

**CAPE BRETON-VICTORIA  
REGIONAL SCHOOL BOARD**

**BY-LAWS**

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**INDEX**

<b>ARTICLE 1</b>			1
1.01	Definitions		1
<b>ARTICLE 2</b>	<b>MEMBERS</b>		1
2.01	Remuneration		1
2.02	Forfeiture of Office		3
2.03	Attendance	3	
2.04	Address of Member		3
<b>ARTICLE 3</b>	<b>ELECTION OF CHAIR AND VICE CHAIR</b>		4
3.01	Election of Chair and Vice Chair		4
<b>ARTICLE 4</b>	<b>MEETINGS OF THE BOARD</b>		5
4.01	Meetings		5
4.02	Notice of Meetings		5
4.03	Annual Meeting		6
4.04	Proceedings at Meetings		6
4.05	Public or Private Nature of Meetings		8
<b>ARTICLE 5</b>	<b>RULES OF ORDER</b>		8
5.01	Motions		8
5.02	Motion Possession of the Board		8
5.03	Motions During Debate	9	
5.04	Motion to Adjourn		9
5.05	Motion to Refer Precludes Amendment		9
5.06	Motion to Postpone Indefinitely		9
5.07	Amendments		10
5.08	Motion Containing Distinct Propositions		11
5.09	Recommendations in Report	11	
5.10	Motion to Suspend A Rule of Order		11
5.11	Introduction of New Matter		12
<b>ARTICLE 5</b>	<b>RULES OF ORDER (CONT.)</b>		

5.12	Orderly Conduct in Debate		12
5.13	Chair Decides Right to Speak		12
5.14	Number and Length of Speeches		12
5.15	Interruption of Speaker	13	
5.16	Resolution to be Read		13
5.17	Point of Order		13
5.18	Member Called to Order		13
5.19	Leave to Explain		13
5.20	Opinion of Solicitor		14
5.21	Chair to Decide Points of Order		14
5.22	Violations of Order and Decorum		14
5.23	Questions and Replies	15	
5.24	Visitors		15
5.25	Members Not to Leave Without Permission		15
5.26	Putting Motion to Vote		15
5.27	No Debate After Vote is Called		15
5.28	Decision of Motion		15
5.29	All Members Must Vote		16
5.30	Chair and Vice Chair Must Vote		16
5.31	Reference Authority		16
5.32	Notice of Motion to Rescind		16
5.33	Motion of Reconsideration		16
5.34	Reconsideration Acts as Stay of Activity		17

**ARTICLE 6                      COMMITTEES                      18**

6.01	Committee of the Whole		18
6.02	Meetings “In Camera”		18
6.03	Vice Chair Assumes Chair		18
6.04	Rules of Order Applicable		19
6.05	General Duty of Non Disclosure		19
6.06	Resumption of Board Proceedings	19	
6.07	Establishment of Committees		19
6.08	Rules of Procedure for Committees		20
6.09	Reports of Committees	20	
6.10	Standing Committees		20

**ARTICLE 7                      PUBLIC PRESENTATIONS                      20**

7.01	Right to Appear	20
7.02	Advance Notice	20
7.03	Distribution of Notice	21
7.04	Spokespersons	21
7.05	Re-Appearance	22
7.06	Decision of Board and/or Committee	22
<b>ARTICLE 8</b>	<b>MINUTES AND RECORDS</b>	22
8.01	Minutes	22
8.02	Destruction of Board Records	22
<b>ARTICLE 9</b>	<b>CORRESPONDENCE</b>	23
9.01	Correspondence	23
<b>ARTICLE 10</b>	<b>ATTENDANCE AT CONFERENCES</b>	23
<b>ARTICLE 11</b>	<b>PROFESSIONAL APPOINTMENTS</b>	24
<b>ARTICLE 12</b>	<b>AMENDMENTS TO BY-LAWS</b>	24
<b>ARTICLE 13</b>	<b>CODE OF ETHICS</b>	24
13.01	Code of Ethics: Conditions	24
13.02	Contravention of Code of Ethics	26
<b>APPENDIX A</b>		27

**ARTICLE 1      DEFINITIONS**

1.01                      In these By-Laws, unless the context otherwise requires:

- a)      **BOARD** means the Cape Breton-Victoria Regional School Board.
- b)      **BY-LAWS** means these By-Laws.
- c)      **CHAIR** means the Chairperson of the Board.
- d)      **VICE CHAIR** means the Vice Chairperson of the Board.
- e)      **SUPERINTENDENT** means the Superintendent of The Board.
- f)      **DIRECTOR OF FINANCE** shall mean the Director of Finance for the Board.
- g)      **SECRETARY** means the Secretary of the Board.
- h)      **MEMBER** means a Member of the Board.

***Other relevant definitions are found in Section 3 of the Education Act.***

**ARTICLE 2      MEMBERS**

2.01                      Remuneration

- a)      For carrying out the duties of a Member of the Board, including attendance at meetings of the Board and Committees thereof, each Member of the Board shall be paid as follows:

**ARTICLE 2 MEMBERS (CONT.)**

2.01 Remuneration (cont.)

- i From April 1, 1996 to October 1, 1997, each Member of the Board shall be paid in accordance with the amount formerly paid under the previous Board unless altered by the Cape Breton-Victoria Regional School Board.
- ii As of October 1, 1997, each Member of the Board shall be paid in accordance with Section 54 of the Education Act.
- b) In addition to the remuneration to which he or she is entitled by virtue of being a Member of the Board, the Chair shall be paid in each year an additional amount as determined by the Board.
- c) In addition to the remuneration to which he or she is otherwise entitled pursuant to this section, the Chair, the Vice-Chair and each Member shall be paid monthly, upon submission of an expense report in such form as the Director of Finance may determine the Provincial Government rate of actual distance travelled once each day for going to and returning from each meeting of the Board or Committee thereof.
- d) For the purposes of this section, “year” means the twelve month periods commencing on the date the Member takes the Oath of Office and the first and second anniversaries, thereof, or on the date on which a Member is elected Chair or Vice Chair, as the case may be.

