Lambton Kent
District School Board
Student Achievement ✓ Community Success

PROCEDURAL BY-LAWS

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Lambton Kent District School Board Procedural By-laws
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Lambton Kent District School Board Procedural By-laws

SECTION 1 INTERPRETATION

1.01 "Abstention" in a vote, recorded or not, has the same effect as voting for the prevailing side.

1.02 "Board" means Lambton Kent District School Board.

1.03 "Chair" means the Chairperson of the Board.

1.04 "Vice-Chair" means the Vice-Chairperson of the Board.

1.05 "Current year" means the year during which the Chair holds office, i.e. November 15 to November 14.

1.06 "CEO" means the Chief Executive Officer and Secretary of the Board.

1.07 "Majority" means more than fifty percent. "Two thirds (2/3) majority" means equal or greater than 66.7% of the Trustees of the Board present and voting.

1.08 "Quorum" for a meeting means the presence of a majority of those persons constituting the Board or a Committee of the Board, as the case may be, and forty minutes shall be allowed to establish a quorum or to recover a quorum.

1.09 "Trustee" means a person elected or acclaimed to the office of the Trustee of the Board pursuant to the provisions of the Municipal Elections Act.

1.10 "Student Trustee" (Student Representative on the Board) means student(s) serving on the Board as non-voting members.

1.11 The Board's First Nation Partners shall appoint the First Nation Trustee to serve on the Lambton Kent District School Board for a four year term consistent with the term of the elected Trustees. The First Nation Trustee shall be deemed to be an elected member of the Board as per Ontario Regulation 462/97 *First Nations Representation on Boards*.

1.12 The Board's First Nation Partners shall appoint a First Nation Trustee Alternate who may sit at the Board Table in the absence of the First Nation Trustee during public meeting with voting rights. In the absence of the First Nation Trustee, the First Nation Trustee Alternate will be invited to attend private meetings when the matter discussed involves First Nation Students. The Alternate's term will be consistent with the term of the First Nation Trustee.

1.13 "Unanimous consent" on a matter means the consent of all Trustees eligible to cast a vote on the matter.

1.14 "Vacancy" in a seat of the Board occurs:

a) When the resignation of a Trustee is accepted by the majority of Trustees present at a meeting at which the resignation is presented except that a Trustee may not resign if their resignation will reduce the number of Trustees to less than a quorum; or

b) When a Trustee ceases to hold the qualifications required for election as a Trustee of the Board if their becomes disqualified pursuant to the provisions of the Education Act.

1.15 "Vacancy" in the position of Chair or Vice-Chair occurs if the incumbent has their resignation from the position accepted by a majority of the Trustees present at a meeting at which the resignation is presented.

1.16 "Delegation" means community members wishing to address the Board.

1.17 "Presentation" means staff members wishing to address the Board on matters of general interest to the education system or matters of information to Trustees.

1.18 Questions requiring unanimous consent are:

a) Placing business matters on the Agenda for the Annual Organization Meeting
b) Additions to the agenda of any Special Board Meeting.

1.19 Questions Requiring a two-thirds majority of the Board are:

a) Changes in the composition of Board Committees and Statutory/Legislative Committees;
b) To call for the question i.e. to cut off debate;
c) To change time, place, frequency of Board Meetings;
d) To cancel any Regular Board or Special Board Meeting;
e) To extend a meeting of the Board later than 10:00 p.m.
f) To consider at the same meeting a question that has been tabled;
g) To reconsider a question at the same meeting (motion to be made by a member who voted on the prevailing side);
h) To rescind any former action of the Board without notice having been previously given;
i) to consider a new matter at a regular Board Meeting;
j) To deal directly with any matter without referring it to a Board Committee;
k) To deal with matters at Special Board Meetings;
l) To amend the By-laws;
m) To censure a Trustee.

1.20 "Point of Order" is raised when a member believes a meeting is proceeding contrary to the Board's By-laws. A point of order must be made at the time of the allege irregularity occurs.

SECTION 2 THE ANNUAL ORGANIZATION MEETING OF THE BOARD

2.1 The Annual Organization Meeting shall be conducted in the same manner both in election and in non-election years.

2.2 The annual Organization Meeting shall be held at 7:00 p.m. on November 15 if it is a Tuesday or on the first Tuesday following November 15, in the Board Room in the corporate office of the Board. On the petition of a majority of the Trustees who will comprise the Board, the Chief Executive Officer, or their designate, shall arrange for the calling of the Annual Organization Meeting at some other specified time and date provided that the date is not later than November 21.

2.3 The Chief Executive Officer shall preside until the election of the Chair. In the absence of the Chief Executive Officer, the Trustees present shall designate a member of the Senior Administration to preside until the election of the Chair.

2.4 Quorum A quorum of the Trustees constituting the Board is required for the Annual Organization Meeting. In the absence of a quorum, the Meeting shall be called for 7:00 in the evening of the next day.

2.5 Official Returns After calling the meeting to order, the Chief Executive Officer shall read, if applicable the official returns of the election of Trustees as supplied by the appropriate Clerk along with a statement that the Declarations of Office and the Oaths of Allegiance pursuant to the provisions of the Education Act have been completed and filed.

2.6 Election of the Chair The Chief Executive Officer shall conduct an election for the Chair. Trustees shall be invited to make nominations. Nominations do not require a seconder. After one or more nominations have been made, a resolution to close nominations shall be made. In the case of a single nomination, the candidate shall be declared Chair by acclamation. In the case of more than one nomination, an election by secret ballot shall be conducted. All nominees shall have a 3-5 minute opportunity to address the Board in support of their candidacy. The candidate who receives a majority of votes cast shall be declared elected. In the event of no candidate receiving a majority of votes cast on the first or on any succeeding vote, the candidate receiving the fewest votes cast shall be eliminated from consideration and another vote shall be taken. In the event that, on a vote that requires the elimination of a candidate, two or more candidates are tied with the fewest votes cast, such candidates shall be eliminated from further consideration provided two or more candidates remain. If two or more candidates would not remain for consideration, all candidates, including the one who may not be tied with the fewest votes cast, shall be considered on an immediate subsequent vote. In the event that a tie that must be broken still persists, such tie shall be broken by lot to eliminate one candidate. In the event of an equality of votes for the final two candidates, a second ballot shall be held. In the event of a further tie, the candidates shall draw lots to fill the position.

2.7 Scrutineers
For the purpose of counting ballots and reporting the results to the Chair for public announcements, two Trustees and the Chief Executive Officer or their designate shall be appointed by Board resolution.

2.8 Term of Office for Chair
The Trustee elected Chair shall hold office during the year (November 15 to November 14 inclusive) and until their successor is elected.

2.9
Upon election, the Chair shall preside over the remainder of the Annual Organization Meeting.

2.10 Election of Vice Chair
An election for Vice-Chair shall be conducted in the same manner as that of the Chair.

2.11 Election of OPSBA Reps
Election of Ontario Public School Boards' Association (OPSBA) Delegate and Alternate will be conducted in the same manner as the Chair at the Organization Meeting of the Board. The term of office is June OPSBA Annual General Meeting (AGM) to June OPSBA AGM.

