



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

**POLICY COMMITTEE**

**Held on September 27<sup>th</sup>, 2016 from 11:30-1:00 p.m.**

At the School Board Office, Gibsons, B.C.

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PRESENT: TRUSTEES: Lori Pratt, Chair; Betty Baxter, Greg Russell, Christine Younghusband, Dave Mewhort, Pammila Ruth

STAFF/OTHERS: Patrick Bocking, Superintendent; Paul Bishop, Director of Instruction; Nicholas Weswick, Secretary-Treasurer; Vanessa White, Director of Instruction; Sarah Bradley, DPAC; Carolyn Smith, Marnie Baba, CUPE Local 801; Diane Wagner, Executive Assistant (Recording Secretary)

REGRETS: Trustee L. Dixon

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The meeting was called to order at 11:40 a.m.

1. Conflict of Interest Policy

The committee discussed the submitted adjustments to the draft policy. The committee agreed to further revise the policy by amending 8.1 to specify that a trustee must recuse themselves after declaring a conflict of interest and leave the room/or terminate the call if attending the meeting electronically.

**RECOMMENDATION:**

“That the Board approve the new Conflict of Interest Policy as attached.”

2. Appeals Bylaw Yearly Review

The committee engaged in a yearly review of the Appeals bylaw, as required in the bylaw itself. The committee discussed the appeal process as well as the regulation and pamphlet describing “*How to Communicate with Us*”. The committee agreed to two updated to ensure consistency with the *School Act*.

70. The School Act requires that the Board set up a procedure enabling a student or his/her parents/guardians to appeal any decision made by ~~a Board employee~~ an employee of the Board that significantly affects the education, health or safety of the student...

70.3 If the appeal to the Superintendent cannot be resolved to the satisfaction of the complainant, ~~the Board will then listen to the appeal within a reasonable time limit~~ the board will review the complaint and listen to the appeal within 45 days of its official receipt at a board meeting, as per Section 11(7) of the *School Act*.”

**RECOMMENDATION:**

“That the revised Appeals Bylaw (70) be read for a first time.”

“That the revised Appeals Bylaw (70) be read for a second time.”

“That the revised Appeals Bylaw (70) be read for a third time, passed and adopted.”

3. Local Purchasing Policy

Secretary-Treasurer Weswick reported that the government’s procurement policies do not allow for the discrimination of vendors based on location. It was recommended by staff that the policy be amended or repealed. The committee discussed the recommendation and was unable to come to a consensus.

**RECOMMENDATION:**

The committee agreed that two options should come to the board table for consideration:

1. That the policy be repealed in its entirety.
2. That the board replaces the existing policy with a statement that reads:  
“Whenever possible, the Board of Education of School District No. 46 (Sunshine Coast) will solicit bids from local vendors.”

The meeting adjourned at 1:00 p.m.

**Next Meeting:** October 25, 2016 from 11:30 to 1:00 p.m. at the School Board Office.

## 8 CONFLICT OF INTEREST

A trustee is a fiduciary, and is therefore subject to the highest duties of good faith and undivided loyalty to the Board; a trustee is required to act at all times in the best interests of the Board as a whole, without regard to his/her personal interests. Trustees have an obligation to avoid conflicts of interest, to remain in a position to provide an unbiased, even-handed and disinterested consideration of matters that come before the Board, and cooperate with other Board members to administer the Board's affairs in a judicious manner. A trustee must avoid personal conflicts of interest, and must avoid using his/her position for personal benefit. Trustees have a shared public duty to carry out their responsibilities and advance the work of the Board with diligence.

The Board recognizes that conflicts can arise in many different ways, including direct or indirect pecuniary conflict of interest, conflict of interest arising by virtue of predetermination of a matter coming before the Board, and conflict of interest arising by virtue of a personal interest arising from the particular circumstances or relationships of individual trustees.

As per policy 4, the Role of Chair is to protect the integrity of Board process and Board cohesion, and (as per policy 4.1) hold the Board to its rules.