**ARTICLE 2        MEMBERS (CONT.)**

2.02                Forfeiture of Office

The Board Members shall be governed by the Municipal Conflict of Interest Act, attached here as Appendix “A”.

2.03                Attendance

At each regular meeting of the Board, the Secretary will keep a record of attendance of all Members. The Secretary will bring forward the excuse, if any, of each absent Member for consideration by the Board as to whether it is a reasonable excuse satisfactory to the Board. If the absent Member provides no excuse, or one unacceptable to the Board, the Chair shall direct that a notation to that effect be made in the minutes and that the Secretary write to the absent Member advising him/her of the notation.

If a Member fails to attend three consecutive regular meetings of the Board without a reasonable excuse satisfactory to the Board, the Secretary shall bring the matter to the attention of the Board at its next regular meeting. The Board shall then declare the seat of that member vacant and shall forthwith call an election to fill the Member’s seat pursuant to the Municipal Elections Act.

2.04                Address of Member

Each member of the Board shall notify the Secretary in

writing of his or her address for the receipt of all notices or communications. Until another address is received by the Secretary, a notice of meeting or other communication delivered or mailed to the Member at his or her residence shall be sufficiently given.

### **ARTICLE 3      *ELECTION OF CHAIR AND VICE CHAIR***

#### **3.01      *Election of Chair and Vice Chair***

- a) The election of the Chair shall be completed prior to commencing the procedure for the election of a Vice Chair.
- b) Nominations for the position of Chair shall be received by the Superintendent through a secret ballot process at a Board meeting (i.e. each Member will anonymously write down the name of a candidate for Chair on a piece of paper); the nominees must consent to their nomination in order for their names to stand for election.
- c) Once the nominations are made and the nominees have consented to serve if elected, a vote shall be conducted by secret ballot by the Superintendent.
- d) The Member receiving the majority of the votes cast shall be declared elected.
- e) If more than two members are nominated and no Member received a majority of the votes cast on the first ballot, the name of the Member receiving the

least number of votes shall be dropped and the Members shall vote again, and so on until either a Member receives a majority or there is a tie.

- f) In the event of a tie on any ballot, the Board shall vote again among the candidates who are tied. If the result of that ballot is also tied, the Superintendent shall so advise the Governor in Council.
- g) Once the Chair is elected (or appointed by Governor in Council), the procedure outlined in (a) to (e) will be forwarded to elect a Vice Chair. In the event of a tie on any ballot, the Board shall vote again among candidates who are tied. If the result of that ballot is also tied, the names of the candidates will be placed in a receptacle and the first name drawn by the Superintendent will be elected the Vice Chair.

## **ARTICLE 4      MEETINGS OF THE BOARD**

### **4.01      Meetings**

- a) The Board shall meet at the annually appointed location on the last Monday of each month at 7:00 p.m.
- b) The Board shall not remain in session later than 10:00 p.m. unless there is a unanimous consent from those present to extend the time.
- c) Notwithstanding 4.01 (a) there will be no regular Board meetings during the months of July, August and December.
- d) The Chair may call a special meeting of the Board at any time and shall call a special meeting upon receipt of the written request of four (4) Members.
- e) Emergency meetings may be called by the Chairperson at shorter notice than that specified at 4.02 (a) and (b) when necessary. Emergency

meetings must state the special business for which the meeting is called, and no business shall be transacted at such meeting other than that named in the notice, except by unanimous consent of the Board in session.

4.02 Notice of Meetings

- a) The Secretary shall give at least three days electronic notice to each of the Members of each regular meeting of the Board.

**ARTICLE 4 MEETINGS OF THE BOARD (CONT)**

4.02 Notice of Meetings (cont.)

- b) Electronic notice of special meetings must be given by the Board Secretary to every member of the Board at least twenty-four hours prior to such meetings.
- c) Notwithstanding the foregoing notice requirements, if all of the Members are present at a meeting, notice of the time, place and purpose of the meeting may be waived.
- c) The Secretary shall take such steps to make the public aware of meetings of the Board as the Board shall from time to time direct.
- d) The accidental omission to give notice to any of the Members or the non receipt of any such notice by any of the Members shall not invalidate any resolution passed at any meeting.

4.03 Annual Meeting

The annual meeting of the Board shall be held at the beginning of the regularly scheduled meeting in November. The first Order of Business for said meeting shall be the election of the Chair and Vice-Chair.

4.04

Proceedings at Meetings

- a) A simple majority shall constitute a quorum. Fifty percent (50%) of the members plus one must be present.
- b) No business shall be conducted at any meeting of the Board unless a quorum is present; if a quorum ceases to be present during the course of a meeting, the meeting shall immediately terminate.

**ARTICLE 4**

**MEETINGS OF THE BOARD (CONT)**

4.04

Proceedings at Meetings (cont.)