2.12 Striking Committee
Striking Committee will be comprised of:
a) the most immediate Past Chair;
b) the newly elected Chair, who shall be Chair of the Striking Committee;
c) the newly elected Vice-Chair; and
d) the Chief Executive Officer.

If the most immediate Past Chair is not available, Trustees will nominate a member from their ranks to fill this position.

Trustees will indicate their preference regarding committee membership on a preference sheet. The preference sheet will outline the Board's Legislative, Standing and Ad Hoc Committees. The Striking Committee shall attempt to accommodate the individual Trustee preferences.

2.13 Committee Assignments
The Chief Executive Officer shall assign one or more members of the Senior Administration to each of the Board Committees.

2.14 Committee Approval
The Chair of the Striking Committee shall recommend for approval of the Board the report of the Striking Committee.

2.15 Signing Officers
The Signing Officers for the Board shall be the Chief Executive Officer and Secretary of the Board and the Treasurer of the Board. They shall be appointed by Board resolution at the Organization Meeting, to serve from November 15 to November 14 inclusive.

2.16 Legal Counsel
The Board shall appoint the Legal Counsel for the Board.

2.17 Statutory Committees	The Board shall by nomination and/or election determine the composition of the Statutory Committees in accordance with the Education Act.
2.18 Changes in Statutory Committees	Once constituted, the Statutory/Legislative Committees shall remain unchanged, for one year or four years as the case may be, except by reason of subsequent decision made by a two-thirds majority of the Trustees of the Board.
2.19 Appointments	It shall be in order, at the Organization Meeting, to make the necessary appointments of representatives of the Board to any other organization or to appoint any special Committee, if by reason of time, such appointments are expedient.
2.20 Other Business	The Annual Organization Meeting shall not be used to transact regular business or to perform other duties which belong to a Regular Meeting of the Board unless such matter is put on the Agenda by unanimous consent of the Trustees present. It shall be in order at the Annual Organization Meeting to hear reports from the immediate Past Chair and newly-elected Chair.

SECTION 3 REGULAR AND SPECIAL MEETINGS OF THE BOARD

3.1 Regular Meeting Dates	Except as set forth in the following sections, the Regular Monthly Meetings of the Board shall be held on the second and fourth Tuesday in each month of the school year commencing at 7:00 p.m. unless such Tuesday shall fall on a Public holiday in which case, the Board shall meet at the call of the Chair on any evening at the same hour within eight (8) days. In the month of the Organizational Meeting of the Board (see by-law 2.2) there will be only one business meeting of the board, and it will be held on either the second or fourth Tuesday of the month.
3.2 Alternative Meeting Dates	a) With the consent of two-thirds of the members eligible to attend, Regular Meetings of the Board may be held on a date other than that mentioned in the preceding section. b) With the consent of two-thirds of the members eligible to attend, any Regular Meeting may be cancelled.
3.3 Special Meetings	Special Meetings of the Board may be called by the Chair. A Special Meeting must be convened upon receipt of a request signed by a majority of the members of the Board. In the absence of the Chair and of the Vice-Chair, or in the event of their failure to honor such request, the Secretary of the Board is authorized to call such meetings.
3.4 Notices of Special Meetings	The notice calling a Special Meeting of the Board shall state the purpose for which the meeting is called and no other business shall be considered unless each member of the Board has been fully informed in writing of such added purpose. In the event of all members of the Board being present, they may agree by two-thirds majority vote to deal with matters other than those on the agenda.

3.5 Electronic Meetings	Electronic Meetings may be held in accordance with Ontario Regulation 463/97 as an option for a Board Meeting to facilitate decision-making by the Board.
3.6 Notice of all Board Meetings	Notice of all meetings of the Board shall be delivered electronically to each member at their designated LKDSB email address at least forty-eight hours prior to the time for the said meeting provided, however, that the Chair, or in their absence, the Vice-Chair may, at direction, call any meeting of the Board on less than forty-eight hours' notice, but in no event less than six hours, given to each member via their designated LKDSB email address, by telephone, in person or other similar means where the Chair or Vice-Chair in their opinion, deems such meeting to be necessary or expedient.
3.7 Documents for the Board	All communications or other documents intended for consideration by the Board must be in the hands of the Secretary of the Board not later than 4:00 p.m. on the day previous to the meeting (or earlier, if specifically stated). It shall be left to the discretion of the Chair of the Board and the Secretary of the Board to present or to hold over documents coming to the Board Office after the hour specified, unless such documents or communications shall have reference to some matter which may arise during said meeting, or which may be required by some member, having knowledge of such communication. This does not pertain to delegations or presentations. All correspondence addressed to the Chair of the Board or the Chief Executive Officer and Secretary of the Board, requiring Board action will be placed on the Board Agenda. Other correspondence addressed to the individuals named above or all Trustees, will be placed on the Board Agenda or re-directed to the appropriate Board or Administrative Committee, at the discretion of the Chair of the Board or the Chief Executive Officer. An electronic folder of all correspondence received will be maintained for Trustees to access all correspondence and to inquire about a specific letter.
3.8 Agenda Setting	The Agenda for each Regular Board Meeting shall be prepared by the Chair and/or Vice-Chair and Chief Executive Officer or delegate.
3.9 Quorum	The presence of a majority of all the voting members constituting a Board is necessary to form a quorum.
3.10	Should a quorum at any meeting of the Board not be present, forty minutes after the time appointed for the meeting, the Secretary of the Board shall record the names of those present and the meeting shall stand adjourned.
3.11 Extend Meeting	To extend the session later than 10:00 p.m. requires a two/thirds majority vote of the Board.
3.12 Meeting Open to the Public	In accordance with Section 207, subsection (1) of the Education Act, the meetings of the Board and, except as noted below, meetings of a Committee of the Board, including Committee of the Whole Board, shall be open to the public and no person shall be excluded from a meeting that is open to the public except for improper conduct.

3.13 Meetings in Private Session

Meetings of a Committee of the Board, including a Committee of the Whole Board, may be closed to the public in accordance with Section 207, subsection (2) of the Education Act, when the subject under consideration involves:

a) the security of the property of the Board;
b) the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board, or a pupil or his or her parent or guardian;
c) the acquisition or disposal of a school site;
d) decisions in respect of negotiations with employees of the Board; or
e) litigation affecting the Board.

3.14 Delegations

Any person from the community or community group who may wish to address the Board on issues of concern to the education system shall give seven business days' notice electronically or in writing to the Secretary of the Board or designate and shall indicate the matter or issue they wish to speak to and provide an electronic or printed copy of their presentation with their request. Requests received without supporting documentation will not be considered. The Chair, Vice-Chair and Chief Executive Officer will review all requests at the Agenda Review Meeting prior to the Board Meeting and determine if the request will be placed on the Board Agenda and if so whether the topic is for the Public agenda or Private Session (see by-law 3.13 Meetings in Private Session). The submitted presentation materials, whether placed on the Board Agenda or not, may be shared with elected Trustees prior to the Board Meeting along with the Board Agenda package but will not be included as part of the Board Agenda package or posted publicly. At the Chair's discretion, legal advice may be sought prior to sharing the presentation materials. Individuals or groups may be limited to one presentation to the Board on a given topic in a school year. Delegations should address the concern identified in the presenters' application. If materials presented differ substantially from the written submission, the Chair has the right to rule the presentation out of order. At the conclusion of the delegation presentation, Trustees may ask questions of clarification.

