



Trustee Handbook

Revised September 2017



Trustee Handbook

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Introduction

In Canada, education is a provincial responsibility. In Manitoba, the responsibility for the delivery of public education to students in kindergarten through to high school graduation has been delegated to school boards.

School boards are elected bodies responsible for the planning and delivery of educational services within geographic regions known as school divisions or school districts. For practical purposes, there is no difference between a division or a district. Provincial legislation in the form of the *The Public Schools Act* and *The Education Administration Act* defines the structure, obligations, and responsibilities of school boards; within the bounds imposed upon them by this legislation, school boards are themselves a law-making level of government.

The key functions of Park West School Division are: the determination of policy; setting the strategic direction of the organization; developing the annual budget for the organization; ensuring policies and strategic direction are implemented. In general, the Park West School Division Board focuses its energy on high level decisions rather than the details of daily activities and operations of the school division. The board delegates managerial and administrative authority to the Superintendent/CEO.

Vision Statement

We will bring the world to our students to prepare our students for the world.

Mission Statement

The Park West School Division will work with communities to:

- Provide innovative learning opportunities;
- Challenge students to reach their potential as engaged citizens of the world;
- Value, accept and nurture students.

Values Statement

Park West School Division values:

- Our People
- Our Partnerships
- Our Practices
- Our Programs



Role of the Board

Preamble

The board is entrusted to ensure that the values, aspirations and economic resource capacities of the jurisdiction are reflected within the actions of the division. These are the key areas of responsibilities:

Community Leadership

- The Board strives to be visible within the community.
- The Board makes decisions that reflect the values and anticipated educational needs of the communities of Park West School Division.
- Board members show their support of school and divisional activities through physical attendance at school events.

Accountability to the Provincial Government

- The Board is responsible for adherence to governing legislation and regulation throughout Park West School Division.

Accountability to the Community

- The Board makes decisions that respect community values and are rooted in sound educational research.
- The Board reports Division results to the community, as mandated by the provincial government.
- The Board will act as the appeal body regarding decisions of Administration.
- Board members are active within the Park West communities, building support for public education.
- The Board approves the annual school calendar and length of the school day.
- The Board grants final approval of newly constructed school and other Division-owned buildings.
- The Board retains insurance to protect the public assets of the Division.

Divisional Strategic Plan

- The Board provides overall direction for the Division's strategic plan through the identification of Board priorities.

Policy

- All policy is written.
- Governance policy statements define Board expectations.
- The Board monitors divisional progress toward the achievement of student outcomes and other stated desired results through the regular assessment of policy compliance.
- Policy which is deemed by the Board to be no longer relevant toward the achievement of Board outcomes is evaluated and amended appropriately.

Board Development

- All Trustees engage in the pursuit of Board excellence through Board development and Trustee development training and education.



- The Board regularly evaluates board effectiveness through monitoring of policy and the Board's self-evaluation process.

Fiscal Responsibility

- Refer to Manitoba's Public Schools Act

Please refer to Appendix A: A Guide to School Boards and Trusteeship in Manitoba



Trustee Code of Conduct

Preamble

Trustees serve as advocates for public education. Trustees are seen as leaders within their community and the larger education community. Given the importance of the position of a trustee, the behavior, conduct, and actions of trustees must be of the highest level. This high level of conduct is also expected on all social media. The following is the conduct expected of Park West School Division Trustees.

A Trustee shall:

- model integrity, respect, ethical behavior and life-long learning.
- recognize that the responsibility of the board is to make policy and to give direction and that the day to day administration of the Park West School Division is the responsibility of the Superintendent/CEO and staff.
- realize that a trustee has no legal authority outside the jurisdiction of the board, must abide by the lines of authority and communication in place between themselves and the staff and shall not obligate the board or staff in any way without specific authorization from the board.
- work with fellow trustees and staff members in a spirit of cooperation regardless of personal differences of opinion; treating all with courtesy and respect, and encouraging the free exchange of diverse views.
- make decisions based on the best interests of the entire division rather than an individual elector, school, ward or special interest group.
- support a decision once it has received proper board approval.
- respect personal information (FIPPA, PHIA) and all matters relating to sensitive and confidential matters including but not exclusive to in-camera discussion.
- not use the position as a trustee for personal advantage or for the advantage of friends.
- do everything possible to maintain the integrity, confidence, and dignity of the office of school trustee.
- not discuss the confidential business of the board other than at board or committee meetings.
- consider it unethical for an individual board member to disparage other board members, but reserve the right to make honest, respectful, and constructive comments.
- follow the Conflict of Interest Policy #16.



In the event of a possible breach of the Trustee Code of Conduct

At the Board Table:

Any trustee perceiving another trustee to be in possible breach of the Trustee Code of Conduct shall have the right to move that the board resolve itself into committee of the whole on a point of privilege, during which the trustee shall raise the perceived breach with the full board for consideration.

On Other Occasions:

Any trustee perceiving another trustee to be in possible breach of the Trustee Code of Conduct may raise the concern with that member or with the board chair or vice chair with the intent of resolving the concern. Failing resolution the perceived breach shall be presented to the full board for consideration at a committee of the whole meeting.

Response to Breach of the Trustee Code of Conduct:

Where the board determines that a breach of the Trustee Code of Conduct has occurred, the board shall respond by taking a course of action that it deems to be appropriate. Such actions may include but are not limited to the following:

1. Censuring the trustee, including in cases of repeated or severe breaches, requesting the trustee's resignation.
2. Barring the trustee from attending all or part of a meeting of the school board or a committee of the school board.
3. Suspending the trustee from the school board, including suspending all the trustee's rights, duties, privileges and indemnities as a member of the school board, for up to three months.



Trustee Conflict of Interest

Preamble

The holding of public office is a trust created by the confidence the public places in its school trustees elected in a free and fair election by community electors. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards in accordance with the Public Schools Act.

In carrying out his or her fiduciary duties, a Board member will not:

- Disclose or use confidential information acquired in the course of their official duties to further their personal or professional financial interests, directly or indirectly;
- Disclose or use confidential information acquired in the course of their official duties to further a family member, business partner, or a close personal associate's personal or professional financial interests, directly or indirectly;
- Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in their position or which they know or should know is primarily for the purpose of rewarding them for official action taken;
- Engage in substantial financial transaction for their private business purposes with a person whom they supervise in the course of official duties;
- Perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which they have a substantial financial interest, or in which they are engaged in as a counsel, consultant, representative, or agent;
- Use their position to the disadvantage or detriment of a third party with malicious intent;
- Engage in circumstances that compromise, or appear to compromise, the ability of board members or staff to make unbiased decisions;
- Be involved in the contracting, employment, supervision, grievance, evaluation, promotion, remuneration, or firing of a family member, business associate, or personal friend.

The phrase "economic benefit tantamount to a gift of substantial value" (\$250.00 or more) includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for a Board member to receive:

- An occasional non-pecuniary gift which is insignificant in value;
- Non-pecuniary award publicly presented by a nonprofit organization in recognition of public service;
- Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which they are scheduled to participate;
- Reimbursement for or acceptance of any opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of their position;
- Items of perishable or nonpermanent value, less than \$250.00 including but not limited to meals, lodging, travel, expenses, or tickets to sporting, recreational, educational or cultural events;
- Payment for speeches, debates, or other public events reported as honorariums.



Managing Conflict of Interest

Even with the best policies and practices, conflict of interest issues will arise and need to be managed. Below are some principles and procedures for managing conflicts of interests:

- Board members should disclose conflicts of interests early and often;
- In cases where a Board member may not perceive that a conflict of interest exists, it is the responsibility of other board members who are aware of a real, potential, or perceived conflict of interest on the part of a fellow board member to raise the issue;
- If the Board is contemplating a financial transaction with a Board member, the process should be conducted through a fair and open process in which Board members who have no personal or business interests in the matter make the final decision about awarding contracts;
- Park West School Division will report annually on our website all conflict of interest disclosures and dispositions in relation to any financial transactions.

In the event of a possible breach of the Trustee Conflict of Interest:

In the event of a possible breach of the Trustee Conflict of Interest policy, the Board will follow the guidelines set for the breach of the Trustee Code of Conduct Policy #6. The guidelines are as follows:

At the Board Table:

Any trustee perceiving another trustee to be in possible breach of the Trustee Code of Conduct shall have the right to move that the board resolve itself into committee of the whole on a point of privilege, during which the trustee shall raise the perceived breach with the full board for consideration.

On Other Occasions:

Any trustee perceiving another trustee to be in possible breach of the Trustee Code of Conduct may raise the concern with that member or with the board chair or vice chair with the intent of resolving the concern. Failing resolution the perceived breach shall be presented to the full board for consideration at a committee of the whole meeting.

Response to Breach of the Trustee Code of Conduct:

Where the board determines that a breach of the Trustee Code of Conduct has occurred, the board shall respond by taking a course of action that it deems to be appropriate. Such actions may include but are not limited to the following:

1. Censuring the trustee, including in cases of repeated or severe breaches, requesting the trustee's resignation.
2. Barring the trustee from attending all or part of a meeting of the school board or a committee of the school board.
3. Suspending the trustee from the school board, including suspending all the trustee's rights, duties, privileges and indemnities as a member of the school board, for up to three months.