- c) If there is no quorum present within one half hour after the time appointed for the commencement of the meeting, or if during the meeting a quorum ceases to be present, the Secretary of the meeting shall record the names of the Members then present.
- d) The Order of Business for a regular meeting of the Board shall be:
  - a) Call to Order
  - b) Record of Attendance
  - c) Approval of Agenda
    - i) deletions
    - ii) additions
  - d) Approval of Minutes of Previous Meeting(s)
  - e) Business Arising from the Minutes
  - f) Unfinished Business from Previous Meeting(s)
  - g) Correspondence
  - h) Delegations and Petitions
  - i) Superintendent's Report
  - j) Board Chairs Report
  - k) Reports from Committee
  - l) N. S. School Boards Association Report
  - m) Regional Education Officer's Report

- n) New Business
  - o) Notice of Motion
  - p) Date of Next Meeting
  - q) Adjournment
- e) The Board may by resolution at any time vary the Order of Business at any particular meeting.
  - f) The only business to be considered at a special meeting shall be the business set forth in the notice calling the meeting unless all Members of the Board are present and consent to the consideration of other business.

**ARTICLE 4      *MEETINGS OF THE BOARD (CONT).***

4.05      *Public or Private Nature of Meetings*

- a) All meetings of the Board shall be open to the public.
- b) Notwithstanding Article 4.05 (a), a meeting, or part of a meeting, of the Board may be held in private for the purpose of considering issues involving individual students, personnel matters or other confidential information as determined by a majority of the Members of the School Board present.

**ARTICLE 5      *RULES OF ORDER***

5.01      *Motions*

- a) No business or matter shall be debated or voted upon, unless a motion in respect thereof has been moved and seconded.
- b) The Chair may require that any motion be reduced to writing by the mover and seconder before being debated.
- c) Any Member may require the division of any motion when, in the opinion of the Chair, or on an appeal

thereof to the Board, if it is reasonable to do so.

5.02 Motion Possession of the Board

After a motion has been duly moved and seconded, it shall be deemed to be in the possession of the Board, but may be withdrawn at any time, before decision or amendment, with the permission of the Board.

**ARTICLE 5      *RULES OF ORDER (CONT.)***

5.03 Motions During Debate

When a motion is under debate, no motion shall be received except the following, which motions shall have precedence in the order below:

- a) to adjourn the meeting (not debatable)
- b) that the main question be put to vote (not debatable)
- c) to postpone the motion indefinitely (not debatable)
- d) to postpone the debate to a specific time (debatable but only with respect to the propriety of the postponement)
- e) to refer the matter to Committee or staff (debatable but only with respect to the propriety of the referral)
- f) to amend (debatable)
- g) to go into Committee of the Whole (debatable but only with respect to the propriety of going into Committee of the Whole)

5.04 Motion to Adjourn

A motion to adjourn is always in order and takes precedence over all other motions, but such a motion must not be entertained while a Member is speaking or

while a vote is in progress.

5.05 Motion to Refer Precludes Amendment

A motion to refer, until it is decided, shall preclude all amendments of the main motion.

5.06 Motion to Postpone Indefinitely

When a motion to postpone indefinitely is carried, the motion to which it applies, together with all amendments or proposed amendments thereto, shall be removed from the agenda, and shall be placed again before the Board only after due notice to that effect has been given.

**ARTICLE 5 RULES OF ORDER (CONT.)**

5.07 Amendments

- a) All amendments to a motion shall be dealt with before the motion and in reverse order in which they were moved.
- b) An amendment shall be directly relevant to the main motion and shall propose some change in form or substance of the main motion, but shall not change the nature thereof by the introduction of new substantive matter.
- c) An amendment to an amendment shall be directly relevant to the main motion and amendment and shall propose some change in the form or substance of the amendment, but shall not change the nature thereof.
- d) An amendment may propose:
  - i to add certain words
  - ii to leave out certain words
  - iii to leave out words in order to insert other words

- e) A motion to amend should always include one of the following three expressions:
  - i “...that the main motion (or amendment) be amended by inserting certain words...”
  - ii “...that the main motion (or amendment) be amended by deleting the words...”
  - iii “...that the main motion (or amendment) be amended by substituting the words...”
- f) An amendment which is contrary to the main motion shall be declared out of order by the Chair.

**ARTICLE 5      *RULES OF ORDER (CONT.)***

5.07      *Amendments (cont.)*

- g) There is no limit on the number of times which a main motion may be amended before it is put to vote.
- h) Only one amendment shall be allowed to an amendment at a particular meeting.
- i) As soon as one amendment has been voted upon, whether it is adopted, defeated or referred, another amendment may be introduced.

5.08      Motion Containing Distinct Propositions

When a motion under consideration contains distinct propositions, the vote upon each proposition shall be taken separately if so directed by the Chair or requested by a member.

5.09      Recommendations in Report

Every recommendation in a report presented to the Board

may be considered separately. Upon the request of any Member a vote shall be taken separately upon each or any of the recommendations contained in the report. All committee recommendations may be amended by the Board before adoption.

5.10 Motion to Suspend a Rule of Order

A motion to suspend a Rule of Order shall take precedence over all motions, except a motion to adjourn. No Rule of Order shall be suspended, except upon unanimous vote of the Members present.

**ARTICLE 5      *RULES OF ORDER (CONT.)***

5.11 Introduction of New Matter

When a Member wishes to bring an item of business before the Board, the Member shall provide the Secretary with the motion in writing in sufficient time for it to be included on the agenda of the next meeting. Notices so received shall be placed on the agenda according to the time at which they are received by the Secretary. With the consent of the Chair, a Member shall be permitted to introduce a new matter at a meeting.

5.12 Orderly Conduct in Debate

Every Member of the Board shall respectfully address the Chair when speaking. The Member shall confine him/herself to the motion under debate and shall not refer to any Member except in a respectful manner.

5.13 Chair Decides Right to Speak

Any Member desiring to speak shall raise his or her hand and address the Chair. The Chair shall call the Member

by name and such Member may then, but not before, proceed to speak.

