creating an understanding of the harm caused by colonialism and residential schools, as well as an obligation to move forward on a path toward reconciliation.**



**Strategic Priorities:**

- Increasing engagement of ~~our~~ learners by providing ~~more~~ personalized educational experiences.
- Responding to the diverse social/emotional needs of ~~our learners in ways that~~ to increase their chances of success.
- Ensuring that the structures that shape and support learning are flexible and responsive to the needs of learners.
- Integrating technology effectively in order to broaden and deepen learning for all ~~students~~.

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**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY  
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**Policy**

The Board of Education is committed to meeting its obligations **to protect personal information from unauthorized access, use and disclosure in accordance with** of the protection of personal information as well as the disclosure of appropriate information under the *Freedom of Information and Protection of Privacy Act (FOIPPA)* **and the School Act**.

The District recognizes that all procedures for the collection and storing of information by District staff in the course of affairs and procedures regulating the release of information to other parties must follow provisions of *FOIPPA*.

**It is the intent of this policy and related administrative procedure (collectively recognized as this policy) to:**

The purposes of *FOIPPA* and this Policy and attendant **related administrative procedure (collectively recognized as this policy)** are is to:

- a. control the manner in which a public body may collect **the School District collects, retains, uses, accesses, discloses and disposes of protects, retains, uses and discloses employee and student** personal information from individuals;
- b. allow any person a right of access to the records in the custody or under the control of the School District subject to limited and specific exceptions as set out in *FOIPPA*;
- c. Control the manner in which a public body may collect **the District collects, uses, stores, disposes and discloses** personal information from individuals
- d. to Control the use that the District may make of that information and to control the disclosure by the District of that information;
- e. allow individuals, subject to limited and specific exceptions as set out in *FOIPPA*, a right of access to personal information about themselves that is held by the School District;
- f. allow individuals a right to request corrections to personal information about themselves that is held by the School District; and
- g. Provide for independent reviews of decisions made by the School District under *FOIPPA* and the resolution of complaints under the *FOIPPA*.

The Superintendent is the FOIPPA Officer for the School District and may delegate this authority.

**References:**

- Administrative Procedure I to Board Policy 9000: *Information Management and Access*
- Administrative Procedure II to Board Policy 9000: *Information Management and Access*
- Board Policy 5056: *Acceptable Use of Technology* and its attendant Administrative Procedure
- Board Policy 7144: *Student Records* and its attendant Administrative Procedure
- School District 69 Personal Information Directory
- SD69 File Management Handbook
- *Freedom of Information and Protection of Privacy Act*
- *The School Act*

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- 1. The purpose of this administrative procedure is to set out how the School District will handle employee and student personal information. This Administrative Procedure should be read in conjunction with the policy. See appendix 1 for definitions.**

**ROLES AND RESPONSIBILITIES**

- 2. The Superintendent ~~Secretary Treasurer~~ is recognized as the Privacy Officer for the School District and is responsible for:**
  - a. conducting a privacy audit and self-assessment;**
  - b. developing a privacy policy;**
  - c. implementing and maintaining a privacy policy**
  - d. managing privacy training;**
  - e. responding to requests for access to and correction of personal information;**
  - f. working with the Information and Privacy Commissioner in the event of an investigation.**

- 3. The Executive Assistant to the Secretary-Treasurer will provide appropriate supports to the Privacy Officer.**

~~(or designate), as Privacy Officer, will designate a coordinator for the purposes of the Freedom of Information and Protection of Privacy Act (FOIPPA). The Coordinator is hereby empowered to fulfill the duties described in the FOIPPA which include the establishing of procedures and practices to ensure appropriate management of the legislation.~~

~~Routine requests will be handled at the point of contact. Formal written requests will be handled by the Coordinator through the office of the Superintendent of Schools.~~

- 4. Employees must:**
  - a. participate in privacy and information management training as required;**
  - b. not alter, copy, interfere with or destroy personal information, except as required;**
  - c. not disseminate personal information to anyone not covered by a confidentiality agreement;**
  - d. practice safeguarding measures to ensure personal information held by the School District is protected from unauthorized access, use and disclosure;**
  - e. ensure that disclosures of information are made only to those entitled to that information;**
  - f. ensure that confidential or personal matters relating to students or staff are not divulged or discussed unnecessarily with other staff members;**
  - g. report possible breaches of confidentiality to the School District Privacy Officer.**

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COLLECTING PERSONAL INFORMATION