3.15 Time Limitation

Approved requests from community members or groups shall have ten minutes to address the Board. If more than eight presentations are requested, the Chair may schedule a Special Board Meeting to hear the presentations/delegations.

3.16 Public Gallery Closed

If the Public Gallery is closed, arrangements will be made for the delegation to present remotely.

3.17 Presentations

An employee or employee group may make a presentation to the Board relating to a specific issue, matters of general interest to the Education system and matters of information to Trustees. Individuals or employee groups requesting permission to appear and speak before the Board or a Committee of the Board must submit their request and their materials in writing to the Secretary of the Board at least seven business days' prior to the meeting.

3.18 Time Limitation

A person or group making a presentation shall have ten minutes in which to complete their presentation.

3.19 Decorum at Board Meetings

All persons attending meetings of the Board, including Trustees, Student Trustees and staff, shall show respect for others in their language and conduct. Any persons who interrupts or disrupts a meeting of the Board shall be expelled from the meeting in accordance with the Education Act, ss 207 (3). Audio or video recording devices may not be used at any meeting of the Board or its committees without the prior permission of the Chair of the Board or the Chief Executive Officer.

The Trustee Code of Conduct does not prevent the Chair or Presiding Officer of any meeting of the Board or committee of the Board from exercising their power pursuant to s. 207(3) of the Education Act to expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. For greater certainty, this may be done at the sole discretion of the Chair or Presiding Officer, as the case may be, and without the necessity of a Code of Conduct complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached the Code of Conduct (Section 11) and is subject to its enforcement (Section12).

SECTION 4 ORDER OF BUSINESS FOR MEETINGS

4.1

REGULAR BOARD MEETINGS PUBLIC SESSION	BOARD MEETINGS (PRIVATE SESSION)	ORGANIZATIONAL MEETING
1. Call to Order Regrets	Call to Order Regrets	Call to Order (student performance)
2. Approval of Agenda Traditional Territorial Acknowledgement	Approval of Agenda Traditional Territorial Acknowledgement	Appointment of Scrutineers
3. Declaration of Conflict of Interest	Declaration of Conflict of Interest	Election of Chairperson
4. Approval of the Minutes	Approval of the Minutes	Election of Vice-Chairperson
5. Business Arising from the Minutes	Business Arising from the Minutes	Election of Delegate and Alternate to OPSBA
6. Actions of the Committee of the Whole Private Session		Striking Committee Retires to Select Composition of Board Committees
7. Presentations, Delegations (10 minutes per presentation)	Presentations, Delegations (10 minutes per presentation)	Report of Striking Committee
8. Reports for Action: Board Committees Chief Executive Officer Trustees Associate Director Superintendents	Reports for Action: Board Committees Chief Executive Officer Trustees Associate Director Superintendents	Motion to destroy ballots

9. Reports for Information: Board Committees Chief Executive Officer Trustees Associate Director Superintendents	Reports for Information: Board Committees Chief Executive Officer Trustees Associate Director Superintendents	Appointment of Signing Officers of the Board
10. Correspondence	Correspondence	Appointment of Legal Counsel for the Board
11. New Business	New Business	
12. Trustee Questions	Trustee Questions	
13. Notices of Motion	Notices of Motion	
14. Announcements		
15. Adjournment	Adjournment	Adjournment

4.2 Procedure for Special Meetings

After the Chair has called the Meeting to order, the matter for which the Special Meeting has been called will be laid before the Board by the Chair, Member or Board Official who has knowledge thereof. The regular rules of debate will govern. Any action that may be decided upon shall be as binding as though taken at a Regular Meeting of the Board.

4.3 Staffing Reports

The Education Act requires the Board, through the Chief Executive Officer, to approve the hiring, termination, retirements, resignations, transfers and granting of leaves for teachers. A written report on these matters shall be submitted as necessary. The Board will approve the total complement for non-teaching positions connected to the corporate and regional office as part of the budget. A written report will be submitted annually or as needed.

4.4 Trustee Questions

The Trustee question period is an important tool of accountability. The procedure for Trustee question period shall be as follows: each Trustee shall be permitted to ask questions of Administration, other Trustees or the Chair of the Board (Trustees are encouraged to inform Administration of concerns prior to meeting.)

SECTION 5 BOARD MEETINGS – PRIVATE SESSION CLOSED TO THE PUBLIC

5.1 Start Time & Chair of the Meeting

Such meetings to be regularly scheduled for 6:30 p.m. or earlier if necessary, on those dates that Regular Meetings of the Board are held. The Vice-Chair of the Board Shall Chair these meetings.

5.2 End Time

The Regular Board Meeting, private session will not extend later than 7:00 p.m. It may be reconvened at the conclusion of the Regular Board Meeting public session.

5.3 Notice & Chair of Meeting

Special meetings of the Regular Board closed to the public may be called in the same manner and with the same notice that are applicable for Special Meetings of the Board. Chair of the Board shall Chair these meetings.

5.4 Order of Business

The Order of Business for such meetings shall be the same as the Order of Business for all meetings of the Board, as applicable.

5.5 Rise & Report From Private Session	Each Motion made in a Regular Board meeting or Committee of the Whole Board that is closed to the public that requires a Board action shall be presented as a motion by a mover and a seconder with a vote taken in a Public Session Regular or Special Meeting of the Board as the case may be. Motions that must remain confidential become the action of the Board by virtue of such a Motion of the Board.
5.6 Committee Meetings Closed to the Public	By a majority vote of those members present and for the reasons specified in the Education Act, a Permanent Committee or Ad Hoc Committee of the Board may determine that its meeting or part of its meeting shall be closed to the public

SECTION 6 RULES OF GOVERNING DEBATE

6.1 Desire to Speak	When a member desires to speak to any question, the member shall address the Chair, confining themself to the subject under debate.
6.2 One Speaker at a Time	When two or more members indicate their desire to speak at the same time, the Chair shall name the person to speak.
6.3 No Interruptions	No member shall interrupt another member who is speaking, except on a point of order.
6.4 Limit 10 Minutes	No member shall speak for more than ten minutes on the same question without permission of the Board.
6.5 Speaking Once on the Same Question	No member shall speak more than once on the same question or motion without permission of the Chair, except in explanation of a material part of their previous remarks, which may have been misunderstood, and without the introduction of new matter. The mover of a motion, however, may reply to discussion, before the vote is taken.
6.6 Order	No member shall be permitted to hold discourse, which may interrupt a member who is speaking. Any member violating this rule must be called to order by the Chair.
6.7 Limitation	No member shall speak on a question after it has been put by the Chair, except to demand the yeas or nays, or to have the yeas and nays recorded, nor shall any other motion be made until after the result is declared.
6.8 Conduct of the Chair	During Regular Board Meetings the Chair shall not take part in any discussion unless he/she first leaves the chair and appoints someone to take their place until the question is decided. Should the Chair refuse to put any motion or any appeal from their ruling to the vote of the Board, the member making such motion or appeal may put the same to vote.
6.9 Question to be read out	Any member may request the question or motion in discussion to be read for their information at any time during the debate, but not so as to interrupt a member speaking.