5.14 Number and Length of Speeches

- a) Each Member may speak twice on all motions, other than those classed as non-debatable. Except with leave of the Board, no Member shall speak longer than five (5) minutes in the first instance and two (2) minutes in the second instance on the same motion.
- b) No Member shall speak more than twice upon any motion, other than to obtain an explanation or to demand a recorded note, except the Member who introduced the motion who shall have the privilege of closing the debate thereon.

**ARTICLE 5      *RULES OF ORDER (CONT.)***

5.15 Interruption of Speaker

No Member, while speaking, shall be interrupted by another Member, except upon a point of order or question of privilege. The Member so interrupting shall confine himself strictly to stating the point of order or the question of privilege.

5.16 Resolution to be Read

Any Member may require the resolution under discussion to be read for his or her information at any time, but not so as to interrupt a Member when speaking.

5.17 Point of Order

- a) The Chair may call any Member to order at any time, and any Member may raise a point of order.
- b) Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Board, he shall apprise the Members immediately thereof, and shall cite the rule of authority applicable to the case without

argument or comment.

- c) When the Chair is called upon to decide a point of order or practice, he/she shall state the rule applicable to the case without comment and render his or her decision.

5.18 Member Called to Order

If a Member is called to order while speaking, he/she shall immediately stop speaking unless permitted to explain.

5.19 Leave to Explain

Any Member may, with the permission of the Chair, have leave to explain, but remarks so made shall be strictly confined to the explanation.

**ARTICLE 5      RULES OF ORDER (CONT.)**

5.20 Opinion of Solicitor

An opinion of the Solicitor on a matter of procedure or order shall only be obtained by the Board after adoption of a motion to that effect, notwithstanding which, the Chair may consult the Board's Solicitors at any time as an aid in formulating his/her ruling on any point of order or procedure.

5.21 Chair to Decide Points of Order

- a) The ruling of the Chair is final, subject only to an appeal to the Board, without debate.
- b) If any Member challenges the ruling of the Chair, the Chair must then state his or her reason for the ruling.
- c) The Vice-Chair will then conduct a vote without debate on the question of whether the decision of the Chair shall be sustained.

5.22 Violations of Order and Decorum

- a) If any Member uses insulting or improper language to the Chair or any Member, and refuses to apologize when so directed by the Chair, or willfully obstructs the conduct of business, and refuses to desist when called upon to do so by the Chair, he/she shall be ordered by the Chair to retire from the Board for that meeting. Any Member so removed, on making an apology to the Chair, and to any Member insulted by him/her, may by a vote of the Board be permitted to resume his or her place at such meeting.
- b) Any person interfering with the business of the Board, or acting in a disorderly manner may, upon the order of the Chair, be requested to be removed from the meeting by a police officer or other peace officer.

***See Section 59(5) of the Education Act.***

## **ARTICLE 5      RULES OF ORDER (CONT.)**

### **5.23      Questions and Replies**

All questions asked and replies given to Members shall be made through the Chair.

### **5.24      Visitors**

No visitors shall be allowed to address the Board without special permission from the Board.

### **5.25      Members Not to Leave Without Permission**

No Member shall leave a meeting during the course of the meeting without the permission of the Chair.

### **5.26      Putting Motion to Vote**

Before putting any motion to vote, the Chair shall state the motion clearly and ask the Board if it is ready to vote on the motion. In any matter on which there has been no discussion,

the Chair may ask if there is any objection to such motion, and if none is made, declare the motion carried.

5.27 No Debate After Vote is Called

After any vote has been called for by the Chair on any question, no Member shall speak on the question, nor shall any motion be made until after the result is declared, and the decision of the Chair, as to whether the question has been finally called for, shall be conclusive.

5.28 Decision of Motion

Except for the election of the Chair and Vice Chair, every motion shall be decided in the first instance by a show of hands, unless the Chair directs or a Member requests a recorded vote, prior to the vote in which case the vote of each Member shall be taken by the Secretary and recorded in the minutes and the motion decided accordingly.

**ARTICLE 5      *RULES OF ORDER (CONT.)***

5.29 All Members Must Vote

- a) Every Member who is present when any question is put to vote, shall vote on that question unless excused by the Board. No Member shall be excused unless excluded by interest, or unless he/she furnishes the Board with satisfactory reasons for being excused before the Chair proceeds to put the question. The right to be excused shall be decided by the Chair without debate.
- b) A Member who abstains from voting without being excused, shall be deemed to have voted in the negative.

5.30 Chair and Vice Chair Must Vote

Both the Chair and Vice Chair must vote.

5.31 Reference Authority

In all procedural matters not provided for in these By-Laws, the rules and practices of Bourinot's Rules of Order, current edition, shall govern as far as applicable.

5.32 Notice of Motion to Rescind

A Notice of Motion to rescind any previous resolution of the Board may be given by any Member at any regular meeting of the Board.

5.33 Motion of Reconsideration

- a) After any motion, other than a motion of sub-amendment, has been decided in the affirmative, any Member of the Board, at the meeting at which the same was decided, may give notice of reconsideration of such resolution and such notice of reconsideration shall be the first item of Business Arising from the Minutes" at the next meeting. When the matter is considered at the next regular meeting, the mover, or in his or her absence, any other Member on his or her behalf, may briefly state his or her reasons for the

**ARTICLE 5      RULES OF ORDER (CONT.)**

5.33 Motion of Reconsideration (cont.)

reconsideration, and if the motion to reconsider is seconded, the same shall be put to vote without further debate. If the motion of reconsideration is carried, then the resolution so reconsidered shall then be read and dealt with.

- b) No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- c) No motion to reconsider shall be allowed in regards to:
  - i) approval of all or part of the annual budget of the Board;
  - ii) motions authorizing legal proceedings in any court;

- iii) motions which would result in the signing of contractual agreements.
- d) If the motion to reconsider is not made at the time so fixed or if the Board refuses to reconsider, or if after reconsideration the reconsidered motion is again adopted, no other motion to reconsider or rescind such motion can be made within a year.