Please refer to Appendix B: Conflict of Interest: A Guide for Manitoba School Trustees



Board/CEO Relationship

Preamble

The governance model utilized by Park West School Division delegates the day to day operation of the organization to the Superintendent/CEO. The board directs and constrains the Superintendent/CEO through policy. If the organization is to function effectively and efficiently it is important that the board and CEO have a clear understanding about the role each has as it relates to the organization. The decision making matrix provides this clear direction.

Superintendent has complete authority to act	Superintendent has authority but must inform the Board	Board decision; Superintendent may recommend
<ul style="list-style-type: none"> ▪ Evaluate staff ▪ Evaluate programs ▪ Administer collective agreements ▪ Implement and approve professional development ▪ Implementation of Board Policy ▪ Implement and approve staff leaves up to 5 days ▪ Student overnight travel ▪ Appoint Attendance Officer ▪ Corporate sponsorship (under \$5,000) 	<ul style="list-style-type: none"> ▪ Evaluate principals ▪ Staff hiring (non-administrative) ▪ Student suspensions (up to 6 weeks) ▪ Grant applications ▪ Crisis situation (e-mail) ex. lockdown ▪ Emergency school closures ▪ Superintendent PD (out of province) ▪ Administrative procedures ▪ Acceptance of resignations ▪ Extension of medical leave ▪ Maternity/parental leaves ▪ Staff extended leaves (beyond 5 days) ▪ Student/staff out of province/country travel ▪ Corporate sponsorship (\$5,001-\$9,999) ▪ Transportation 	<ul style="list-style-type: none"> ▪ Policy Development and approval ▪ Employee termination ▪ Student expulsion ▪ Employee compensation/benefits ▪ Approval of budget ▪ Setting staffing levels ▪ Special levies ▪ Appeals to the Board ▪ New programming ▪ Over-expenditure of budget ▪ School calendar ▪ Hiring additional staff outside of formula ▪ Hiring and assignment of principals and/or senior administration ▪ Change the administrative organization chart ▪ Approve tendered contracts or contractors ▪ Corporate sponsorship (over \$10,000) ▪ Instances outside of matrix (so it can be assigned to the correct column) ▪ Changing catchment areas



Trustee Practices

Mission Statement

The Park West School Division will work with communities to: provide innovative learning opportunities; challenge students to reach their potential as engaged citizens of the world; value, accept, and nurture students.

As we work toward making this core mission a reality we reflect upon the principles that guide our interactions with various people in our work as trustees:

- While charged with the ultimate responsibility for the operation of the school division we work in equal partnership with the Superintendent/CEO;
- While we value diverse points of view we honour the collective voice of the board;
- While elected to represent our respective wards it is our duty to consider the needs of the whole division in every decision.

In striving for alignment with our mission, these guiding principles and our actions, we agree on the following norms for how individual trustees conduct their working relationships with people throughout the school division as trustee practices:

In relating to the board, we, as individual trustees:

- Support the majority decisions of the board by providing to those who ask the rationale for such decisions;
- Retain the right to a dissenting opinion and to seek changes to decisions of the Board through ethical and constructive channels;
- Keep in confidence any personal or confidential information obtained in his or her capacity as a trustee and do not disclose the information except when required by law or authorized by the school board to do so.

In relating to the Superintendent and members of the Senior Administration Team, we, as individual trustees:

- Offer information, ideas, or suggestions, without expressing specific expectations for action;
- Have the right to ask reasonable questions for information from existing reports and about policies, programs and services;
- If information outside of normal reports is needed by individual trustees, that request for information from the Superintendent/CEO will come through the whole board;
- Provide information about repeated commentary from the community regarding employee performance without becoming involved in the process of supervision;
- Recognize that most direction to Superintendent/CEO will come through collective board decisions;
- Observe telephone and email protocol (see attached).

It is understood that the Chair of the Board and the Chairs of individual committees of the board may make requests of or provide suggestions to the Superintendent/CEO, where reasonable, to advance the work of the Board as a whole or its committees.



In relating to School Administration and members of school staff, we, as individual trustees:

- Generally relate information, ideas, or suggestions through the Superintendent/CEO members, never contacting staff directly;
- Exercise caution in discussions with staff to avoid presenting individual ideas or requests as expectations for action;
- Direct complaints through proper channels: teacher, principal, Superintendent/CEO, and board, recognizing that it is not the role of an individual trustee to solve a complaint but to provide information and to make sure the individual knows the process;
- Avoid discussing negotiations issues when away from the negotiations table, except during meetings of negotiations committee and committee of the whole.

In relating to Parent Councils, Parents, and the Community, we, as individual trustees:

- Agree that the Chair of the Board and/or the Superintendent is (are) the official spokesperson(s) for the board on divisional issues, especially to the media. As individuals we can respond to straightforward questions on matters related to policies, programs, and services;
- Direct complaints through proper channels, as listed above;
- Ensure that written communication from an individual trustee that may be of a public nature (e.g. contributions to community publications) is vetted by the board or Board Chair;
- Direct Parent Advisory Councils (PAC) to provide a written invitation to the whole board requesting a trustee to attend a PAC meeting. The board will assign a board representative to attend the meeting.



Trustee Telephone and Email Protocol

Please note that all media requests should be referred to the Board Chair. The Chairperson, or in his/her absence the Vice-Chairperson, or designate, is the official public spokesperson for the whole board.

Telephone

- Trustees to log telephone calls, noting the following information, and keeping the record for future reference: date, caller, content, response/action.
- Recipient decides whether the content of the call is controversial (if controversial, refer to Superintendent/CEO) or non-controversial (answered by the recipient and shared with Board Chair when appropriate).
- How to respond to anger? Listen, de-escalate if possible, make notes on the content, decide whether or not the content (not the emotion) is controversial and refer or respond as above.
- Superintendent determines (at times in consultation with the Board Chair) whether or not there is a need to inform the whole board of the content of referred calls.

Email

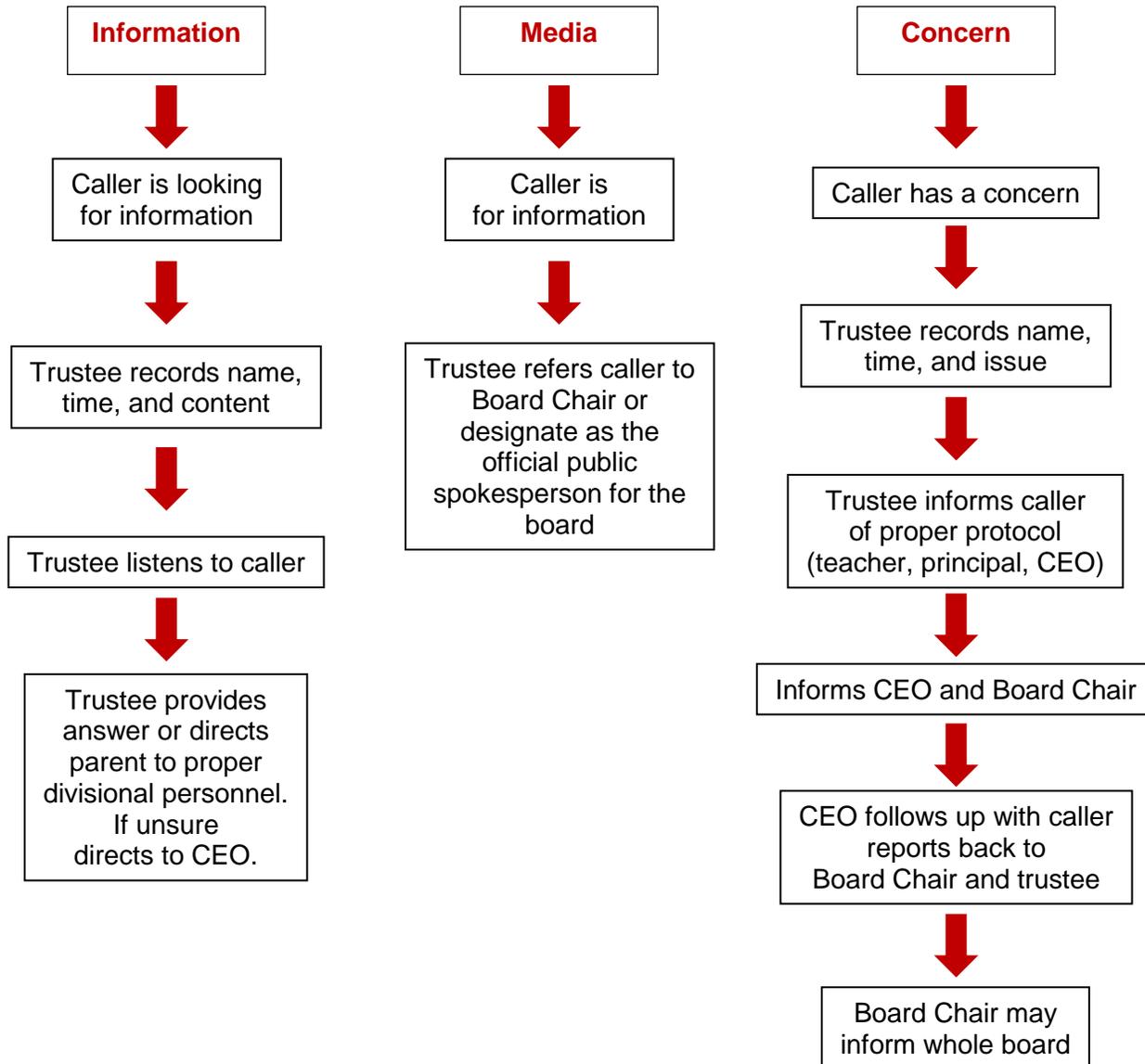
- Recipient decides whether or not email content is controversial. When appropriate, recipient seeks permission from sender to forward the email. If controversial, the email is referred by forwarding to the Superintendent/CEO and Board Chair. Recipient replies to sender indicating email has been forwarded to the Superintendent/CEO and Board Chair. If non-controversial the email is answered by the recipient and copied to the Superintendent/CEO and Board Chair.
- If broadcast email is received, then the Superintendent/CEO at times in consultation with the Board Chair makes a decision regarding the response. When the Superintendent/CEO is not copied on the broadcast email, the Board Chair forwards it to the Superintendent/CEO and in consultation makes a decision regarding the response. Superintendent/CEO or designate may need to clarify any misinformation and respond or act. Copies for information of referrals or responses can be supplied to the board members when appropriate.