6.10 Challenging the Chair	Any member may put a motion to challenge the ruling of the Chair. Such motion requires a seconder and is not debatable.
6.11 Voting	When a question or motion is being put, the members shall remain in their allotted places.
6.12 Committee-of-the-Whole	The Board may move into Committee-of-the-Whole to allow for extended debate on a question by passing the appropriate motion.

SECTION 7 RULES OF ORDER

7.1 Eligibility of Chair to Vote	The Chair may vote with the other members of the Board upon questions, and any question on which there is any equality of votes shall be deemed to be defeated.
7.2 Voting by Proxy	Voting by proxy will not be allowed in any meeting under the jurisdiction of the Board.
7.3 Seconded	No motion or amendment shall be debated or put to a vote unless seconded.
7.4 Withdrawal of a Motion	After a motion is seconded and stated by the Chair, it shall be deemed to be in the possession of the Board, but may be withdrawn by the mover, with the consent of the Board before being put to a vote.
7.5 Question under Debate	When a question is under debate, no motion shall be entertained except the following: a) for a “vote to be taken” or to call a question; b) to table; c) to defer; d) to refer to a committee; e) to amend.
7.6 Calling the Question	The motion that “a vote be taken” or that the question be called may be moved at any time when a motion or an amendment is before the Board, provided that no member while actually speaking shall be interrupted for this purpose. Upon the motion that “a vote be taken” or that a question be called being moved, it shall be put by the Chair, without debate, in the following form: “Shall the motion be now put?” If carried with a two-thirds majority, the Chair shall forthwith put the question before the Board to a vote, amendments first and motion last, and the same shall be voted upon and disposed of without further debate, and no motion or amendment shall be entertained until the motion and amendments, in respect of which the motion that “a vote be taken” has been moved, shall be disposed of.
7.7 Motion to Table	A motion “to table” is not debatable; but a motion to table with any condition attached to it is subject to debate and amendment. When a question has

been tabled, it shall not be taken up at the same meeting, except by a vote of two-thirds of the members present.

7.8 Motion to Defer	When a motion 'to defer' indefinitely has been approved, the question affected thereby shall not be taken up again at the same meeting.
7.9 Motion to Refer	A motion to "refer to a Permanent Committee" shall take precedence over a motion to refer to an "Ad Hoc Committee".
7.10 Motion to Amend	After a resolution is moved and seconded, a motion to amend may be made and a motion to amend the amendment may also be made; but no further motion to amend shall be made until these have been decided.
7.11 Content of Amendment	A motion by way of amendment must be directly relevant to the main motion and shall propose some change in the form and substance of the main motion or principal amendment.
7.12 Separate Votes	When any question under consideration contains several distinct propositions, a separate vote shall be taken on each proposition, under the request of any member before the question is called.
7.13 Reconsideration of the Vote	After a vote has been taken on any question, except one for deferral, a motion to reconsider may be made at the same meeting by any member who voted on the prevailing side of the question at issue, but a two-thirds vote of the members present and entitled to vote shall be necessary to carry the motion.
7.14 Reconsideration of Vote at a Subsequent Meeting	A motion to reconsider the vote at a subsequent meeting may be made by any member who voted on the prevailing side of the question at issue, provided that a written notice of intention to move a reconsideration shall have been given at a previous meeting of the Board. In such case, a majority of those present shall carry the motion.
7.15 Reconsideration	A motion to reconsider once made after notice at a previous meeting shall have been given and decided in the negative, no further motion to reconsider shall be entertained during the next twelve months without the unanimous consent of all trustees present or not present given in writing.
7.16 Rescind	A motion to rescind any former action of the Board may be made by any member thereof, but two-thirds vote of those present and entitled to vote shall be necessary to carry the motion; unless notice shall have been given to a previous Regular Meeting in which case a majority vote shall prevail.
7.17	A motion to rescind any former action of the Board being once made and decided in the negative, no further motion to rescind shall be entertained in the next twelve months without the unanimous consent of all trustees present or not present given in writing.
7.18 Introducing New Matter	No motion introducing new matter, other than matters of privilege, shall be considered at any Regular Meeting of the Board, except by a two-thirds vote of the members present and entitled to vote, unless notice of a person's intention to introduce the question was given at a previous regular meeting. A

notice of motion, accompanied by a written report by the originator, shall be placed on the agenda for the next Board meeting.

7.19 Withdrawing Notice of Motion

Any member who has given notice of motion may withdraw same with permission of the Board.

7.20 Recorded Vote

The yeas and nays shall not be recorded on any question unless requested by a Trustee and such request shall be made before the Chair calls upon the members to vote. In such cases, each member present and voting shall record their vote on a ballot. The Chief Executive Officer shall collect the ballots. The Chair of the Board shall read out the votes of the individual Trustees and the Chief Executive Officer shall record the same. Student Trustees may cast non-binding votes. It shall be the duty of the Chief Executive Officer to record the same in the Minutes.

7.24 Student Trustees

The Board approves annually the appointment of three Student Trustees, for the August 1 to July 31 term. One student will represent a public secondary school from Sarnia-Lambton, one will represent a public secondary school from Chatham-Kent and one will represent Indigenous students of the LKDSB. The Students will attend all public Board Meetings. The Student Trustees may participate in all Board deliberations and provide input except on matters involving individual staff or student issues or those which create a conflict of interest. Student Trustees may not make a motion. Student Trustees may cast non-binding votes on a motion.

7.25

The Chair of the Board or Presiding Officer of any meeting of the Board or committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

7.26

The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order (the most current Robert's Rules of Order) and meeting procedures contained in any Policy or By-Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the Enforcement of the Code of Conduct, except for persistent improper use of the applicable rules of order by the Chair or Presiding Officer

SECTION 8 LEGISLATIVE/STATUTORY, PERMANENT AND AD HOC COMMITTEES

8.1

Permanent Committees of the Board do not meet at regular times and are not necessarily composed of the entire membership of the Board. There shall be the following Permanent Committees of the Board:

a) Striking Committee
b) Grievance Committee (acts on behalf of the Board)
c) Indigenous Liaison Committee
d) Student Suspension Appeal/Expulsion Committee (acts on behalf of the Board)

e) Negotiations Committee
f) Surplus Sites Committee (acts on behalf of the Board in accordance with Parameters established by the Board
g) Secondary Student Art
h) Student Senate
i) Elementary Teacher/Board Communications Committee
j) Board Agenda Review Committee
k) Parent Involvement Committee (PIC)

8.2 Legislative Committees

Legislative/Statutory Committees of the Board are struck in accordance with provincial legislation and meet as required by the Education Act on the call of the Chair of the committee. The composition of legislative committees is also set out in provincial legislation and regulations. There shall be three Legislative Committees of the Board as follows:

a) Special Education Advisory Committee (SEAC)
b) Supervised Alternative Learning (SAL) (acts on behalf of the Board)
c) Audit Committee

Other Committees shall be formed as required by Collective Agreements of the Board.