5.34 Reconsideration Acts a Stay of Activity

A Notice of Motion to reconsider or rescind shall have the effect of delaying or impeding any action necessary to give effect of any resolution unless otherwise ordered by the Board.

**ARTICLE 6 COMMITTEES**

6.01 Committee of the Whole

Whenever the Board wishes to consider a matter involving:

- a) the security of property of the Board;
- b) the disclosure of intimate, personal or financial information in respect of a member, an employee or prospective employee or a pupil or his or her parent or guardian;
- c) the acquisition or disposal of a school site;
- d) decisions with respect to personnel and/or collective bargaining matters; or
- e) litigation affecting the Board;

or wishes to permit in respect of any matter freer debate and more detailed consideration than the Rules of Order permit, the Board on motion may resolve itself into a Committee of the

Whole.

6.02 Meetings “In Camera”

When the matter before the Committee of the Whole is one involving a matter mentioned in Items (a) to (e) of Section 6.01, the Committee may resolve to exclude from the meeting while that matter is under discussion all persons other than Members and other persons specifically authorized by the Committee to be present.

6.03 Vice Chair Assumes Chair

When the Board resolves into Committee of the Whole, the Vice Chair shall assume the Chair, or in his or her absence, such other Member as the Committee shall select.

**ARTICLE 6 COMMITTEES (CONT.)**

6.04 Rules of Order Applicable

The Rules of Order of the Board shall be observed in all meetings of the Committee of the Whole as far as may be applicable, except that no motions to record the vote, to limit the debate, or to adjourn the debate shall be in order. The number of times a Committee Member may speak shall not be limited.

6.05 General Duty of Non-Disclosure

Unless required to disclose the information by a Court, no Member shall disclose to any person, other than another Member of the Board, the nature, substance or detail of “in camera” proceedings of the Committee of the Whole relating to matters referred to in Items (a) to (e) of Section 6.01.

6.06 Resumption of Board Proceedings

Upon completion of its consideration of the matters before it, the Committee shall resolve to rise and report, whereupon the Chair shall resume the Chair, the Committee shall report and the Board shall take such action in respect of such report as the Board resolves to be appropriate.

6.07 Establishment of Committees

- a) The Board may from time to time by resolution establish such Committees as it determines to be necessary.
- b) The Terms of Reference, membership and reporting requirements of a Committee shall be decided at its inception.
- c) When its assigned task has been completed, a committee shall be dissolved.
- d) Appropriate members of staff shall be assigned by the Board or the Superintendent to assist each committee.

**ARTICLE 6 COMMITTEES (CONT.)**

6.08 Rules of Procedure for Committees

- a) A majority of Members shall constitute a quorum.
- b) Except as otherwise provided, the Rules of Order shall be observed at meetings of all committees.
- c) Unless otherwise decided by the Board, the Chair of each committee shall be chosen by the Members of such Committee from among themselves.

6.09 Reports of Committees

Committees shall report to the Board as required by the Board and whenever the Committee deems necessary.

6.10 Standing Committees

The Board may establish by resolution such Standing Committees as it determines to be necessary.

**ARTICLE 7 PUBLIC PRESENTATIONS**

7.01 Right to Appear

Any person or group, except employees (who shall communicate with the Board through channels provided for that purpose), has the right to appear, in the manner provided in this section, as a delegation to express opinions and make proposals with respect to matters (excluding personnel issues) within the jurisdiction of the Board or the Committee as the case may be.

7.02 Advance Notice

- a) Delegations are required to inform the Office of the Secretary of the Board in writing of their intent to appear before the Board or Committee. A written brief must accompany the request outlining the issues under discussion and any actions or remedies requested of the Board or Committee.

**ARTICLE 7 PUBLIC PRESENTATIONS (CONT).**

7.02 Advance Notice (cont.)

- b) The delegation shall deliver or send written notice, so that it reaches the office of the Secretary at least seven days before the date of the meeting at which the delegation wishes to appear.

Time lines will be strictly applied. Requests that fail to meet the required time lines will be brought forward to the next regular meeting of the Board or Committee.

- c) The Chair shall decide which Board or Committee meeting the delegation will appear before and the Secretary shall inform the delegation as to the day of the

meeting and the time during the meeting at which the spokespersons shall be heard.

7.03 Distribution of Notice

The Secretary shall distribute the written notice submitted by a delegation with the agenda for the meeting at which the delegation will appear.

7.04 Spokespersons

Delegations may appoint up to two spokespersons and no other member of the delegation shall address the Board or Committee, without permission of the Board. The spokespersons, in total, may address the members of the Board or Committee for up to ten (10) minutes to give a summary of their submissions. After the spokespersons have spoken, the Board members shall have the opportunity to put questions to them for the purpose of clarification only.

**ARTICLE 7 PUBLIC PRESENTATIONS (CONT).**

7.05 Re-Appearance

A delegation, once heard, shall not be entitled to be received again by the Board and/or Committee on substantially the same information. The Chair of the Board shall decide whether the delegation shall be entitled to a re-appearance in advance of the meeting concerned.

7.06 Decision of Board and/or Committee

Board decisions on matters brought forward by delegations will be communicated in writing by the Secretary of the Board to the presenter(s).

## **ARTICLE 8            MINUTES AND RECORDS**

### 8.01            Minutes

Minutes of proceedings of all meetings of the Board and of its committees shall be taken and kept with the records of the Board.