5. The School District has the legal authority to collect personal information that relates directly to and is necessary for its operating programs or activities or as otherwise authorized by statute. Personal information will be collected directly from the individual to whom it pertains, unless another method of collection is authorized by the individual or the statute.
6. When the School District collects personal information about students or families, parents / guardians should be informed of the purpose for which the information is being collected. The parents / guardians of a student must authorize the disclosure of personal information for purposes ancillary to educational programs, such as:
- a. newsletter publications
  - b. website postings
  - c. video conferencing
  - d. social media applications
  - e. web-based educational tools
  - f. honour roll lists
  - g. team rosters
  - h. yearbooks
7. Upon their child's initial enrollment, parents/guardians will complete and submit the form entitled Student FOIPPA/Personal Information Consent.
8. Where a parent or guardian provides consent, the School District will allow the school to publish student personal information for purposes such as:
- a. recognition of achievement
  - b. promotion of events
  - c. commemoration of school events
- This authorization is deemed in effect until the student changes or transitions to another school.
9. Parents / guardians will have the ability to opt out of providing information that is not directly related to a student's educational program or necessary for the School District's operational activities.

USE OF PERSONAL INFORMATION

10. Personal information will be used for the purpose for which it was collected or for a use consistent with that purpose. Employees should seek clarification from the School District Privacy Officer if there is uncertainty as to the confidentiality of the

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information or they need to access information for a purpose other than why it was collected.

RETENTION AND DISPOSAL OF PERSONAL INFORMATION

11. Personal information must be retained for specific periods of time. See Appendix 2 for the records retention and disposal schedule.
12. Information management must be dealt with in a responsible, efficient, ethical and legal manner. The following safeguards, though not an exhaustive list, will assist in protecting the privacy of employee and student personal information:
  - a. security measures, such as encryption or passwords, must be in place for personal information that is electronically stored, printed, or transferred;
  - b. all mobile devices, including personal devices, that access or store School District data must be secured by a password login and have the highest available encryption options;
  - c. passwords must not be shared nor should anyone login to a system using a username and password that has not been specifically assigned to them;
  - d. computer screens should be located in such a way that they cannot be read by visitors or people passing by;
  - e. computer screens should be locked when the user is away from their work station;
  - f. paper files should be held in locked storage;
  - g. personal information should be removed from work areas when not in use; and,
  - h. paper files, including notes, reports, letters and emails, containing personal information should be protectively marked as private and confidential.
13. Any personal information that is held electronically and is no longer required for administrative, financial or legal purposes must be deleted in their entirety and data storage devices must be fully erased prior to disposal.
14. Paper files containing employee and student personal information that are due for disposal must be securely shredded.

DISCLOSING PERSONAL INFORMATION

15. Personal information may be disclosed to an external or third party if the individual who is the subject of the information has provided written consent. In the case of a student under the age of thirteen, consent is required from the student's parent or guardian.

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16. Disclosure of personal information is permitted if the information is immediately necessary for the protection of the health and safety of an employee.
17. Consent is not required from a student or parent when information is being disclosed for worker or student safety. If a plan is developed to protect the health and safety of a worker or a student, which also affects the health and safety of any student, the parent of that student will be informed, as per the requirements of the School Act.
18. Managers and Principals are required to investigate incidents that caused or could have caused injury to an employee, in conjunction with the members of the school or work site's Joint Health and Safety Committee.
19. Incident report forms contain employee personal information and therefore cannot be disclosed to employees outside of the Joint Health and Safety Committee, except for the purpose of reporting an incident to WorkSafe BC, or in keeping with Collective Agreements.
20. If student information is used to complete an incident investigation or report, personal identifiers must be removed so that the student is not able to be identified.

ACCESS TO PERSONAL INFORMATION

21. Access to any personal information is based on employment duties requiring such access. Unauthorised access to information about colleagues, friends, or family is not permitted.
22. The School District governs the right of access by an individual to their own personal information and by the public to any information or records in its custody or control.
23. Other school districts, government ministries or law enforcement agencies may have access to personal information where obtaining this information is necessary for the provision of their services.
24. Requests for access to information, including access to personal information, must be made in writing and must provide sufficient detail to enable the School District, with reasonable effort, to identify the records sought. A record of all such transactions must be kept on file.



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- ~~25. Copies of any personal information shall be provided only to the employee/individual or his/her the employee's/individual's agent on the specific written request of the employee/individual. A record of all such transactions must be kept on file.~~

#### **STUDENT PERSONAL INFORMATION**

25. Access to student records will be in accordance with Board Policy 7144: Student Records and its attendant Administrative Procedure.
26. Routine requests will be handled at the point-of-contact. Formal written requests will be handled by the **School District Privacy Officer** through the office of the Superintendent of Schools.