8.3 Ad Hoc Committees

By resolution of the Board, an Ad Hoc Committee may be set up to deal with a specific matter provided that no such committee may be set up where the matter can be dealt with by the Permanent or Legislative Committee in which case the Chair of the Committee considering the resolution shall rule that portion of the resolution out of order and the motion shall be deemed to be amended to include a referral to the appropriate Committee.

8.4

The term of an Ad Hoc Committee may not extend beyond three months unless the resolution creating the Ad Hoc Committee provides otherwise.

8.5 Responsibility of the Grievance Committee

The Grievance Committee shall be comprised of three Trustees and three alternates (preferably a balance of representatives from the northern and southern parts of the School District). The Grievance Committee shall hear and consider grievances submitted to it in accordance with the Collective Agreements between this Board and the bargaining agents for this Board's employees. The Grievance Committee has the power to act on behalf of the Board in all grievances filed under Collective Agreements of the Board. Such action shall be updated as information at the regularly scheduled Board meeting**.**

8.6

Unless a Permanent or Ad Hoc Committee is specifically given power to act in the resolution setting it up, its recommendations must be approved, amended or otherwise dealt with at a subsequent meeting of the Board. If given power to act, the report of such action shall be given to the Board at its next regular meeting.

8.7 Board Chair Ex-Officio

The Chair of the Board is Ex-Officio on all Board Committees.

SECTION 9 INDEMNITY BY LAW: MUNICIPAL CONFLICT OF INTEREST ACT, 1982

BE IT INACTED AND IT IS HEREBY ENACTED as a by-law of the Lambton Kent District School Board, as follows:

9.1 Member — In this by-law, unless the context otherwise requires “member” means a duly elected member of the Lambton Kent District School Board.

9.2 — The Board may, pursuant to Section 248 of the Municipal Act, R.S.O. 1980, Chapter 302, indemnify a member, out of its general funds for any damages or costs awarded against such member or expenses incurred by him/her as a result of any action or other proceeding, except a proceeding brought under the Municipal Conflict of Interest Act, 1982, arising out of acts or omissions done or made by him/her in his capacity as a member, including while acting in the performance of any statutory duty imposed by any general or special act or paying any sum required in connection with the settlement of such action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding, except this section does.

9.3 Indemnify a Member — The Board may, pursuant to Section 14 of the Municipal Conflict of Interest Act,1982, indemnify a member out of its general funds for any costs or expenses incurred by him if he has been found not to have contravened Section 5 of that Act, as a result of a proceeding brought under it and for paying on behalf of or reimbursing the member for any such costs or expenses, except that this section does not apply to any act or omission that occurred prior to the 1st day of March, 1983.

9.4 Indemnity — Notwithstanding anything contained in this by-law, a member is entitled to indemnify from the Board in respect of charges and expenses reasonably incurred by him in connection with the defense of:

a) any proceedings under the Municipal Conflict of Interest Act, 1982 to which he is made a party by reason of being or having been a member, if the person seeking indemnity has been found not to have contravened Section 5 of that Act; or
b) any other criminal, civil or administrative action or proceeding to which he is made a party by reason of being or having been a member, if the person seeking indemnity:
   i) was substantially successful on the merits in his defence of the action or proceeding;
   ii) acted honestly and in good faith with view to the best interests of the Board; and
   iii) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, had reasonable grounds for believing that his conduct was lawful.

9.5 Insurance — The Board may purchase and maintain insurance to protect any member;

a) who has been found to be contravened Section 5 of the Municipal Conflict of Interest Act, 1982, against any costs or expenses incurred by the member as a result of a proceeding brought under that Act, and for paying on behalf of or reimbursing the member for any such costs or expenses; and

b) against risks that may involve liability on the part of such member for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or proceedings, except a proceedings brought under the Municipal Conflict of Interest Act, 1982, arising out of acts or omissions done or made by them in their capacity as members, including while acting in the performance of any statutory duty imposed by any general or special Act or by paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding, except where the liability relates to his failure to act honestly and in good faith with a view to the best interests of the Board.

9.6 Application

This by-law applies to a person who is a member of the Board at the time the circumstances giving rise to the proceeding occurred but who prior to the settlement or judgment in such action or other proceeding has ceased to be a member.

SECTION 10 ROLE OF TRUSTEES

10.1

The responsibilities of Trustees are defined in the Education Act and include but are not limited to:

a) establishing and monitoring Board policy;
b) implementing Provincial education policy;
c) establishing a budget and monitoring its implementation;
d) providing, equipping and maintaining schools;
e) holding the Chief Executive Officer accountable for student achievement and student well-being;
f) employing and compensating staff;
g) accountable to ratepayers;
h) advocating public education;
i) ensuring the effectiveness of Board programs and services.

Trustees are expected to attend Board Meetings and serve on Board committees and keep confidential all information discussed in Private Session. Trustees are expected to follow the School Board Member (Trustee) Code of Conduct for the Board.

10.2 Trustees are Policy Makers

Trustees are policy makers. Their resolutions and policy should guide the Chief Executive Officer who is responsible for policy implementation. Trustees should not attempt to become involved in the day-to-day administration of the system. The Chief Executive Officer shall ensure that Trustees are given full access to all information required for their decision making.

10.3 Absence of Board Member

If a member is absent, without being authorized by Board motion entered into the Minutes, from the meetings of the Board for three consecutive meetings, they vacate their seat and the provisions of the Education Act under which the Board is established shall apply with respect to filling of the vacancy.

SECTION 11 SCHOOL BOARD MEMBER (TRUSTEE) CODE OF CONDUCT FOR THE LAMBTON KENT DISTRICT SCHOOL BOARD

PURPOSE

11.1 A Trustee position, as defined in Sections 1.09, 1.10, and 1.11, is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

APPLICATION

11.2 This Code of Conduct and the Enforcement Procedures apply to all Trustees of the Board, including the Chair and Vice-Chair of the Board and Student Trustees.

CODE OF CONDUCT

Integrity and Dignity of Office

11.3 Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

11.4 When acting or holding themself out as a Trustee, the Trustee shall treat persons equally without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

11.5 Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.

11.6 Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.

11.7 Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.

11.8 Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

Avoidance of Personal Advantage and Conflict of Interest

11.9 No Trustee shall accept a gift from any person, group or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing their duties to the Board, unless

a) the gift is of nominal value,

b) the gift is given as an expression of courtesy or hospitality, and
c) accepting the gift is reasonable in the circumstances.

However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event as per Lambton Kent District School Board Hospitality policy and regulation R-BU-521.

11.10 A Trustee shall not use their office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.

11.11 Trustees are required to declare a conflict of interest at Board Meetings or Board Committee Meetings as per the Lambton Kent District School Board regulation on Conflict of Interest for Trustees, R-OP-446.