- 8.1 If a Trustee has any conflict of interest in any matter and is present at an open or closed meeting of the Board at which the matter is considered, the Trustee shall:
- a) disclose his or her conflict of interest and the general nature of the conflict of interest;
  - b) not take part in the discussion of or vote on any question in respect to the matter and recuse themselves by leaving the meeting;
  - c) in the case of electronic participation, the trustee shall recuse themselves, e.g. terminate the call; and
  - d) not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect to the matter. [*School Act s.58 (1&2)*]
- 8.2 If a conflict of interest of a Trustee is not disclosed as required above by reason of the Trustee's absence from the meeting, the Trustee shall disclose the conflict of interest and otherwise comply with the requirements at the first meeting of the Board attended by the Trustee after the meeting referred to above. [*School Act s.58 (3)*]
- 8.3 The requirements of paragraphs 12.1 to 12.3 do not apply to any pecuniary interest referred to by the School Act as exempt from the disclosure requirements of the School Act. [*School Act s.59*]
- 8.4 "Pecuniary interest" means, with respect to a Trustee, an interest in a matter that could monetarily affect the Trustee and includes an indirect pecuniary interest referred to in section 55 of the School Act. [*School Act s.55 & 56*]
- 8.5 The pecuniary interest of a spouse or of a parent or child of the Trustee shall, if known to the Trustee, be deemed to be also a pecuniary interest of the Trustee. [*School Act s.57*]
- 8.6 If a meeting is open to the public, every disclosure of pecuniary interest and the general nature of it shall be recorded in the minutes of the meeting. If a meeting is not open to the public, the fact that a disclosure of pecuniary interest was made, but not

the general nature of that interest, shall be reported and recorded in the minutes of the next meeting that is open to the public. [*School Act s.50*]

Board Policy:

Revised:

## 70 APPEALS BYLAW

The *School Act* requires that the Board set up a procedure enabling a student or his/her parents/guardians to appeal any decision made by an employee of the Board that significantly affects the education, health or safety of the student. The Board expects its employees to make any necessary decisions regarding students but appreciates that those affected may not always agree, hence the need to provide for appeals. For the purpose of this bylaw, the failure to make a decision may be considered as a decision in that a non-decision may have a significant effect on a student.

### Objectives

- To provide a means of appealing decisions.
- To safeguard the rights of students and their parents and to ensure their fair treatment.
- To ensure that procedural and administrative fairness and due process have been adhered to and conform to Board policy.

- 70.1 The Board requires that an appeal of any decision made by its employees which significantly affects the education, health or safety of a student be heard first at the school level and then, if necessary, at the district administrative level on a consultative basis per administrative regulations.
- 70.2 If the Administrative Regulation 5350 (How to Communicate with Us) fails to satisfy the student and/or parent/guardian bringing the appeal, he/she/they may appeal to the Superintendent of Schools. The basis of the appeal to the Superintendent is to be filed in writing.
- 70.3 If the appeal to the Superintendent cannot be resolved to the satisfaction of the complainant, the Board will review the complaint and listen to the appeal within 45 days of its official receipt at a board meeting, as per Section 11(7) of the *School Act*.
- 70.4 The Superintendent or designate will prepare a report for the School Board concerning the matter and will provide a copy to the complainant.
- 70.5 The appeal will be heard in-camera at the next Closed Meeting of the Board.
- 70.6 The complainant and/or his/her advocate have the right to appear before the Board. At least forty-eight (48) hours prior to the meeting the complainant must notify the Superintendent of who will be attending the meeting.
- 70.7 The Board may request the presence of the complainant or any person who was involved in the matter giving rise to the appeal before the Board or in the dispute resolution efforts to date. At least forty-eight (48) hours prior to the meeting the complainant will be advised who will be attending the meeting.
- 70.8 The scope of the review shall be based on the criteria that:
- (a) the policies of the School Board have been followed;
  - (b) the administrative regulations of the school district have been followed;
  - (c) relevant information was considered by administration and the decision under appeal has been based on that evidence;
  - (e) the procedures followed have been fair to the complainant.

- 70.9 The Board will deliberate in the absence of all persons who were involved in the dispute or dispute resolution efforts to date.
- 70.10 The Board shall make a decision on the matter in question as soon as feasible after listening to the appeal and shall give written reasons for the decision to the complainant. Such decision shall be final.
- 70.11 No person shall penalize or otherwise discriminate against a person who brings a complaint, gives evidence or otherwise assists in the investigation, inquiry or reporting of a complaint to the administration or Board.
- 70.12 Information about the appeals procedure provided to a complainant and/or their advocates shall contain information about how to access the office of the Ombudsman and when it is appropriate to do so.
- 70.13 The Board shall conduct an annual review of this bylaw.

Board Policy: December 2010  
Revised: April 2015