

**WESTERN SCHOOL DIVISION  
BOARD BY-LAW  
01- 23**

## **Rules of Procedure**

**BEING A BY-LAW** to regulate the proceedings of the Board of Trustees of the Western School Division and the Committees thereof.

**WHEREAS** Section 33(1) of the Public Schools Act provides that every school board shall pass a by-law establishing Rules of Procedure for the guidance of the board in the conduct of its meetings.

**WHEREAS** Section 8 of the Board Policy Manual outlines the Policy Development and Amendment and Review Schedule.

**NOW THEREFORE** be it hereby enacted as a By-Law of the Board of Trustees of the Western 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.

### **Upholding Decisions**

Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board.

### **Regular school board meetings**

Regular school board meetings shall be held as scheduled at the annual organizational meeting unless this schedule is altered by a motion of the board.

### **Agenda Preparation and Dissemination**

The secretary-treasurer shall prepare all agendas for meetings of the Board. In doing so, the secretary-treasurer shall consult the Board chairperson and the superintendent.

Items of business may be suggested by any Board member, staff member, student, or citizen of the Division. Items suggested by staff members, students, or citizens shall be submitted in writing. All items for inclusion in the agenda shall be in the hands of the secretary-treasurer by Wednesday at 12:00 pm of the week before the Board meeting. The finalized agenda, complete with supporting documentation, shall be distributed to the Board members on the Thursday prior to each meeting. In addition, a copy of the agenda will be sent in advance to members of the working press who request it. All reports approved by the Board shall be considered matters of official record and shall be released only upon the Board's authority as "tentative reports". This procedure for agenda items is to include delegations or oral presentations to the Board.

The Board shall follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present. Items of business not on the agenda may be discussed and acted upon if a majority of the Board votes to consider them. The

Board, however, may not revise Board policies or adopt new ones unless such action has been scheduled.

### **Board Meeting Procedures**

The vice-chairperson presides as chair during in-camera (closed) sessions of Board meetings.

Any meeting or portion of a meeting that is closed to the public must remain confidential in accordance with the Public Schools Act.

A representative of the Board will be available after each meeting to answer reporters' questions and to clarify points of discussion and action. In the event that representatives of the news media are unable to attend a meeting, they shall be provided, upon request, with a summary of important Board actions.

### **Quorum**

A majority of the trustees, when present at a meeting, constitute a quorum, and the vote of the majority of such a quorum is valid and binds the school division subject to any by-law duly passed by the board of trustees and in force.

A meeting can be called only under conditions stated above.

### **Electronic Meetings**

Whenever possible, meetings of the board are best conducted in person. Before the distribution of the agenda, a trustee may request an electronic means for participating in one or more meetings of the school board. Emergent issues preventing physical attendance will be dealt with on a case-by-case basis. This means of participating must permit the trustee to hear and be heard by all other participants in the meeting. In addition, all board meeting procedures stated above apply to electronic meetings.

Electronic meetings may permit participation by members of the public. Members of the public will be able to listen to the content of the public meeting and are invited to write comments or questions which will be addressed at the appropriate point in the agenda. When meeting electronically, the board must ensure that the following people are physically present in the meeting room of the board:

- a. The chair of the board or their designate;
- b. At least one additional member of the board;
- c. The superintendent of the division or their designate;
- d. The secretary-treasurer or their designate.

Attending a meeting electronically, in accordance with this policy, is deemed to be present at the meeting for the purposes of the Act. However, to meet the requirements of the Act, trustees must be physically present at a board meeting at least once every three months.

### **Rules of Order**

A Board meeting should be carried on procedurally in an informal atmosphere to the degree that order is preserved, and the business of the Board is being dealt with in an efficient manner.

When it is deemed necessary by the chairperson to formalize the controls of the meeting, Roberts' Rules of Order will be used.

General regulations including methods for recording votes for Board meetings are:

1. Each and every member of the Board has equal rights.
2. School Board meetings are open meetings except for personnel matters or whenever "in camera" sessions are occurring.
3. The chairperson should call the meeting to order precisely at the hour for which the meeting is called, providing a quorum is present.
4. If a quorum is present, but the chairperson is absent, the vice-chairperson should call the meeting to order. (See Quorum)
5. The first person recognized by the chairperson as desiring to speak has the right to the floor.
6. No trustee shall be interrupted while speaking, unless he or she is out of order, or on a point of privilege or for clarification.
7. Exceptions to rules within the jurisdiction of the Board can be made by unanimous consent of the entire Board.
8. A question once decided by a school board shall not be reversed unless;
  - (a) written notice of a proposal to reverse the decision has been given from at least one meeting to another; and
  - (b) a majority of the total number of trustees for the division votes in favour of the reversal." (PSA 33(2))
9. "A decision of a school board may at the same meeting at which it is made and by unanimous consent of all members present and voting thereon be reversed." (PSA 33(3))
10. Trustees are encouraged to vote on every motion.
11. If Trustees consider themselves grieved by the decision of the chair, it shall be their privilege to appeal to the Board, and the vote on such appeals shall be taken without debate except that the mover of the appeal may explain reasons for appealing and the chairperson may explain reasons for the ruling.
12. Any Trustee may request that their vote be recorded by name in the minutes.
13. Any Trustee may request that a recorded vote be recorded by name providing such a request is addressed to the chairperson before voting takes place.