11.12 No Trustee shall use their office to obtain employment with the Board for the Trustee or a family member.

11.13 No Trustee shall use or permit the use of board resources for any purposes other than the business of the Board.

Compliance With Legislation

11.14 A Trustee of the Board shall discharge their duties in accordance with the *Education Act* and any regulations, directives or guidelines thereunder and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation.

11.15 Every Trustee of the Board shall uphold the letter and spirit of this Code of Conduct.

11.16 Every Trustee shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Chief Executive Officer and the Chair of the Board.

Civil Behaviour

11.17 When acting or holding themselves out as Trustees of the Board, during meetings of the Board and at all other times a Trustee shall conduct themselves in a manner that would not discredit or compromise the integrity of the Board.

11.18 A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious**,** made in bad faith or vindictive in nature against another Trustee of the Board.

11.19 When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and the public.

11.20 Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.

11.21 All Trustees of the Board shall endeavour to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

Respect for Confidentiality

11.22 No Trustee shall disclose confidential information obtained or made available to them in their role as a Trustee except as authorized by law or the Board. Confidential information includes personal information about an identifiable individual or information subject to solicitor-client privilege.

11.23 Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.

11.24 No Trustee shall use confidential information, including confidential information obtained by them or made available to them in their role as a Trustee for the purpose of personal gain or for the gain of the Trustee's parent, spouse or child and shall not use such confidential information in a manner that would be detrimental to the interests of the Board. [Parent, spouse and child have the same meaning as in Section 1 of the Municipal Conflict of Interest Act]

The obligation to maintain confidentiality is in perpetuity.

Upholding Decisions

11.25 All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.

11.26 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.

11.27 A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state their position on a resolution provided it does not in any way undermine the implementation of the resolution.

11.28 Each Trustee shall comply with Board policies, procedures, By-Laws, and Rules of Order.

11.29 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall act as spokesperson to the public on behalf of the Board unless expressly authorized by the Chair of the Board or Board to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

SECTION 12 ENFORCEMENT OF THE CODE OF CONDUCT

Definition – *the following definitions are contextual to Section 12*

"Appellant" means the party appealing the Integrity Commissioner's determination.

"Business Day" means a day from Monday to Friday, excluding Holidays as defined in Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct.*

"Holiday" is defined in the *Legislation Act, 2006.*

"Integrity Commissioner" means a person appointed by the Board from the Minister of Education's roster of integrity commissioners or during the time no such roster exists, a person appointed by the Board who holds the qualifications to be appointed an integrity commissioner prescribed by Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct.*

*"*Respondent" means the party responding to an appeal of the Integrity Commissioner's determination.

Informal Complaint Procedure – *this procedure is to be used with all Trustees as defined in Section 11.2.*

12.1 It is expected that whenever possible, allegations of a breach of the Code by a Trustee shall be investigated following the informal Complaint Procedure. It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding their obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure. However, a Trustee does not have to first attempt an informal resolution of a complaint before commencing a formal complaint described below.

12.2 The Chair of the Board on their own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) who alleges a breach of the Code has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the potential breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. The Informal Complaint Procedure is conducted in private.

12.3 At the discretion of the Chair, they may include the Vice-Chair of the Board, or another Trustee of the Board in the above meeting.

12.4 If the allegation of a breach of the Code involves the Chair of the Board, the Vice-Chair of the Board may carry out the duties described in paragraph 2

above. At the Vice-Chair's discretion, they may include another Trustee of the
12.5 Board to attend the above meeting.

The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation *Professional Development Program for School Board Trustees*. If a resolution of the informal complaint cannot be achieved, a Formal Complaint Procedure may be commenced.

Formal Complaint Procedure – *this procedure is to be used with all Trustees as defined in Section 11.2 with the exception of Student Trustees.*

12.6 A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may notify the following persons in writing of the alleged breach:

a) the Chair of the Board; or
b) the Vice-Chair of the Board, if the notice is related to the conduct of the Chair; or
c) another Trustee of the Board, who is neither the complainant nor the subject of the complaint, if the notice relates to both the conduct of the Chair and the Vice-Chair.

12.7 The Trustee who gives notice of an alleged breach of the Board's Code of Conduct shall provide a copy of the notification to the Chief Executive Officer of the Board.

12.8 The person to whom the notification was made (Chair, Vice-Chair, or other Trustee, as the case maybe) shall immediately provide a copy of the written notice to the Trustee whose conduct is the subject of the alleged breach and the entire Board of Trustees**.** The notice shall not be public or published by the Board in accordance with the *Records and Information* section below.

12.9 No Trustee shall give notice of an alleged breach of the Code if the allegation is frivolous or vexatious or the notice is given in bad faith.

12.10 No trustees shall engage in reprisal or the threat of reprisal against:

a) a trustee who gave notice of an alleged breach of the code; or
b) any person who provides information about the alleged breach to the person appointed by the board to investigate the breach.

12.11 In an election year for Trustees, a code of conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.

12.12 If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Chair and Vice-Chair of the Board, if

appropriate, or any two of the Chair, Vice-Chair and the alternate Trustees, or an outside consultant chosen by the Chair and Vice-Chair. Regardless of who undertakes the formal inquiry the following steps shall be followed. The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct**.** No formal trial-type hearing will be conducted as particularized in s.218.3.2(13) of the Education Act.

Notice of Breach

12.13 The written notice of a breach of the Code shall include:

a) the name of the Trustee alleging the breach and their contact information;
b) the name and contact information of the Trustee whose conduct is the subject of the notification;
c) the date of the alleged breach;
d) a description of the alleged breach;
e) the provision of the Code that was allegedly breached;
f) the date on which the Trustee alleging the breach first knew that the alleged breach occurred;
g) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

12.14 A complaint of an allegation of a breach of the Code should generally be made within 60 days after the alleged breach occurred or was discovered, whichever is later. See particulars of this timeline below under *Refusal to Commence an Investigation* and *Discovery of Breach.*

Resolution of Notice of Breach

12.15 When a formal complaint is brought against a Trustee of the Board, during the 20-Business Day period prior to an Integrity Commissioner being appointed as described below, the Board may attempt to resolve the matter as follows:

a) the Chair of the Board, or in the absence of the Chair or if the notice of the breach relates to the conduct of the Chair, the Vice-Chair of the Board or if the notice relates to the conduct of the Chair and the Vice-Chair then another Trustee appointed by the Board who is neither the complainant nor the subject of the complaint may attempt to resolve the matter in private as between the parties.
b) this process may include the Chair/Vice Chair/Trustee, through the Chief Executive Officer or their designate, retaining legal counsel and/or a mediator to assist in resolving the matter.
c) the process may also include a discussion and the use of remedial measures including, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation *Professional Development Program for School Board Trustees.*
d) if the matter is resolved to the satisfaction of the Trustee alleging the breach, the Trustee shall withdraw their notice of the breach.

e) the Board of Trustees will be advised whether the matter has been resolved and any agreed upon remedial measures or other basis for resolving the matter.

12.16 If the complaint described in the notice of breach is not resolved within 20 Business Days after the Trustee alleged to have breached the Code has received the notice, the matter shall be referred to an Integrity Commissioner appointed by the Board as described below under *Appointment of Integrity of Commissioner.* This should be done as soon as reasonably possible.