Please refer to the Individual Inquiries Process Guide for examples.



Individual Inquiries Process Guide

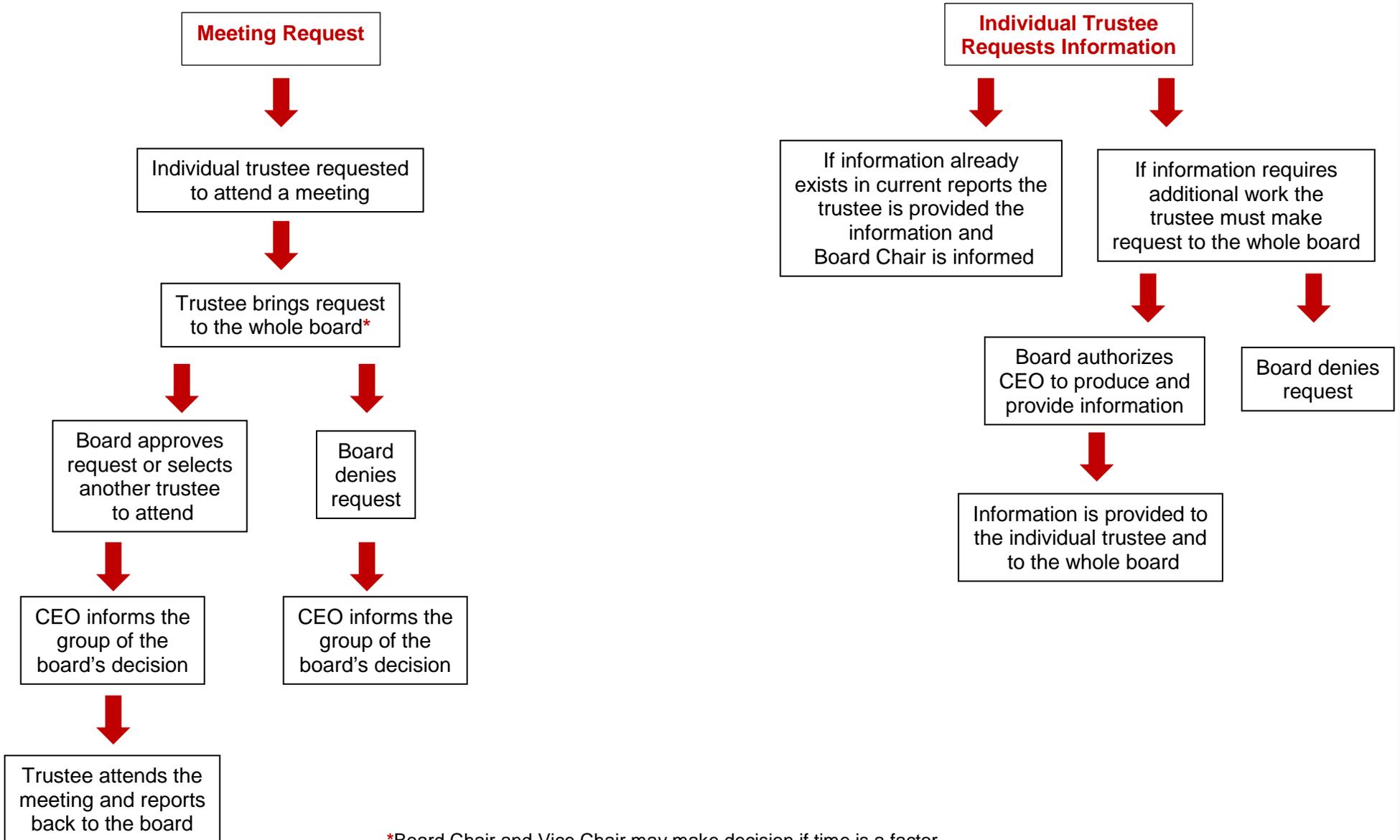
Individual trustee receives inquiry and decides if it is for information or specific concern.





Individual Inquiries Process Guide

Individual trustee receives meeting request or requests information from CEO.



*Board Chair and Vice Chair may make decision if time is a factor



Public Concerns and Complaints

Constructive criticism of the schools is welcomed by the Board whenever it is motivated by a sincere desire to improve the quality of the educational program or to equip the schools to do their tasks more effectively. Therefore, any person or group having an interest in the operation of the school division shall have the right to present a request, suggestion, comment, complaint, or concern relating to personnel, the programs, or the operations of the school division. This shall be done without fear of any reprisals from school division personnel. At the same time, the Board has a duty to protect its staff from unfair harassment and frivolous complaints. It is the intent of this policy to provide the means for hearing public complaints and concerns in a fair and impartial manner and to seek a just and equitable remedy.

It shall be understood that complaints regarding personnel shall be investigated by the administration before consideration or action by the Board. All complaints shall be handled in confidence.

Protocol for Handling Concerns

The Park West School Division Board of Trustees is interested in sharing information on protocol regarding school concerns. The following procedure should be followed to address issues of concern. The protocol may start at the second or third step depending on who is involved. Please use the following form as a reference sheet.

Teacher

Attempt to resolve concerns with the classroom teacher. The best way to solve a problem is to get as close to it as you can. Learn to see all sides of the issue. This step is successful in alleviating concerns for most issues.

Principal

In the unlikely event that dealing directly with the classroom teacher still leaves you with concerns, discuss them with the principal. A meeting with the teacher and principal may be necessary.

Superintendent/CEO

If, after seeking understanding and resolution from both the teacher and principal, you still have concerns, advise the Superintendent/CEO in writing. Please complete the following form as the format for your written request for intervention by the Superintendent/CEO. The Superintendent/CEO will respond to your written concerns and attempt to resolve the problematic issue.



Board

If the intervention by the Superintendent/CEO is not satisfactory, you have a right to request a hearing by The Park West School Division Board of Trustees at a regular Board meeting. Please review the below guidelines from the Procedural By-law which outlines how to be heard as a delegation.

- The Board shall hold its Regular meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct. (1)
- Any resident elector of the Division shall have the right to be placed on the agenda of a regular board meeting to be heard under "Delegations." Seven days prior to the meeting, they shall provide to the CEO a written brief or petition for inclusion in the agenda package and shall identify a spokesperson whom the Chairperson can address and to whom correspondence can be forwarded. The delegation will present a written list of any questions they want answered.
- The delegation will be heard in Regular session unless the Board determines that it needs to be held In-Camera.
- The Board may hear delegations at its discretion.
- The Board and Administration will not enter into debate on any issues in the presentation. The delegation will be heard for information purposes only. The Board will only ask questions for clarification. In the event a decision of the Board is required, the matter shall be postponed to the next regular meeting for action. All delegations shall be advised of acceptable procedures prior to their appearance at the Board meeting. If a decision is required prior to the next regularly scheduled meeting, the Board may suspend the rules and consider the delegations request at the same meeting, the matter then being referred ("New or Unfinished Business") for decision-making.
- The Chairperson may, at some point in the Agenda of a Special Board Meeting, permit visitors to the meeting to ask questions or speak to a matter on the agenda of which they are familiar for clarification purposes.

References:

- (1) P.S.A. Section 30 (3)



STATEMENT OF CONCERNS TO THE PARK WEST SCHOOL DIVISION

PLEASE DESCRIBE YOUR SPECIFIC CONCERN:

STEP 1 - MEETING WITH THE TEACHER

Teacher's Name: _____

Date: _____

Discussed: _____

Describe the result of your meeting with the teacher:

STEP 2 - MEETING WITH THE PRINCIPAL

Principal's Name: _____

Date: _____

Discussed: _____



Describe the result of your meeting with the principal:

STEP 3 - MEETING THE SUPERINTENDENT/CEO

Superintendent/CEO: _____

Date concern was submitted in writing: _____

Date of Meeting with Superintendent: _____

Please note: The Superintendent/CEO will only look into concerns which indicate how Step 1 and Step 2 have been addressed. Describe the result of your meeting with the Superintendent/CEO:

STEP 4

Date of notification of the Superintendent/CEO that you wish to appear as a delegation before The Park West Board of Trustees: _____

Name (Please Print)

Signature

Date



Trustee Professional Development

Trustee Professional Development Budget

The role of the board is to set the broad vision and goals for Park West School Division. It is important that trustees of the board are well aware of current and future trends in education. This requires trustees to be well informed in order to ensure that they are setting the organization on the correct path for the future. Individual trustees can keep abreast of current and future trends in a variety of ways: attend conferences, read books, attend local professional development (PD) events, attend community learning opportunities, join organizations, etc. The board supports individual trustee's learning by providing a budget for each trustee. This amount will be reviewed each year during the creation of the annual school division budget.