#### **EMPLOYEE PERSONAL INFORMATION**

27. Access to personal information may be gained during normal business hours, upon appointment and is available to:
- the employee, in the presence of a supervisory officer, or the appropriate personnel officer;
  - other parties (e.g. legal counsel of the employee) with the specific written consent of the employee;
  - appropriate Board employees and/or the Board's legal counsel, subject to the approval of the Superintendent or designate, or the appropriate personnel officer.
  - the individual, in the presence of the appropriate manager or a designate; and/or,
  - other parties (e.g. legal counsel for the individual) with the specific written consent of the individual.

#### **FEES**

28. When fees are to be levied under the *Freedom of Information and Protection of Privacy Act (FOIPPA)* the rates adopted by the Government of British Columbia, as specified in Schedule 1 (*attached*) of the Regulation 155/2012 under the *FOIPPA*, shall be confirmed as the rates used by the **School** District. Fees shall not be charged to individuals who are accessing their own personal information. See appendix 2 for the fee schedule.

#### **Confidentiality**

~~The Board of Education acknowledges its responsibility to safeguard and ensure the confidentiality of personal information pertaining to students, employees and individuals in accordance with the *School Act* and the *Freedom of Information and Protection of Privacy Act*.~~

~~Personal information may only be obtained as authorized by the *School Act* and the *FOIPPA* and used for the specific purposes for which it is gathered.~~

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Any personal information of an employee/individual that is no longer required for either administrative, financial, legal, or historical purposes, and its retention is not regulated by any statute, may be destroyed.

**Retention of Records**

Retention of records will be managed in accordance with the Board's *File Management Handbook*.

**ERRORS OR OMISSIONS**

30. An applicant who believes there is an error or omission in their personal information may request correction of the information in writing to the department responsible for the information. The Manager responsible for collecting and retaining the particular type of record will be responsible for the correction or annotation of the information, in consultation with the School District Privacy Officer.
31. Notification of the correction or annotation must be given to any other public body or third party to whom that information has been disclosed during the one year period before the correction was requested.
32. Any correction, annotation or notification must be documented.

**INVESTIGATION OF COMPLAINTS**

33. Anyone suspecting or aware of the unauthorized collection, use, access, or disclosure of student or employee information or other protocol set out in this administrative procedure must notify the School District Privacy Officer.
34. All employees, volunteers and third parties are expected to adhere to the confidentiality requirements of the School District. Those found to be in violation of this procedure may be subject to disciplinary action.

**References:**

- Board Policy 9000: *Information Management and Access and its attendant Administrative Procedure II*
- Board Policy 5003: *Acceptable Use of Technology and its attendant Administrative Procedure*
- Board Policy 7144: *Student Records and its attendant Administrative Procedure*
- School District 69 Personal Information Directory
- ~~SD69 File Management Handbook~~
- *Freedom of Information and Protection of Privacy Act*
- *The School Act (Sections 22, 65, 85)*

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Appendix 1 – Definitions

<u>Personal information</u>	<u>Any information that is about an identifiable individual. Personal information may include data such as unique identifiers (e.g. social insurance number, school records, contact numbers, gender, medical history, education, employment, personnel evaluations, audio/video recordings, digital images, and categories identified in the Human Rights Code).</u>
<u>Contact information</u>	<u>Information that allows an employee to be contacted at work and includes the name, position, business contact number, business address and business email.</u>
<u>Employee personal information</u>	<u>Any recorded information about an identifiable employee (see personal information above) other than contact information.</u>
<u>Student personal information</u>	<u>This includes personal information (defined above) plus any information that identifies a student include a student's name, address, contact number, personal education number (PEN), assessments, results, and educational records.</u>
<u>Record</u>	<u>A record is defined as all recorded information in the custody or control of the School District regardless of physical format, which is collected, created, deposited or held by or in the School District. Records include books, documents, maps, drawings, photographs, letters, paper or any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means.</u>

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**Appendix 2 – Records Retention and Disposal Schedule**

The principal of the school or the supervisor of the department responsible for the records is authorized to destroy the records in accordance with the following schedule. Records may be maintained beyond the scheduled time if the principal or supervisor believes that they have a further use or historical or archival value.

The following retention schedule outlines the minimum amount of time that School District 69 records must be retained.