12.17 **Appointment of Integrity Commissioner**

If the complaint is not resolved as described above (under *Resolution of Notice of Breach*), the Trustee (Chair, Vice-Chair or other Trustee) to whom the notification of the breach was given shall refer the complaint to the
12.18 Integrity Commissioner appointed and paid for by the Board.

If a roster of Integrity Commissioners has been created by the Minister of
12.19 Education, an appointment of an Integrity Commissioner shall be from the roster of Integrity Commissioners.

If a roster of Integrity Commissioners has not been created by the Minister of Education, then the Board shall appoint an external independent person who has the qualifications set out in Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* and in consultation
12.20 with the Chief Executive Officer.

The appointment of an Integrity Commissioner by the Board is hereby delegated to the Trustee (Chair, Vice-Chair or other Trustee, as the case may be) in consultation with the Chief Executive Officer.

12.21 **Investigation**

Subject to *Refusal to Commence an Investigation* described below, the Integrity Commissioner appointed by the Board to investigate shall
12.22 commence an investigation into the alleged breach of the Code of Conduct no later than 14 days after being appointed by the Board.

The Integrity Commissioner to whom the alleged breach is referred to by the
12.23 Board to investigate may define the scope of the investigation.

The Trustee alleged to have breached the Code shall be provided with the opportunity to respond to the allegations, as well as a right of reply, where appropriate. The Integrity Commissioner shall determine this, the timelines,
12.24 and form of such a response.

Refusal to Commence Investigation
The Integrity Commissioner may refuse to commence an investigation into the alleged breach of the Code if,

a. The complaint was made more than 60 days after the day the alleged breach occurred or was discovered, whichever is later, unless the Integrity Commissioner is satisfied the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or
b. In the opinion of the Integrity Commissioner, the complaint is made in bad faith or is frivolous or vexatious.

12.25 If a breach relates to a series of incidents, the 60-day period above runs from the day the last incident in the series occurred or was discovered.

12.26 The Integrity Commissioner shall provide written notice of a refusal to commence an investigation to the Trustee who is the subject of the complaint and the Board and the decision of the Integrity Commissioner is final.

Discovery of Breach

12.27 A breach is discovered on the earlier of:

a) The day on which the Trustee notifying the Board of the alleged breach first knew that the breach had occurred; and
b) The day on which a reasonable person with the abilities and in the circumstances of the Trustee notifying the Board first ought to have known of the matters referred to in paragraph (a) above.

Powers of the Integrity Commissioner

12.28 In the course of conducting the investigation, the Integrity Commissioner may:

a) require the production of any records that may in any way relate to the investigation;
b) examine and copy any records required under paragraph (a) above; and
c) require any officer of the Board or any other person to appear before them and give evidence, on oath or affirmation, relating to the investigation.

Section 33 of the *Public Inquiries Act, 2009* applies to an investigation.

Decision Process

12.29 The Integrity Commissioner shall make any determination with respect to a complaint of alleged breach of the Code no later than 90 days after commencing the investigation, or within such other time period as may be prescribed by regulation, unless the Integrity Commissioner notifies the Board and the Trustee who is the subject of the complaint that an extension is necessary and of the reasons for the extension.

12.30 The Integrity Commissioner shall provide the Trustee whose conduct was the subject of the complaint and the Board written notice of a determination that the Trustee has or has not breached the Code and of any sanctions imposed. The written notice must include:

a) The reasons for the determination;

b) the reasons for any sanctions; and
c) information about the right to appeal.

Potential Sanctions

12.31 If the Integrity Commissioner determines, following an investigation, that the Trustee has breached the Code, the Integrity Commissioner may impose one or more of the following sanctions:

a) Censure the Trustee;
b) Requiring the Board to reduce the Trustees honorarium by an amount not exceeding the amount prescribed in Regulation 357/*06 Honoraria for Board Members* which currently is 25% of the Trustees combined base and enrollment amount for the year of the term of office in which the breach occurred;
c) Barring the Trustee from attending all or part of one or more meetings of the Board or one or more meetings of a committee of the Board, for the period of time specified by the Integrity Commissioner up to a maximum of 90 days or the balance of the Trustee's term of office, whichever is less;
d) Barring the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Integrity Commissioner, up to a maximum of 90 days or the balance of the Trustee's term of office, whichever is less;
e) Barring the Trustee from becoming the chair or vice-chair of the Board or of any committee of the Board, or removing the Trustee from any other positions;
f) Barring the Trustee from exercising the privileges of a Trustee or acting as a Board representative, or removing the Trustee from a position the Trustee holds as a Board representative;
g) Subject to any other limits set out in the above paragraphs(a) to (f), any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances;
h) Subject to any other limits set out in the above paragraphs (a) to (f), any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code.

12.32 For greater certainty, the imposition of a sanction barring a Trustee from attending all or part of one meeting of the Board shall be deemed, for the purpose of clause 228(1)(b) of the *Education Act* to be authorized for the

12.33 Trustee to be absent from the meeting.

Any Trustee who is barred from attending all or part of the meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that are part of the meeting and that are not available to members of the public.

12.34 **Appeal**

Either the Board or the Trustee whose conduct was the subject of an investigation may appeal the Integrity Commissioner's decision, the sanctions imposed, or both, and the Board and the Trustee are the parties to an appeal.

12.35 The Trustee whose conduct was the subject of the investigation shall not vote on the Board resolution to determine whether the Board will appeal the Integrity Commissioner's decisions on breach or sanctions.

12.36 The Board or the Trustee who appeals the Integrity Commissioner's determinations shall give written notice of the appeal to the other party and the Deputy Minister of Education no later than 15 Business Days after receiving written notice of the Integrity Commissioner's determination.

Hearing of the Appeal

12.37 The appeal shall be heard by a panel of three Integrity Commissioners appointed by the Deputy Minister of Education or their delegate (no later than 15 Business Days after the Deputy Minister or delegate receives the notice of appeal), but the panel should not include the Integrity Commissioner whose determination is the subject of the appeal.

12.38 One of the appointed Integrity Commissioners shall be named by the panel to act as chair and co-ordinate the hearing of the appeal.

12.39 The chair of the panel shall notify the parties to the appeal of:

a) the appointment of the panel; and
b) the requirements regarding written submissions of the parties and the requirements of the panel's written decision.

12.40 The panel shall hear the appeal in writing.

Parties Written Submission

12.41 The Appellant shall provide written submissions to the panel and the Respondent no later than 20 Business Days after receiving notice that the panel has been appointed.

12.42 The Respondent shall provide written submissions to the panel and the Appellant no later than 20 Business Days after receiving the Appellant's submissions.

12.43 The Appellant shall provide their written reply to the Respondent's submissions no later than 10 Business Days after receiving the Respondent's submissions.

12.44 The chair of the panel may extend any timeline regarding the above written submissions at the written request of a party in order to provide for the fair, just and expeditious resolution of the appeal.

12.45 A decision to extend a timeline above shall be provided to the parties in writing and a copy of the decision shall be provided to the Deputy Minister of Education.