Trustees may claim food, travel, lodging, registration, and time when attending a professional development opportunity. These expenses will be reimbursed from the individual trustee's professional development account.

The cost for the annual Manitoba School Board Associations Conference (MSBA) and regional meetings will not come from this individual PD budget. If the board requests a trustee to attend a conference, then those conference costs are covered by the board, not from the individual trustee's accounts.

There may be times that individual trustees are asked to attend a conference because of involvement on a provincial or MSBA committee. In such instances, if the cost is not covered by the province or committee, they will be covered by the board. This assumes that the board has approved the trustee's participation on the committee.

Individual requests can be made to the board for approval of a PD session that exceeds the yearly trustee budget. An individual trustee's PD funds may not be transferred to any other areas of the budget by the trustee.



Trustee Compensation/Expenses

Indemnity

Trustees are paid an indemnity as compensation for their work on behalf of the board. The indemnity is paid monthly and trustees are not expected to record the regular meeting hours.

Expenses

In addition to the indemnity, trustees are paid for mileage to and from meetings, conferences, and special events. Trustees are paid an hourly rate (up to a maximum of 8 hours per day – not including travel time) to attend conferences, special meetings, and school events. Trustees *may not* claim travel time to special meetings at Division Office as per 2018-2019 budget decision. The hourly rate is set at the Inaugural Meeting and the current rate is listed in the Indemnity Bylaw. It is strongly encouraged for trustees to carpool when it is possible and practical. In order to help in the tracking of the budget, expense claims must be handed in on a quarterly basis. Monthly expense claim filing is strongly encouraged. Below is a list of eligible items that trustees may claim for:

Mileage

- regular meetings (mileage to be claimed from place of residence to division office)
- special meetings
- conferences
- events directed by the board/CEO (graduations, school events, MSBA)

Trustees *may not* claim mileage for unofficial visits to schools or for non-board directed school events.

Hourly Meeting Rate

- special meetings away from Division Office
- meetings and events directed by the board
- conferences (maximum daily rate)

Trustees *may not* claim an hourly rate or travel time for regular meetings. The regular meetings are included in the monthly indemnity.

Meals

Trustees will be reimbursed for meals when attending conferences and meetings. Receipts must accompany the expense claim which shows the purchased meals. Below is a guideline to follow when claiming meal reimbursements:

- Trustees may charge for meals when attending out-of-division meetings where no meals were provided
- if meals are provided at a conference and a trustee chooses not to avail themselves of that meal then the trustee may not charge for other meals.
- if a trustee missed a meal that was provided to attend to board business then they may charge for the missed meal.

Regular Meetings

- mileage to and from



Special Meetings

- mileage to and from
- meeting time
- travel time if meeting is away from Division Office

Conferences

- mileage to and from
- travel time and conference time
- registration, food, and lodging

Committee Meetings

- mileage to and from
- meeting time
- travel time if meeting is away from Division Office
- if committee meetings occur before or after board meetings mileage and travel time can only be charged once - no meeting time can be charged for regular board meetings

School and Community Events (at the request of the Board or CEO)

- mileage to and from
- travel time and event time

School and Community Events (non-Board sanctioned)

- no claims can be submitted for reimbursement



School Catchment Areas

School catchment areas in the Park West School Division are established to assist with planning and administration. Students are expected to attend in their catchment area or designated school. (Please see the maps on our divisional website at www.pwsd.ca in the Bus Information tab.)

The Board will review the process for establishing the school catchment areas with the Transportation Supervisor after every Trustee election. This will give new Trustees an understanding of the reasoning behind the catchment areas.

Please refer to AP 115: School Catchment Guidelines for more information on catchment areas and school of choice guidelines.

Mileage

- regular meetings
- special meetings
- conferences
- events directed by the board/CEO (graduations, school events, MSBA)

Trustees *may not* claim mileage for unofficial visits to schools or for non-board directed school events.

Hourly Meeting Rate

- travel time to and from regular and special meetings
- meetings and events directed by the board
- conferences (maximum daily rate not including travel time)

Trustees *may not* claim an hourly rate for regular meetings. The regular meetings are included in the monthly indemnity.

Meals

Trustees will be reimbursed for meals when attending conferences and meetings. Receipts must accompany the expense claim which shows the purchased meals. Below is a guideline to follow when claiming meal reimbursements:

- Trustees may charge for meals when attending meetings where no meals were provided
- if meals are provided at a conference and a trustee chooses not to avail themselves of that meal then the trustee may not charge for other meals.
- if a trustee missed a meal that was provided to attend to board business then they may charge for the missed meal

Regular Meetings

- mileage to and from
- travel time to and from (only)

Special Meetings

- mileage to and from
- travel time and meeting time

Conferences

- mileage to and from
- travel time and conference time
- registration, food, and lodging

Committee Meetings

- mileage to and from
- travel time and meeting time
- if committee meetings occur before or after board meetings mileage and travel time can only be charged once - no meeting time can be charged for regular board meetings

School and Community Events

- (directed by the Board/CEO)
- mileage to and from
 - travel time and event time

School and Community Events

- (non-Board sanctioned)
- no claims can be submitted for reimbursement

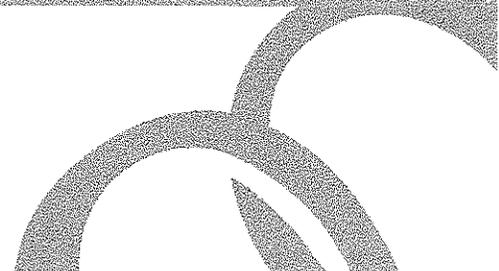
CITY	Birtle	Binscarth	Brandon	Dauphin	Decker	Hamiota	Inglis	Miniota	Minnedosa	Monarch	Neepawa	Roblin	Rosburn	Russell	Shoal Lake	Strathclair	Swan River	Wayway	Winnipeg
Birtle		66	287	396	72	131	150	63	192	27	249	208	106	104	68	101	454	124	613
Binscarth	66		333	329	141	177	82	131	237	54	295	141	110	35	120	147	387	102	663
Brandon	287	333		332	217	166	414	226	102	296	152	470	291	367	217	186	670	302	428
Dauphin	396	329	332		362	357	262	407	238	370	282	188	301	295	300	269	342	320	656
Decker	72	141	217	362		44	222	66	143	100	200	281	94	177	62	94	527	154	550
Hamiota	131	177	166	357	44		258	73	146	142	196	317	131	211	57	89	563	150	565
Inglis	150	82	414	262	222	258		213	319	124	376	74	126	46	201	229	320	120	742
Miniota	63	131	226	407	66	73	213		199	90	249	271	169	167	129	162	518	186	618
Minnedosa	192	237	102	238	143	146	319	199		202	60	378	192	272	122	91	578	210	432
Monarch	27	54	296	370	100	142	124	90	202		260	182	90	78	85	122	424	107	634
Neepawa	249	295	152	282	200	196	376	249	60	260		434	249	331	179	148	624	268	374
Roblin	208	141	470	188	281	317	74	271	378	182	434		185	106	260	290	242	176	808
Rosburn	106	110	291	301	94	131	126	169	192	90	249	185		78	74	104	431	18	617
Russell	104	35	367	295	177	211	46	167	272	78	331	106	78		154	182	353	72	695
Shoal Lake	68	120	217	300	62	57	201	129	122	85	179	260	74	154		32	506	92	548
Strathclair	101	147	186	269	94	89	229	162	91	122	148	290	104	182	32		536	120	516
Swan River	454	387	670	342	527	563	320	518	578	424	624	242	431	353	506	536		420	996
Wayway	124	102	302	320	154	150	120	186	210	107	268	176	18	72	92	120	420		636
Winnipeg	613	663	428	656	550	565	742	618	432	634	374	808	617	695	548	516	996	636	

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A Guide to School Boards and Trusteeship in Manitoba

Updated October 2014



On Becoming a School Trustee

Elections for the office of school trustee are held every four years, in conjunction with municipal elections, on the fourth Wednesday in October.

School board elections are governed by *The Municipal Councils and School Boards Elections Act*. Any differences between the conduct of school board and municipal elections are the result of specific provisions in *The Public Schools Act*, which is the provincial legislation that governs school board operations.

Qualifications

Section 22 of *The Public Schools Act* outlines the qualifications of a candidate for the office of school trustee.

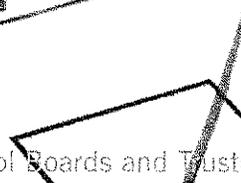
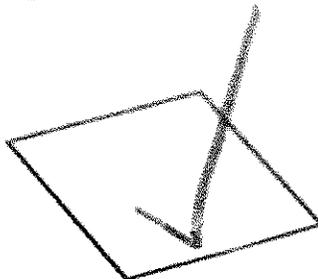
A person is qualified to be nominated for and elected as a trustee of a school board, if the person:

- (a) is a Canadian citizen;
- (b) is of the full age of 18 years, or will be at the date of the election;
- (c) is an actual resident in the school division or school district, and will have been so for a period of at least six months at the date of the election; and
- (d) is not disqualified under any other provision of this *Act* or under any other *Act*, and is not otherwise by law prohibited from being a trustee or from voting at elections in the school division or school district.