**Board Records**

Board policy	Permanent
Agendas of regular, in-camera and special board meetings	Permanent
List of electors	2 years after the year of creation
Minutes	Permanent
Notice of meetings	1 year
Oaths and declaration of trustees	Selected Retention
School trustees list	While current
Debenture and bylaw register	Permanent
Debenture and coupons redeemed	6 years after year redeemed
Annual Report as required by the School Act	Permanent
School District publications and newsletters	Selected Retention

**Information and Privacy**

Freedom of Information requests	2 years after the calendar year of creation
Requests to review Freedom of Information decisions	5 years after investigation, review, inquiry or adjudication is complete and order has been issued
Freedom of Information requests to correct personal information	2 years after the personal information has been updated, annotated, or request has been transferred to another public body

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**Financial Records**

Annual budget and summary supporting documents	Permanent
Auditor's reports	Permanent
Cancelled cheques	6 years after year of creation
Cheque duplicates, invoices, requisitions	6 years after year of creation
Purchase orders	2 years after year of creation
Employee travel claims	6 years after year of creation
Ministry of Education financial information reports	Permanent
General ledger	Permanent
Invoices billed	6 years after year of creation
Subsidiary ledgers and journals	6 years after year of creation
Receipts issued	6 years after year issued
Bank statements, debit and credit notes	6 years after year of creation
Deposit books	6 years after year of creation
Loans, authorization	6 years or term of loan, if longer
Loans, cancelled notes	6 years after year of creation
Stop payment orders	1 year after year of creation

**Facilities Records**

Rental of facilities	1 year after year of rental
Appraisal and inventory records	6 years after year of asset disposal
Authorization for expenditure of capital funds	6 years after year capital plan completed
Building plans and specifications (with related change, guarantees, bonds liens and valuable correspondence)	6 years after year of asset disposal
Land titles, deeds and plans	Permanent

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Leases 6 years after expiration of term

**General Records**

General correspondence 2 years after year of creation

**Health and Safety Records**

First aid treatment records, including Form 7 and 7a 3 years

Investigation of overexposure to hazardous substances 10 years

Incident investigation reports six months

Risk assessments, where a regulatory requirement, including violence in the workplace first aid, ergonomics, working alone 10 years

Asbestos materials on site, including inventories, risk assessments Inspections and monitoring 10 years

Inventory of hazaroud substances – MSDS while current

Asbestos release, training and written procedures, and Notification to WCB 3 years

Workers exposure to biohazardous material length of employment plus 10 years

Worker exposure to biohazardous material 3 years

Lead exposure, including risk assessments, worker Exposures, trainng and health monitoring length of employment

Pesticide application monitoring, including health monitoring records for workers length of employment

Pesticide use while current

Hearing tests length of employment

Noise exposure measurements as long as equipment is in use

Radiation surveys 10 years

Radiation exposure monitoring and personal dosimetry 10 years

PPE fit test results, worker instruction while current

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Workplace inspection reports 1 year

Automotive lifts / hoists, maintenance and inspection while current

Cranes and hoists, inspection, maintenance records while current

Elevated work platform inspections, maintenance while current  
Repair

Firefighting equipment tests, inspections while current  
and records

Competency of equipment operators length of employment

**Human Resource Records**

Applications 1 year after position is filled

Job Competitions Selected Retention

Collective Agreements with unions Permanent

Contracts with individual employees 20 years after the year employment ceases

Teacher-on-Call files 5 years after the year employee leaves district

Individual grievance files Permanent

Letters of discipline 20 years after the year employment ceases

Personnel file 20 years after the year employment ceases

Seniority lists Permanent

Unsolicited resumes 6 months

Violence incident reports 6 years after year of creation

Employee medical information While Current - Minimum of 1 year

**Information Systems**

User ID's When user is removed from the system

**Insurance Records**

Incident Reports 2 years or until finalized

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Claims 6 years after claim settled for adults; 2 years after age of majority is reached for individuals under 19 years

Insurance policies While current

**Payroll Records**

Employee payroll files 20 years after the year employee leaves district

Employee payroll register 20 years after the year employee leaves district

Employee attendance records 6 years after the year employment ceases

**Purchasing Records**

Quotations and relative correspondence 6 years after year of creation

Purchasing contracts 6 years after year of creation

Requisitions and purchase orders 6 years after year of creation

**Student Records**

Student Information Data Permanent

Permanent Record Cards 55 years after graduation or withdrawal

Attendance reports and registers Permanent

Out-of-boundary attendance requests 2 years after decision is made

Provincial scholarships and district awards Permanent

Transcript of Marks Permanent

Teachers' student files While current

Other student records Useful life of record

**Transportation Data**

Student bus registration forms 1 year after year of creation



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Transportation assistance forms	1 year after year of creation
School bus behaviour report	1 year after year of creation
School bus video tapes	1 year after year of creation as needed
Vehicle maintenance forms	life of bus
Pre-trip forms	3 months
Driver time logs	6 months

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