Consideration by the Panel

12.46 The panel shall convene to consider the appeal at such times and in such places as they may determine. The panel may be convened by electronic means.

Panel Decisions on Processes During the Appeal

12.47 The panel may:

a) define or narrow the scope of the appeal;
b) limit the length of submissions from the parties;
c) make interim decisions and orders; and
d) on its own motion, and without holding a hearing, dismiss an appeal as frivolous or vexatious or commenced in bad faith. A panel decision on its motion is final.

12.48 The chair of the panel shall notify the parties of any decisions made by the panel above.

Decision of the Panel

12.49 The panel shall provide its decision and its reasons, including any dissent, to the parties in writing no later than 30 Business Days after receiving the Respondent's submission.

12.50 The panel shall provide a copy of the decision, reasons and dissent to the Deputy Minister of Education**.**

12.51 If the panel overturns the determination as to whether there is a breach of the Code made by the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked.

12.52 If the panel upholds the determination made by the Integrity Commissioner, the panel shall, within 30 Business Days after receiving the Respondent's submissions on the appeal, uphold, vary or overturn the sanction.

12.53 If a sanction is varied or overturned, the variation or overturning shall be deemed to be effective as of the date of the original determination made by the Integrity Commissioner.

12.54 The decision of the panel respecting the determination of the Integrity Commissioner is final.

Records and Information

12.55 A board shall keep records and publish information on its website about each of the following:

a) a matter referred to an Integrity Commissioner for investigation and determination;

b) a decision of the Integrity Commissioner to refuse to commence an investigation under *Refusal to Commence Investigation* above;
c) determination of an Integrity Commissioner that a Trustee has or has not breached the Code and any sanction(s) imposed; and
d) a determination by a panel upholding or overturning an Integrity Commissioner's determination including any variation of a sanction.

Where the alleged breach of the Board's Code or the determination regarding the breach involves any of the matters described in clauses 207(2) (a) to (e) of the *Education Act,* the board shall publish only such information as is appropriate.

SECTION 13 ACKNOWLEDGEMENT AND UNDERTAKING

13.1 Each Trustee will sign and confirm that they have read, understand and agree to abide by the Board's Code of Conduct and the Enforcement Procedures for the duration of their current elected term of office.

SECTION 14 FORMS OF MOTIONS

14.1 Motions shall be drafted in general terms and written motions are encouraged whenever possible.

14.2 All new initiatives or projects going to Board for approval shall include the financial implications of the recommendations.

14.3 The Chief Executive Officer shall present draft Board policies and draft Board regulations directly to the Board or an appropriate committee for discussion, debate and recommendation to the Board.

SECTION 15 PERFORMANCE APPRAISAL OF THE CHIEF EXECUTIVE OFFICER

15.1 The Board will conduct its performance appraisals of the Chief Executive Officer in accordance with Ontario Regulation 83/24 under the Education Act.

15.2 In the event that the legislature revokes Ontario Regulation 83/24 and does not replace it with another regulation regarding Chief Executive Officer performance appraisals, the Board will replace this Section 15 with the version of Section 15, entitled "Performance Appraisal of the Chief Executive Officer" and including Subsections 15.1 to 15.4, that existed in the April 22, 2024 version of the Procedural By-Laws.

15.3 For the first full year of implementation, the Board will follow an interim procedure for the performance appraisal of the Chief Executive Officer consistent with Ontario Regulation 83/24 under the Education Act. This interim procedure will define Board practice.

After the first full year of implementation, the Board will review its interim procedures and embed the new process into the Bylaws.

Interim Procedure: As defined in Section 15.3 of the Bylaws, the following will be used in conjunction with Ontario Regulation 83/24 of the Education Act.

Board Committee

- The Chief Executive Officer Performance Appraisal Committee will be made up of three Trustees: the Chair, Vice Chair and Past Chair. If no Past Chair exists, a third Trustee will be chosen by all Trustees during the Annual Organization Meeting of the Board or as required. Meetings of this committee are confidential and not open to the public.

Documentation and Meetings

- The Chief Executive Officer's Performance Appraisal shall be considered by the Board, in private session, at any one or more of its meetings. The completed report, draft report, input and documentation gathered are confidential.

Performance Appraisal Resolution

- The board resolution adopting the Chief Executive Officer's Performance Appraisal will occur annually by August 15th or at the first board meeting following.

SECTION 16 POLICY DEVELOPMENT, DIRECTION AND CHIEF EXECUTIVE OFFICER'S ANNUAL REPORT

16.1 The Board shall review and if necessary revise the Vision Statement, Mission Statement and Strategic Priorities in consultation with its staff and community at least once per Trustee term of office.

16.2 The Board shall develop a Strategic Priorities governing the strategic direction of the Board in all facets of its operation focused on improving student achievement.

16.3 The Board Strategic Priorities shall be published and distributed to the public through our website except those portions that are dealt with in accordance with the Education Act in Private Session.

16.4 Each school shall develop a School Improvement Plan in accordance with the Board's Vision Statement, Mission Statement and Strategic Priorities~~,~~ in consultation with the School Council and the Superintendent of Education responsible for the school.

16.5 The system plan shall include:

a) teaching and learning;
b) finance;
c) student achievement
d) community partnerships;
e) employee relations; and
f) other matters deemed appropriate by the Board.

16.7 The Chief Executive Officer shall develop an administrative organizational model and assign responsibilities so that the Board's Vision Statement, Mission, Strategic Plan and Policies are implemented throughout the system.

16.8 The Chief Executive Officer shall prepare annually a Chief Executive Officer's Annual Report to communicate its performance to the community and the Ministry of Education. The Chief Executive Officer's Annual Report shall include the following:

a) the Board's success in achieving its Vision and Mission;
b) the Board's success in implementing its Strategic plan;
c) the Board's success in implementing its policies;
d) the Board's success in implementing Ministry legislation and policy;
e) the Board's results of District and Provincial standardized testing; and
f) such other matters as the Board deems appropriate.

SECTION 17 APPLICATION

17.1 Application These by-laws apply, with necessary modification, to the Board's Permanent, Legislative and Ad Hoc Committees.

SECTION 18 LOCAL MEETINGS

18.1 Location Regular meetings of the Board held on the second Tuesday shall be held at the Chatham Regional Education Centre. Regular meetings of the Board held on the fourth Tuesday shall be held at the Sarnia Education Centre.

18.2 Alternative Locations for Board Meetings At the discretion of the Board, any of the regular meetings of the Board, public session or private session may be held at local schools under the jurisdiction of the Lambton Kent District School Board.

SECTION 19 BY-LAWS: AMENDMENT

19.1 By-laws may be amended by a two-thirds majority of the Board at any meeting of the Board provided that notice, in writing, has been given at the previous regular meeting of the Board and provided that the proposed amendment(s) are not in conflict with any statutory provision or regulation then in force.

19.2 Any changes in the Education Act that affect the by-laws shall be incorporated as appropriate.

SECTION 20 BY-LAWS: REVIEWS

20.1 The By-laws shall be reviewed at least every three years by the Board.