Section 22(2) of *The Public Schools Act* specifies that certain individuals may not be nominated or serve as trustees: members of the Legislative Assembly or the Senate or House of Commons of Canada, and pupils in regular attendance at a school within the same school division or district. Section 40(1) of *The Municipal Councils and School Boards Elections Act* prohibits an individual from holding or being nominated for more than one office on an elected authority at the same time, and Section 40(2) stipulates that anyone serving on a municipal council or school board must resign that office before being nominated to run in another authority's by-election.

Candidates for school board office must actually reside in the school division or district for which they are seeking election; they are *not* eligible for office if they are non-resident property-owners or rate-payers. However, individuals do not need to be residents of the specific ward in which they wish to run, as long as they do reside within the division or district as a whole.

An employee may run for and serve as a trustee in the division or district where he or she is employed, providing that he or she takes a leave of absence from their employment while serving. This unpaid leave must be granted by the division or district, for a period of time not exceeding five years.



Once elected, school trustees will normally hold office until the expiration of their term, at which time they must decide whether to seek re-election. There are, however, circumstances in which a trustee's seat can be declared vacant. These are outlined in Section 39.8 of *The Public Schools Act*.

A school board of a school division or school district shall declare a seat vacant and . . . order an election to fill that seat when the trustee elected to that seat:

- (a) is deceased; or
- (b) has submitted a resignation in writing to the secretary-treasurer of the school division or school district; or
- (c) has failed to attend three consecutive regular meetings of the school board without authorization of the school board by resolution recorded in the minutes; or
- (d) has been disqualified from holding office under this *Act*; or
- (e) ceases to be a resident of the school division or school district.

If potential candidates for office doubt their ability to attend meetings on a regular basis (usually a minimum of twice a month), or if they plan to move beyond the boundaries of their school division or district in the immediate future, they may want to reconsider their decision to run for office.

Under Section 39.6(1) of *The Public Schools Act*, a trustee will also be disqualified from holding office if he or she:

- (a) violates any provision of *The Public Schools Act*; or

- (b) is convicted of
 - (i) an offence punishable by imprisonment of five years or more, or
 - (ii) an offence under section 122 (breach of trust by public officer), 124 (selling or purchasing office) or 125 (influencing or negotiating appointments or dealings in office) of the *Criminal Code* (Canada).

When a trustee is disqualified under this section, he or she remains disqualified from being nominated, elected, or appointed as a trustee for four years from the day he or she is first disqualified.

Conduct of School Board Elections

The next general school board election will be held on October 24, 2018. Once an individual has decided to run for the office of school trustee, the next step is to file nomination papers. Generally, these papers can be picked up at the local school board office or, for school divisions within the City of Winnipeg, at the City Clerk's Department of City Hall. Interested individuals should contact their local school board office to confirm where they can obtain the necessary papers.

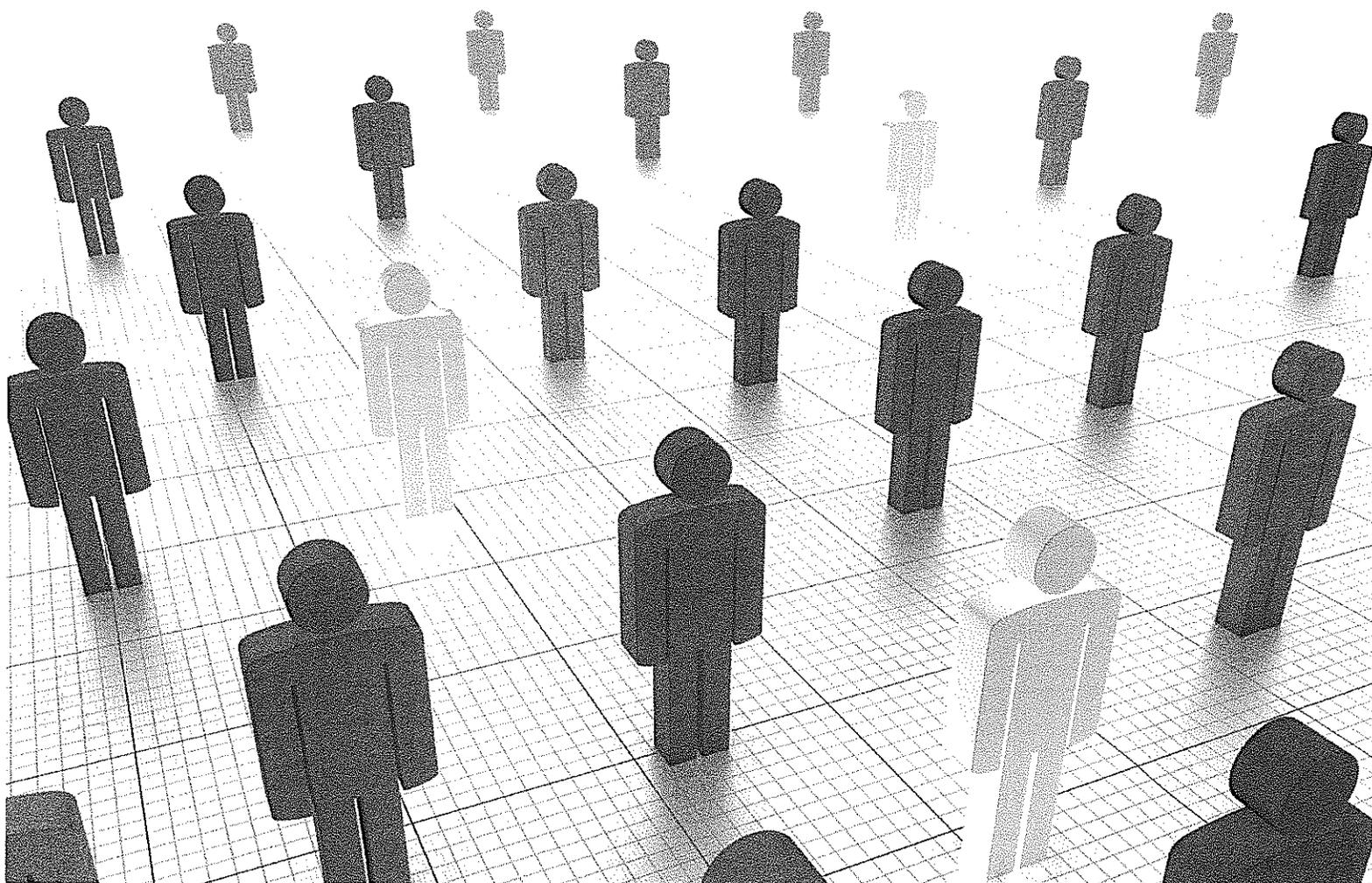
In order to be nominated, a candidate must obtain the signatures of 25 voters or 1% of the total number of voters in the ward in which he or she is running, whichever is the lesser. In this case, "voters" means people whose names appear on the school division or district voters list.*

*Effective January 1, 2014, this definition of voter will change to people whose names appear on the voters list for the **ward**.

Once the necessary signatures are obtained, and other supporting documentation is completed, these papers must be filed with the division or district senior election official during the legislated nomination period. The school board office will be able to tell candidates where the nomination papers will be received. Once filed, a nomination may be withdrawn within 24 hours of the close of the nomination period, providing that withdrawal would leave enough remaining candidates to fill the offices to be elected.

The conduct of the actual campaign is up to each individual candidate. Campaigning methods may include any or all of door-to-door canvassing, publication and distribution of brochures, newspaper advertisements and posters. There are, however, restrictions on the distribution of brochures and the posting of signs within the immediate area of any polling station on election day. As well, groups such as teachers and parent councils often organize town-hall meetings, in which voters are given an opportunity to question candidates, and candidates an opportunity to share their viewpoints.

Candidates are responsible for raising any funds required for the conduct of their campaigns. Funds expended on school board elections are not tax deductible for candidates, nor are contributions made to a candidate's campaign tax deductible for the donor.