### 8.02            Destruction of Board Records

The Superintendent shall see to the preservation and safekeeping of all the records of the Board for at least six years after each item comes into existence; after such six year period, subject to the provisions of the Education Act, records shall be destroyed.

## **ARTICLE 9            CORRESPONDENCE**

### 9.01            Correspondence

The Chair of the Board shall consider each piece of correspondence he/she receives in his/her capacity as Chair of the Board to determine if it raises an issue of substance and if so whether the matter should be directed to Board Staff for investigation and/or action or whether the correspondence should be brought to the attention of the Board during the “Correspondence” part of the Order of Business of the next meeting. The Chair will ensure that the original of any correspondence raising a matter of substance will be kept on file at the offices of the School Board.

Any Board Member (other than the Chair) shall be free to bring to the Board's attention any correspondence of substance he/she received during the "Inquiries and Responses" portion of the Order of Business of a regular Board meeting. Where such correspondence is brought to the Board's attention, the Member will ensure that the original of said correspondence is kept on file at the offices of the School Board.

## **ARTICLE 10 ATTENDANCE AT CONFERENCES**

10.01 If any Members or School Board staff receive notices of conferences which may be of interest to Members, they shall forward such notices to the Secretary of the Board who shall forthwith advise all Members of the upcoming conferences.

10.02 Any Members interested in attending a conference in their capacity as Members should immediately advise the Secretary of their interest in attending.

10.03 The Chair, the Vice-Chair and the Secretary shall then consider the nature of the conference, the cost of sending a delegate(s) to the conference, the financial position of the Board etc and shall decide who, if anyone, will be subsidized (and to what extent) by the Board to attend a conference.

## **ARTICLE 10 ATTENDANCE AT CONFERENCES (CONT.)**

10.04 So that the Board as a whole can benefit from the attendance of one, some or all of its Members at a conference, any Member who attends a conference on behalf of the Board shall at the next regular meeting following the conference present a written report to the Board with respect to the substance of the conference.

## **ARTICLE 11 PROFESSIONAL APPOINTMENTS**

11.01 The Board shall review the appointment of its legal counsel, financial institution, auditors and any professional with whom it has dealings every three (3) years.

## **ARTICLE 12                    AMENDMENTS TO BY-LAWS**

### 12.01 Amendments to By-Laws

Any proposed amendment to these By-Laws shall be:

- a) read as a Notice of Motion at a regular meeting of the Board;
- b) placed on the agenda for the subsequent regular meeting of the Board.

## **ARTICLE 13                    CODE OF ETHICS**

### 13.01 Code of Ethics

The Board, desiring to operate according to the highest ethical standards, adopts the following code of ethics for its members.

#### **CONDITIONS**

Board Members shall:

- a) Observe the By-Laws, Rules of Order, Regulations and Policies of the Board, and the laws and regulations governing education in Nova Scotia.
- b) Represent the Board responsibly in all Board related matters with proper decorum and respect for others.

## **ARTICLE 13                    CODE OF ETHICS (CONT)**

### 13.01 Code of Ethics (cont.)

- c) Confine Board action to policy making, planning and evaluation and recognize that it is the Superintendent who is responsible for the day to day administration of the school system, the Superintendent in turn is responsible to the Board for his day to day decisions.
- d) Recognize that the Board functions as a Board only through duly adopted policies and actions approved at public sessions.

- e) Ensure the opportunity for high quality education for every student.
- f) Represent the entire community and best interest of all schools in the district without fear or favour.
- g) Refer all complaints, comments and criticisms directly to the appropriate supervisor.
- h) Carry out the duties of any elected or appointed office he or she may hold within the Board in a fair and impartial manner.
- i) Maintain confidentiality of privileged information.
- j) Ensure that controversial issues are presented fairly and without bias.
- k) Board members realize that they function through the vehicle of democracy. Each member has a full opportunity to discuss and vote on each issue as it comes before the Board. When a decision is made it is a decision of the Cape Breton-Victoria Regional School Board as a whole. Just as all members accept those decisions which are favourable to their wishes it is expected they respect all decisions and so not act in such a way as to undermine the functions of the Board within the community.

## **ARTICLE 13                      CODE OF ETHICS (CONT)**

### **13.02 Contravention of Code of Ethics**

Without the adherence to a Code of Ethics the Board may fall into disrepute. It is acknowledged that any contravention of the Code of Ethics will be subject to review at a regular meeting of the Cape Breton Victoria Regional School Board. Any member shall have the right to request such a review through the Secretary of the Board with reason for such review attached.

## **APPENDIX “A”**

CHAPTER 299 of the revised statutes, 1989  
amended 1991, c6, s40

### **An Act to Prevent Conflict of Interest in the Conduct of Municipal Government**

#### **Short Title**

- 1 This Act may be cited as the *Municipal Conflict of Interest Act*, R.S., c.299,s. 1.

#### **Interpretation**

- 2 In this Act,
  - b) “council” means the council of a municipality;
  - c) “elector” means a person entitled to vote at a municipal election in the municipality;
  - d) “interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction of the municipality or local Board or, where the matter under consideration affects only part of that area, an interest in common with the electors within that part;
  - e) “local board” means any Board, Commission, Committee, body or local authority of any kind established to exercise or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a Municipality or parts thereof or of two or more Municipalities or parts thereof, or to which a Municipality or Municipalities are required to provide funds, and includes a School Board pursuant to the *School Boards Act*,