### **Public Participation at Board meetings**

All motions pertaining to matters discussed in-camera will be made and voted upon during the open session. The public should have an opportunity to ask questions for clarification at some point in the agenda.

### **Board hearing of delegations**

Delegations allow members of the public to present a position or information to the board. It is not interactive or designed for two-way conversation. During a presentation by a delegate, no questions shall be asked apart from questions for clarification. The Board and Administration will not enter into debate on any issues in the presentation. The board may discuss the presentation during the normal course of the meeting.

A delegation wishing to address the Board at a regular meeting must advise the secretary-treasurer under the guidelines for agenda preparation listed above. The request must

include a brief written explanation of the matter for consideration and any action requested of the board. The deadline for items shall be Wednesday at 12:00 p.m. of the week prior to the Board meeting.

The Secretary-Treasurer will acknowledge the delegation request by indicating whether the Board can consider the delegation or if the matter falls outside the board's scope. If the delegation request is accepted, the information provided by the delegation will be placed in the next agenda package so that trustees have adequate time to review the material prior to the Board meeting. The delegation will be advised of the appropriate time and date to make their presentation.

Should the delegation be denied appearance, they may appeal this decision in writing to the Board. The appeal will be considered at the next regularly scheduled Board meeting under Other Business. A resolution to appear must be approved by a majority of the Board members.

Any Western School Division trustee contacted by a parent or community member with a concern will acknowledge their concern and may advise them to follow this protocol if they wish to present the matter to the board.

### **Rules of Order**

- All communication will be conducted with decorum and respectfulness. Delegations are expected to be respectful and refrain from making disparaging statements concerning the character or performance of identifiable individuals, including students, staff, citizens, or Trustees of the Western School Division. Delegations are expected to be issue-based.
- Presentations must begin by stating the specific reason for giving the presentation and by stating the proposed board action before proceeding with the rest of the presentation.
- Presentations must be limited to 10 minutes with an additional 5 minutes for questions and clarification.

### **Additional directives**

The Board shall hear a delegation, which presents itself unannounced at a Board meeting, providing the trustees present are in unanimous agreement to do so. Presentations will follow the rules of order noted above.

Additional delegations on the same subject or issue shall not be entertained before six months have elapsed since the last delegation unless those requesting a delegation can prove they have significant new information on the subject or issue.

The attendance of the meeting shall be restricted to 50% of persons authorized by the Manitoba Fire Code occupant load posting. The Chairperson will announce when the maximum number of people in the Board room has been reached.

Observers shall not be granted permission to address the board unless they have made a prior application. The right to remove observers who disrupt board proceedings shall be exercised as per provisions of the Public Schools Act Section 30 (6).

The maximum number of delegations scheduled for any Regular meeting shall be determined by the Chair of the Board.

### **Policy Development System**

Motions at meetings, or actions by the Board that seem to change, add to, or delete from policies of the Division, should be noted by the Secretary-Treasurer. These motions or actions should be presented to the Board at the next meeting for consideration of adoption into the policy manual.

### **Policy adoption**

A simple majority vote by the Board shall be required to delete or modify a policy statement in this manual. Notice of motion shall be given one meeting before the vote.

Policy may be suspended by a majority vote of the Board. A suspension of policy shall apply only to the particular policy relating to the matter under discussion and not to the policy manual as a whole.

New policies or significant changes to existing policies are required to have three readings by the Board over a minimum of two meetings, each reading requiring a majority vote by the Board.

New by-laws or significant changes to existing by-laws are required to have three readings by the Board, each reading requiring a majority vote by the Board.

**DONE AND PASSED** by the Board of Trustees, in open session assembled at the Board Office in the Western School Division Offices, in Morden, Manitoba, this 22<sup>nd</sup> day of January, 2024.

GIVEN FIRST READING: November 27, 2023

GIVEN SECOND READING: January 8, 2024

GIVEN THIRD READING: January 22, 2024

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**CHAIRPERSON**

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**SECRETARY-TREASURER**