The Role of School Boards and School Trustees

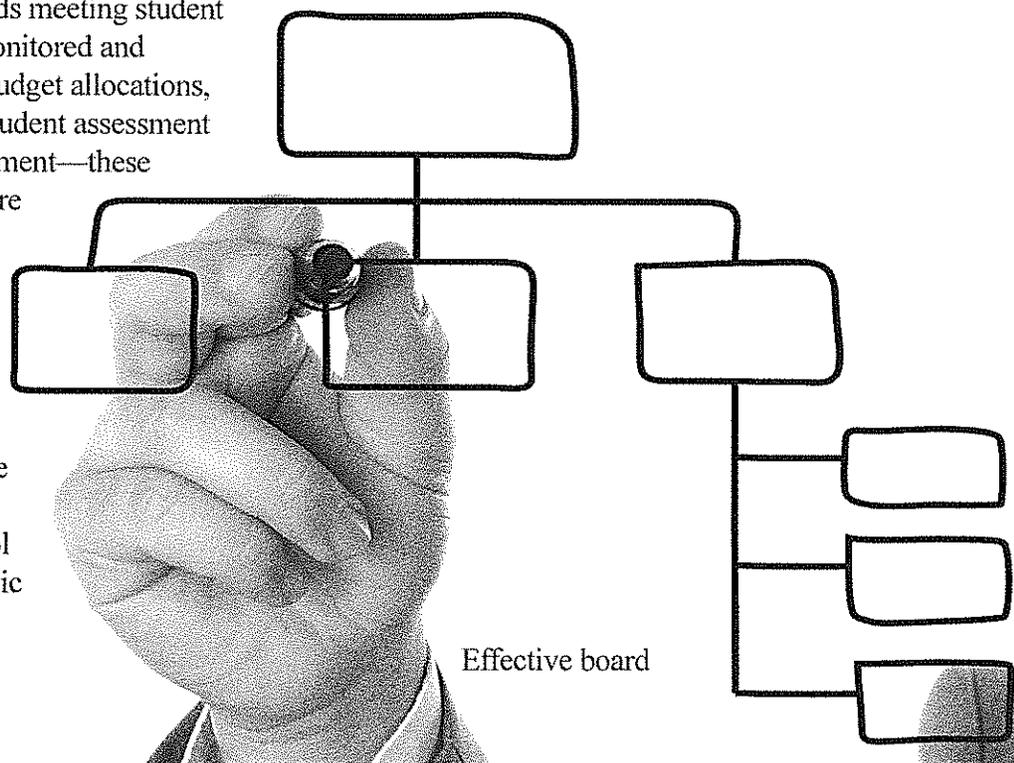
The smallest of Manitoba's school divisions and districts serves a few hundred students, while the largest serves over 30,000. With a few exceptions, school boards range in size from five to nine trustees, and both the size and the nature of the area they represent vary tremendously. This variation can have a significant impact on the way in which education is provided and school boards function. Despite these differences, however, there are two characteristics which are common to all effective school boards: they focus their efforts on improving student achievement, and they are in regular and meaningful contact with the communities they serve.

Most often, school trustees are not professional educators, but that doesn't mean that they don't play an important role when it comes to student achievement. In fact, student achievement is a school board's primary reason for existence. But instead of focusing their attention on what's happening in individual classrooms, effective school boards focus their attention on making sure that learning expectations are high for all students, that the policies and resources to make achieving those expectations possible are in place, and that progress towards meeting student achievement goals is being monitored and reported on a regular basis. Budget allocations, hiring decisions, policies on student assessment and staff professional development—these are just a few of the areas where school board decisions have a profound effect on student learning.

When we talk about school boards interacting with their communities, the term we most often use is "community engagement." Effective school boards need to encourage public

attendance at their meetings and keep constituents informed about their progress, but community engagement means more than that. Community engagement means developing formal mechanisms to ensure that major policies are enacted only after all sides of a matter have been studied. It means deliberately reaching out to groups who may not be familiar with the school system, or who do not feel they have a stake in its success, and actively seeking their opinions. A school board engages its community when it looks for ways to overcome obstacles to public participation, when it listens to varied opinions without prejudging their value, and when it communicates clearly and openly both the nature and the reasoning behind its ultimate decisions.

Just as there is no "typical" school board in Manitoba, so too there is no typical school trustee. Board members represent all age groups, all levels of educational attainment, and all occupations. Effective board members do, however, share some very important characteristics.



members are characterized by the ability to work as members of a team. They maintain an open mind, and have the ability to engage in give-and-take and to arrive at a decision. They know that authority rests with the board as a corporate body, not with individual trustees, and that they must work with their colleagues in order to achieve their goals. They are willing to spend the time required to become informed and to do the homework needed to take part in effective school board meetings. They share a strong desire to serve children and their community, as well as a strong belief in the value of public schools. Effective board members also respect the needs and feelings of other people, and have a well-developed sense of fair play. They recognize that the school division or district they serve may be one of the largest businesses in town, and that the board is responsible for seeing that that business is well-managed.

Duties and Powers of School Boards

The *Public Schools Act* defines both the “duties” (those things “every school board shall” do) and the “powers” (those things “a school board may” do) of school boards in Manitoba. School board duties are standard throughout the province; combined, they ensure a basic level of public school education to which all Manitobans are entitled. At the same time, school boards may differ on which “powers” they chose to exercise. In this way, they develop schools that are unique in the ways they reflect the values and concerns of the communities they serve. School boards are responsible for providing adequate school accommodation for students between the ages of 6 and 21, and for employing the necessary teachers and other staff. The school board must authorize the spending of divisional or district funds, and ensure that the proper financial reports are maintained and published or distributed as required. If a program of study is not offered within a division or district, a school board is responsible for paying certain costs associated with a student undertaking that program of study as a non-resident student in another jurisdiction. As well, the school board may be required to provide transportation for students to and from school, if those students reside a minimum distance from their school, or if students have physical or other handicaps that render them unable to walk to school.

The list of what a school board *may* do is varied. It includes the provision of nursery schools or kindergarten for children between the ages of 3 and 6, as well as evening and summer school. A school board may choose to provide lunch for its pupils, either with or without charge. A board, with the consent of the Minister of Education, may establish and administer a system of dental and medical inspection of pupils and employees. A school board also has the authority to enter into agreements with other school boards, government agencies or departments, or municipalities, to provide certain facilities or services to its pupils.

Conduct of School Board Business

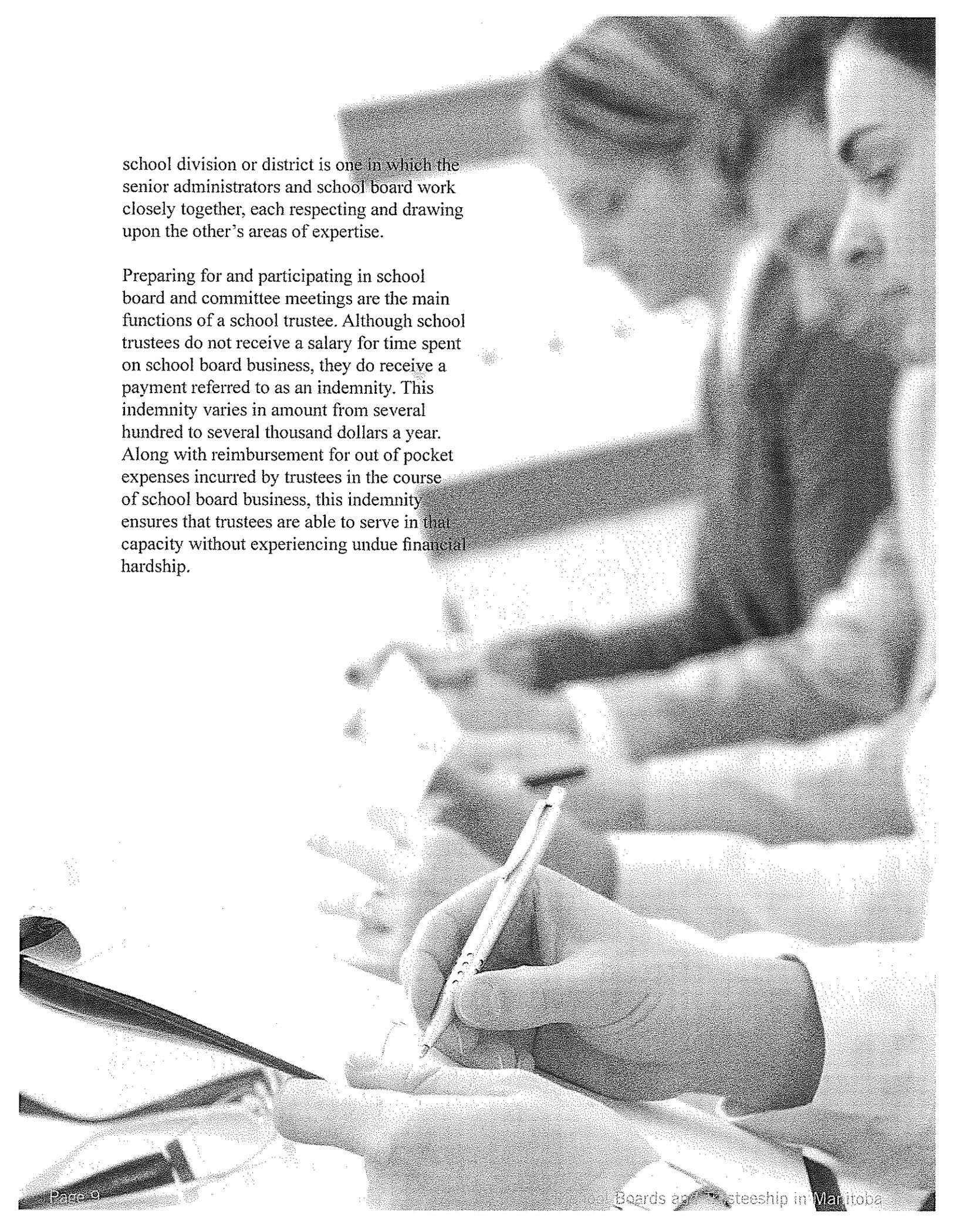
The primary function of a school board is the determination of policy. These policies are, in effect, the laws under which a division or district operates. Implementation of that policy—that is, the day-to-day management of school business—is the role of the administrative staff hired by a school board.

A school board sets policy through the decisions it makes at public meetings. *The Public Schools Act* provides that “An act or proceeding of a school board that is not done or taken at a regular or special meeting of the school board, is not valid or binding on any person affected thereby” (Section 35). Combined with the requirement that “Every school board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct” [Section 30(3)], legislation assures that school board business is conducted in an open manner.