## APPENDIX “A” (cont.)

- f) “meeting” means a regular, special or emergency meeting of a Municipality or local Board and any Committee thereof, and includes informal as well as formal meetings;
- g) “member” means a member, in whatever capacity of a council or a local Board and, for the purposes of Sections 9 and 10, includes a former member;
- h) “municipality” means a city, incorporated town or municipality of a county or district;
- i) “senior officer” means the Chairman and Vice-Chairman of the Board of Directors of a corporation, the President, Vice-President, Secretary, Treasurer, Managing Director and General Manager of a corporation and any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;
- j) “spouse” means either of a man and woman who
  - i) are married to each other,
  - ii) are married to each other by a marriage that is voidable but which has not been voided by order of a court.
  - iii) have gone through a form of marriage that is void and have co-habitated within the preceding twelve months, or
  - iv) are living together as husband and wife;

## APPENDIX “A” (cont.)

- k) “substantial interest” means the direct or indirect beneficial ownership of, or the power to exercise control or direction over, equity shares of any corporation that carry more than ten percent of the voting rights attached to all outstanding equity shares of the corporation.  
*R.S., c.299, s.2, 1991, c.6, s.40.*

### Indirect Pecuniary Interest

- 3 A member has an indirect pecuniary interest in any matter
  - a) if the member or the member’s nominee
    - i) is a shareholder in, or a Director or Senior Officer of, a corporation that does not offer its shares to the public,
    - ii) has a substantial interest in, or is a Director or Senior Officer of, a corporation that offers its shares to the public, or
    - iii) is a member of a body, whether incorporated or not, that has an interest in any matter in which council or local Board is concerned; or
  - b) if the member is a partner of or associated in a joint venture with a person, or is in the employ of a person or body, whether incorporated or not, that has an interest in any matter in which the council or local Board is concerned. *R.S., c.299, s.3.*

## **APPENDIX “A” (cont.)**

### **Deemed Pecuniary Interest**

- 4           The pecuniary interest of
- a)    the spouse of a member;
  - b)    any son, daughter, father, mother, brother or sister of a member or the member’s spouse.
  - c)    the spouse of the persons referred to in clause (b); and
  - d)    any other person who normally resides in the same home as the member,

Shall, if known to the member or of which the member reasonably should have known, be deemed to be also a pecuniary interest of the member. *R.S., c.299,s.4*

### **Act Does Not Apply**

- 5           (1) This Act does not apply to any interest in any matter that a member may have
- a) as an elector;
  - b) by reason of being entitled to receive any service, commodity or other benefit offered by the municipality or local Board in like matter and subject to the like conditions as are applicable to persons who are not members;
  - c) by reason of purchasing or owning a debenture or other security issued by the Municipality or local Board;

## APPENDIX “A” (cont.)

d) by reason of having made a deposit with the municipality or local Board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable

to the Member in like manner as such a deposit is or may be returnable to other electors;

e) by reason of being eligible for election or appointment to fill a vacancy, office or position in the Council or local Board where the Council or local Board is empowered or required by any general or special Act to fill such vacancy, office or position;

f) by reason of being eligible for appointment, or having been appointed , by the council to a local Board;

g) by reason only of being a Director or Senior Officer or a corporation incorporated for the purpose of carrying on business for and on behalf of the Municipality or local Board;

h) by reason of having been appointed by the Council or local Board to a Board, Committee or other body;

i) with respect to any allowance, honorarium, remuneration, salary or benefit to which the member is or may be entitled by reason of being a member or by reason of having been appointed, by the Council or local Board, to a local Board or other Board, Committee or

other  
body.

## **APPENDIX “A” (cont.)**

j) by reason of having a pecuniary interest that is an interest in common with electors generally;

k) by reason only of an interest that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

### **Where City By-Law**

(2) This Act does not apply to a Council of a city, or a local Board of that city, while it has in effect a By-Law made pursuant to Section 19 of the *Municipal Elections Act*. R.S., c.299,s.5.

### **Interested Member Present at Meeting**

6 (1) Where a Member, either on the Member’s own behalf or while acting for by, with or through another, has any direct or indirect pecuniary interest in any matter and is present at a meeting of the Council or local Board at which the matter is the subject of consideration, the member shall

a) as soon as practicable after the commencement of the meeting disclose the interest and the general nature thereof;

b) withdraw from his place as member and

(i) in the case of a closed meeting, leave the room in which the meeting is held for the duration of

the consideration of the matter,  
and

#### **APPENDIX “A” (cont.)**

(ii) in the case of a meeting that is open to the public, either leave the room in which the meeting is held or remain in that part of the room set aside for the general public for the duration of the consideration of the matter;

c) refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and

d) refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the Council or local Board with respect to the matter.

#### **Interested Member Not Present at Meeting**

(2) Where the member was not present at a meeting at which a matter in which the member, either on the member's own behalf or while acting for, by, with or through another, has any direct or indirect pecuniary interest was the subject of consideration, the member shall disclose the interest at the next meeting the member attends, and the provisions of subsection (1) shall apply to the member in respect of the matter.

## **APPENDIX “A” (cont.)**

### **Where Intent to Obtain Pecuniary Interest**

(3)A member shall comply with this Section in respect of any matter in which the member intends to obtain a pecuniary interest, either on the member’s own behalf or while acting for, by, with or through another. *R.S.,c.299,s.6.*

### **Recording in Minutes of Declaration of Interest**

7 (1)Every declaration of interest and the general nature thereof disclosed pursuant to Section 6 shall be recorded in the minutes of the meeting by the clerk of the Municipality or by the Secretary of the local Board, as the case may be.

### **Recording in Central Record of Disclosure of Interest**

(2)The person acting as Secretary of any meeting, or the Chairman of the meeting if there is no Secretary, shall record every disclosure of interest and the general nature thereof in a central record of disclosure.