In addition to full school board meetings, trustees also attend the meetings of any committees on which they serve. Most school boards have a number of standing committees that deal with matters such as finance, personnel, curriculum, and facilities. Special or ad-hoc committees may also be appointed from time to time to deal with special projects or emerging issues. Unlike regular or special school board meetings, committee meetings do not have to be held in public, but may be held in-camera. These committees rarely make final decisions themselves. Their role generally is to investigate, deliberate, and report back to the full board. The board then has the option of adopting the recommendations of the committee at its public meeting, modifying any proposed course of action, or rejecting a committee report outright.

One special committee that is used on occasion is the Committee of the Whole. Membership on the Committee of the Whole is the same as membership on the board—that is, all of a division’s or district’s trustees. The difference between a Committee of the Whole meeting and a board meeting is twofold: firstly, a meeting of the Committee of the Whole may be held in-camera, and secondly, the board, when sitting as the Committee of the Whole, cannot make any decision that is legally binding. The Committee of the Whole functions in much the same manner as any other committee; it submits its report to the board in public session, and the board then acts upon the report. The Committee of the Whole is an important instrument in that it allows the board to discuss thoroughly issues which it believes should not be debated in public, while still making the final decision in a public meeting. Two examples of issues which are often discussed in Committee of the Whole are staff or student discipline as it relates to individuals, and land acquisitions.

The decisions made by a school board at its meetings set the direction for the school division and district. The school board employs administrators to see that this direction is implemented in an effective and efficient manner. The two most senior administrators of a school division or district are the superintendent and the secretary-treasurer. By law, all school boards must employ a secretary-treasurer; he or she is the chief financial officer of the division or district. In addition, most school boards employ a superintendent, who is the division or district’s chief educational officer. In some instances, both positions are held by the same individual. *The Public Schools Act* lists those responsibilities which a school board may delegate to its secretary-treasurer or superintendent. An effectively managed



school division or district is one in which the senior administrators and school board work closely together, each respecting and drawing upon the other's areas of expertise.

Preparing for and participating in school board and committee meetings are the main functions of a school trustee. Although school trustees do not receive a salary for time spent on school board business, they do receive a payment referred to as an indemnity. This indemnity varies in amount from several hundred to several thousand dollars a year. Along with reimbursement for out of pocket expenses incurred by trustees in the course of school board business, this indemnity ensures that trustees are able to serve in that capacity without experiencing undue financial hardship.

The Manitoba School Boards Association is a voluntary organization of public school boards in Manitoba. Its mission is to enhance the work of locally elected school boards through leadership, advocacy and service, and to champion the cause of public education for all students in Manitoba.

The mandate of the Manitoba School Boards Association is:

1. to promote and support the work of elected public school boards within the parameters of Manitoba laws and statutes.
2. to promote and advance the cause of public education in the province through research, study and public discourse.
3. to work collaboratively with education partners, stakeholders, and community agencies in addressing the learning and developmental needs of school-aged children and youth.

The association strives to fulfill its mandate by offering a wide range of direct services to member boards, and by providing a strong voice for the expression of the views and concerns of Manitoba's public school trustees.

The school divisions and districts that are members of the Manitoba School Boards Association are grouped into six regions. Each year, the boards that make up each region meet to elect one or more Directors, for a total of seven representatives on the association's Provincial Executive. Other members of the Executive include the President and two Vice-Presidents, who are elected at the association's Annual Convention each March, and the immediate Past President. The eleven-member Provincial Executive governs the association between Conventions.

The Manitoba School Boards Association office is located at 191 Provencher Boulevard in Winnipeg. There are 18 full-time staff members. The building also houses a number of rooms where meetings of the executive and association committees are held.

The association staff is divided into five departments.

The **Executive Office** is responsible for the general administration of the association, and for ensuring the implementation of the policies and instructions of the provincial executive. This department provides support services to the executive and many of the association's committees, and shares advocacy responsibilities with Education and Communication Services.

Corporate Services carries out the accounting functions of the association and related entities (MSI Insurance and the Pension Plan for Non-teaching Employees of Public School Boards in Manitoba), as well as for Safe Schools Manitoba and the Child Nutrition Council of Manitoba. General office management and systems/technology support are also housed in this department.

Questions?

Some of the questions we are asked most frequently at the Manitoba School Boards Association office, and their answers, are listed below. If you have questions about trusteeship or the contents of this document, please contact us. We can be reached by phone at 204-233-1595, or toll-free at 1-800-262-8836. You may also visit us at mbschoolboards.ca.

If you have questions that are specific to your own school division or district, contact the school board office. The phone numbers and addresses are listed at the end of this document.

Question: When is the next school board election?

Answer: School board elections are held every four years. The next general school board elections will be held on Wednesday, October 24, 2018.

Question: Who serves as public school trustees?

Answer: Public school trustees come from all walks of life. They are retirees, homemakers, professionals, tradespeople, university students—the list goes on. What these people do have in common, however, is a sincere interest in children and education, and a desire to serve their communities.

Question: I live in one school division, but own property in a neighbouring one. Can I run for school trustee in either of the two divisions?

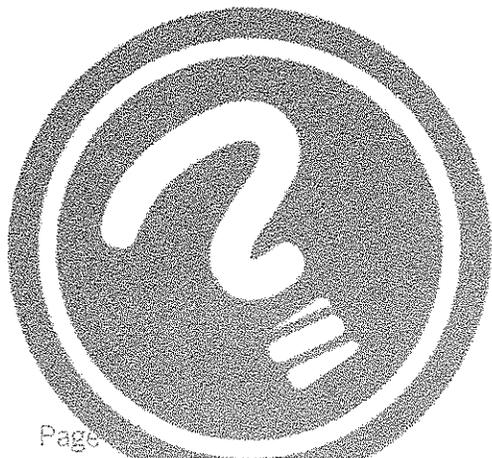
Answer: No. *The Public Schools Act* requires that a candidate be “an actual resident in the school division or district,” and that he or she has been so for a period of at least six months at the date of the election.

Question: My school division is divided into three wards. I live in Ward 1. Does that mean that I have to run as a candidate in Ward 1, or can I run in one of the other wards?

Answer: A candidate does not have to live in the specific ward in which he or she runs, as long as they do reside in the division or district.

Question: My spouse teaches in the school division in which we live. Can I still run for school trustee?

Answer: An individual whose spouse works for a school division or district may still be a trustee in that same division or district. There are, however, some matters which come before the board where that trustee would be considered to have a conflict of interest. In those situations (such as salary negotiations), that trustee would not involve him or herself in the debate or voting on that specific matter. There are a number of other situations where a trustee could have a potential conflict of interest. Legislation requires that situations such as these be declared when a trustee takes office.

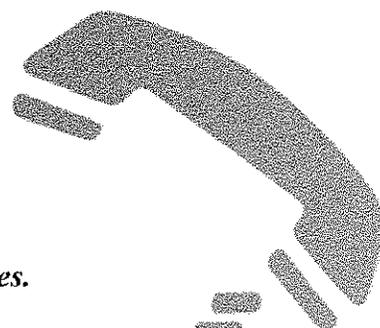


Question: I am a public school teacher. Does that disqualify me from running for school trustee?

Answer: A teacher or other school division employee may serve as a school trustee. If you work in the same school division or district in which you live, you will be required to take a leave of absence from your job in order to serve.

Question: If I'm elected school trustee, how will I learn about the job? Will I be offered any training?

Answer: Most school divisions and districts offer orientation sessions for new trustees, to familiarize them with local policies and procedures. As well, many new trustees attend training sessions organized by the Manitoba School Boards Association. These sessions bring together newly-elected trustees from across the province, helping them to understand their new role and to develop skills they will need to be effective board members.



Contact Your School Board Office

The location of each school board office is indicated in parentheses.

Beautiful Plains (Neepawa)	204-476-2388		
Border Land (Altona)	204-324-6491	Pine Creek (Gladstone)	204-385-2216
Brandon (Brandon)	204-729-3100	Portage la Prairie (Portage la Prairie)	204-857-8756
DSFM (Lorette)	204-878-4424	Prairie Rose (Carman)	204-745-2003
Evergreen (Gimli)	204-642-6260	Prairie Spirit (Swan Lake)	204-825-2721
Flin Flon (Flin Flon)	204-681-3413	Red River Valley (Morris)	204-746-2317
Fort La Bosse (Virden)	204-748-2692	River East Transcona (Winnipeg)	204-667-7130
Frontier (Winnipeg)	204-775-9741	Rolling River (Minnedosa)	204-867-2754
Garden Valley (Winkler)	204-325-8335	Seine River (Lorette)	204-878-4713
Hanover (Steinbach)	204-326-6471	Seven Oaks (Winnipeg)	204-586-8061
Interlake (Stonewall)	204-467-5100	Southwest Horizon (Melita)	204-483-6294
Kelsey (The Pas)	204-623-6421	St. James-Assiniboia (Winnipeg)	204-888-7951
Lakeshore (Eriksdale)	204-739-2101	Sunrise (Beausejour)	204-268-6500
Lord Selkirk (Selkirk)	204-482-5942	Swan Valley (Swan River)	204-734-4531
Louis Riel (Winnipeg)	204-257-7827	Turtle Mountain (Killarney)	204-523-7531
Mountain View (Dauphin)	204-638-3001	Turtle River (McCreary)	204-835-2067
Mystery Lake (Thompson)	204-677-6152	Western (Morden)	204-822-4448
Park West (Birtle)	204-842-2100	Whiteshell (Pinawa)	204-753-8366
Pembina Trails (Winnipeg)	204-488-1757	Winnipeg (Winnipeg)	204-775-0231

The ***Education and Communication Services Department*** is responsible for the association's trustee education program, including the annual convention, provincial and regional workshops, and on-line learning opportunities. It produces print and electronic learning resources, develops association advertising and media campaigns, and maintains the association's website and membership data bases. It supports individual boards in the areas of board and policy development and procedural matters.