### **Central Record of Disclosure**

(3)Every municipality and local Board shall keep a central record of disclosure, which shall be open to inspection by any elector without fee at all reasonable times. *R.S., c.299,s.7.*

## **APPENDIX “A” (cont.)**

### **Reduced Quorum**

- 8 (1)Where, by reason of this Act, a Council or local Board lacks a quorum to consider any particular matter, then, notwithstanding the provisions of any Act or other provision establishing the number of members to constitute a quorum, for the purposes of considering and acting on the matter, a quorum is one third of the Council.

### **Order of Court**

(2)Where, by reason of this Act, a Council or local Board lacks a quorum pursuant to Subsection (1) to consider any particular matter, the Council or local Board may apply to a judge of the Trial Division of the Supreme Court or a County court for an order authorizing the Council or local Board to consider and act on the matter.

### **Content of Order**

(3)The judge may, by order, prescribe the terms and conditions pursuant to which the Council or local Board may consider and act on the matter, and may direct that certain of the members may participate in the consideration of the matter and that certain members may not, as to the judge seems just.

## **APPENDIX “A” (cont.)**

### **Authorized Participation by Interested Member**

(4) Participation in the consideration of any matter in which a member has a direct or indirect pecuniary interest pursuant to an order of a judge is not a contravention of this Act. *R.S.,c.299,s.8.*

### **Application to Determine if Member in Contravention**

9 (1) The Attorney General or an elector may apply to a judge of the Trial Division of the Supreme Court or a county court for a determination of whether a member has contravened the provisions of this Act.

### **Form of application**

(2) An application shall be made by originating notice (application inter partes) pursuant to the rules of the court.

### **Content of Application**

(3) The application shall state the grounds on which it is believed that a contravention of this Act may have occurred.

### **Time Limit**

(4) An application shall be made within sixty days after the fact comes to the

attention of the applicant that the member may have contravened this Act.

## **APPENDIX “A” (cont.)**

### **Further Time Limit**

(5)No application may be made pursuant to this Section more than ten years after the date of the alleged contravention of this Act. *R.S., c.299,s.9.*

### **Order for Forfeiture of Office**

10 (1)Where the judge determines that a member has contravened this Act, the judge shall declare the seat of the member vacant and direct that the vacancy be filled in the manner prescribed by law, but if the judge determines that the contravention was committed as a result of inadvertence or a *bona fide* error in judgement the judge may relieve against such forfeiture of office.

### **Disqualification to Fill Forfeited Office**

(2)The member found to have contravened this Act shall not be qualified to fill the vacancy so created.

### **Restitution and Disqualification of Member**

(3)Where the judge determines that a member has contravened this Act, the judge may

- a) disqualify the member from being a member of the Council or local Board, or any Council or local Board, for a period of not more than ten years; and

#### **APPENDIX “A” (cont.)**

- b) where the contravention has resulted in personal financial gain, require the member to make restitution.

#### **Penalty Where Personal Financial Gain**

(4) Where the contravention has been made for the purpose of personal financial gain, the judge shall impose a penalty of not more than twenty-five thousand dollars or, in default of payment thereof, imprisonment for a term of not more than twelve months.  
R.S., c.299,s.10.

#### **Appeal**

- 11 (1) An appeal lies from the decision of the judge to the Appeal Division of the Supreme Court in accordance with the rules of court.

#### **Restrictions on Filling Seat of Contravening Member**

(2) No steps shall be taken to fill the seat of a member who has been found to contravene this Act until after the expiration of the time limited for appeal or, if an appeal is brought, until after the appeal has been finally determined. R.S., c. 299,s.11.

## **APPENDIX “A” (cont.)**

### **Inquiry**

12 (1) If the council or local Board by resolution requests that inquiry be made into or concerning:

a) any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member, an officer or other official, an employee or agent of the municipality or local Board, or any person having a contract therewith, in relation to the duties or obligations of such person to the Municipality or local Board.

b) any allegation that a member has contravened the provisions of this Act; or

c) any matter connected with the good government of the municipality of local Board or the conduct of any part of the public business thereof,

The Attorney General shall appoint a judge or some other suitable person to make the inquiry.

### **Duty to Enter Upon Inquiry and Report**

(2) The person so appointed shall, with all convenient promptitude, enter upon the inquiry and upon the conclusion thereof, shall report to the Attorney General and to the Council or local Board the result of the inquiry and the evidence taken thereon.

## **APPENDIX “A” (cont.)**

### **Public Inquiries Act**

(3) The person appointed shall have, for the purpose of inquiry, all the powers of a commissioner under the *Public Inquiries Act*.

### **Fees**

(4) Such person is entitled to receive and shall be paid such fees as may be fixed and paid by the Attorney General.

### **Right of Municipality or Board to Counsel**

(5) The Council or Board may engage and pay counsel to represent the municipality or local Board and may pay all proper witness fees to persons summoned to give evidence at the instance of the municipality or local Board.

### **Right of Person Charged to Counsel**

(6) Any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question, may be represented by

## **APPENDIX “A” (cont.)**

### **Voidable Proceedings Where Section 6 Contravened**

- 13 (1) The contravention of Section 6 of this Act does not of itself invalidate any proceedings in respect of any matter, but the proceedings in respect of the matter are voidable on application to a judge of the Trial Division of the Supreme Court or of a county court at the instance of the municipality or of the local Board within two years after the matter was authorized by the Council or local Board.
- (2) In determining whether any proceedings should be declared void under subsection (1), the judge shall give due consideration to the effect of such declaration on innocent third parties.  
R.S., c.299, s.13.

### **Certain Proceedings Only Under This Act**

- 14 Proceedings to declare a seat vacant or to disqualify a member by reason of conflict of interest, or to require a member to make restitution where a contravention of this Act has resulted in

personal financial gain, shall be had and taken only under the provisions of this Act, R.S., c.299, s.14.

July 11, 1991