Risk Management Services oversees the MSI insurance program, as well as both Safe Grad and TADD Manitoba programs. Risk Management works closely with schools to ensure student and staff well-being through programs of school and playground inspections, and to help mitigate the potential for loss as a result of fire, flood, theft, or other hazards.

Labour Relations and Human Resource Services is responsible for providing labour relations and personnel services to member school boards in the capacity of advisor, coordinator, and agent. This department assists member boards in the maintenance of good employer-employee relationships through the establishment of fair and reasonable salaries, benefits, and working conditions.

Conflict of Interest
FULL DISCLOSURE

A GUIDE FOR MANITOBA SCHOOL TRUSTEES

APRIL 1988
MANITOBA EDUCATION
ADMINISTRATION AND PROFESSIONAL CERTIFICATION

CONFLICT OF INTEREST—FULL DISCLOSURE
A Guide for Manitoba School Trustees

Background

The expenditure of public funds by elected officials has traditionally been watched carefully by citizens and interpreted strictly by the courts where any review takes place. Until recently, most legislation dealt with potential conflict of interest situations by prohibiting any financial transactions between a public body and its elected officials except for specific payments for services such as utilities.

This prohibitive approach mirrored the legal maxim that "Justice Must Not Only Be Done But It Must Be Seen To Be Done." Accordingly, no opportunity was provided for a private interest to be pursued where it could come into conflict with a public duty.

A more equitable approach has emphasized the opportunity for an elected official to provide goods or services to an institution provided that full disclosure takes place within the guidelines of the legislation.

In 1987, the Manitoba Legislature amended *The Public Schools Act* to clarify situations where potential for conflict of interest exists, to outline the action a trustee must take to avoid conflict of interest, and to specify the penalties for a finding of conflict of interest.

This summary is intended to assist trustees in carrying out their duties. It is also intended to direct public officials toward the importance of strict adherence to the full disclosure procedures which avoid conflict of interest.

1. When does conflict of interest occur?

Section 36(1)

When a personal matter (or interest) clashes with a public duty or responsibility there is said to be a conflict of interest. For a school trustee, conflict of interest occurs when a trustee or the dependent of a trustee participates in decisions of the Board of Trustees which result in a direct or indirect pecuniary gain for that trustee or the dependent of that trustee. An exception is permitted when the benefit to the trustee or dependent is identical to that received by any other ordinary citizen, such as through reduced taxes or increased services.

2. What is the definition of dependent?

Section 36(1)

A dependent of a trustee is defined as the spouse of a trustee, or, the person represented as the spouse, and any children residing with the trustee.

3. What is an indirect pecuniary interest?

Section 37(1)

An indirect pecuniary interest occurs when business is conducted between a board of trustees and a corporation or subsidiary of a corporation where:

- (a) the corporation is one in which the trustee or his dependent has an interest that exceeds 5% of the value of the stock; or
- (b) the corporation is one in which the trustee or dependent is a director or officer; or
- (c) the corporation is one in which the trustee or dependent is: i) an employee or partner, ii) a guarantor of a surety, or iii) a creditor.

Section 37(5)(c)

In all cases the benefit must exceed that received by an ordinary citizen and be over the value of \$500.00 in order to be considered significant.

4. Are there exceptions?

Yes. Section 37(3) sets out exceptions to conflict of interest as being:

- a. A trustee or dependent has no conflict of interest when the contract entered into by the board is on terms common to other contracts. This allows a spouse or dependent to be employed by a school division on the same terms as others, including employment as a teacher or in another employee group employed according to the terms of the collective agreement. This would not include the dependent of a person who negotiates a separate employment agreement. A trustee can enter into an agreement to supply services or materials to the board under an agreement common to all others and not be in conflict. An employee of a utility or similar corporation where rates are set through external negotiation can be a trustee without being in conflict.
- b. A person who is involved in the provision of sewer and water connection to a division can be a trustee or dependent of a trustee.
- c. A person can be a contractor or employed by a contractor in the construction of a school building supervised by The Public Schools Finance Board and not be in conflict.
- d. The owner, editor, or employees of a newspaper in which advertising is placed can be a trustee or dependent of a trustee without being in conflict.
- e. A trustee can hold bonds or debentures of a school district and not be in conflict.
- f. In an emergency, a trustee can receive reasonable compensation for work or services without being in conflict.
- g. A trustee can be appointed to serve, as a trustee, on any commission, board or agency without being considered to be in conflict.
- h. A trustee may be an employee of the federal, provincial, or municipal governments, or any other school division or school district and not be in conflict.

5. What does a trustee do when he believes himself to be in conflict of interest?

Section 38(1)

When a matter arises in a meeting in which the trustee or dependent has a direct or indirect pecuniary interest or liability, the trustee shall:

- a. disclose the general nature of the interest or liability.
- b. withdraw from the meeting without participating in the vote or discussion.
Withdrawal should be noted in the minutes, and
- c. refrain at all times from attempting to influence the matter.

6. What meetings does this include?

Section 38(2)

The meetings that this procedure governs are:

- a. school board meetings
- b. committee meetings, and
- c. subcommittee meetings.

7. Must the trustee disclose conflict if he/she is not present at the meeting?

Section 38(3)

Yes, absence from a meeting does not mean the trustee can avoid disclosure. The necessary disclosure must be made at the next meeting of the body in question. The trustee must not at any time, before or after the disclosure, attempt to influence the decision.

8. Is a record of disclosure kept?

Section 39(1)

Yes. The secretary-treasurer is responsible for establishing a central register of disclosures. Whenever a disclosure occurs, the clerk of the meeting shall record in the minutes the disclosure, the nature of the direct or indirect pecuniary interest, and the withdrawal of the trustee from the meeting. The clerk records this with the secretary-treasurer in the central registry. Also noted is whether or not the meeting and the minutes of the meeting are open to the public.

9. Is this record open to the public?

Section 39(4)

Yes. The central register is open to the public without charge during regular office hours.

10. What is the procedure when withdrawals reduce the number of trustees below the number required for a quorum?

Section 39.1(1)

In the matters being dealt with by the school board the following occurs:

a) School Board Meetings

- (i) If two trustees remain they constitute a quorum for a board meeting.
- (ii) If there are fewer than two trustees remaining, the trustees apply to the Minister who refers the matter to the Board of Reference which will hear the matter and make a decision on conflict of interest in the matter.

b) Committees or Subcommittee Meetings

When the matter is being dealt with in a committee or subcommittee and there are fewer than two trustees remaining, the matter goes to the school board for decision.

11. What happens to a contract when one or more trustees act in conflict of interest?

Section 39.2

The existence of a conflict of interest does not automatically void a contract. The school board can void such a contract within two years of the decision except where the contract was made in good faith and the conflict was unknown at the time. If the board were to void a contract, the errant trustees could then be subject to personal suit.

The good faith provision allows the board to "save" the contract if it wishes, without incurring additional risk for voting in favor of an illegal expenditure.

12. What action must a trustee undertake in addition to withdrawal?

Section 39.3(1)

The law requires filing of statements disclosing assets and interests of the trustee and dependents prior to taking the oath of office by the trustee and within thirty days of acquiring or disposing of such assets by the trustee or dependent, thereafter.

13. What assets and interest must be disclosed?

Section 39.3(4)

- a. All land that the trustee or his/her dependent owns or in which she/he has any interest including any mortgage, licence or interest under a sale or option agreement, excluding the principal residence.
- b. Any shares or interest in a corporation where the value is 5% or more of the capital stock of a corporation which has land in that school division.
- c. Any corporation where the trustee or dependent has 5% or more of the value of the issued capital stock.
- d. The name of every person, corporation, partnership or organization that remunerates the trustee or dependent for services performed as an officer, director, manager, proprietor, partner or employee.
- e. Bonds and debentures excluding those issued by any government at the federal, provincial or municipal level in Canada.
- f. Holdings in investment funds, mutual funds, investment trust or similar securities excluding Retirement Saving Plans, Home Ownership Savings Plans, accounts and term deposits held in banks, credit unions or other financial institutions, pension plans and insurance policies.
- g. Any "real" property in which the trustee or dependents might have an interest through a trust or in which one has an interest as executor of an estate.
- h. Any gift and the identity of the donor, given to a trustee or dependent after July 20, 1987, except
 - (i) gifts from a family member
 - (ii) gifts already reported
 - (iii) gifts received prior to being elected as a trustee.

Any contract between the trustee or dependent or corporation in which either have an interest and the school division or school district except:

- (i) when the contract was entered into prior to the first election of the trustee to the school board
- (ii) any contract previously disclosed
- (iii) any contract in which the trustee or dependent is exempt from reporting under the act.

14. What action is taken if the trustee fails to comply?

Section 39.3(2)

If the trustee does not file the statement prior to assuming office the secretary-treasurer shall notify the trustee in writing of the omission and the trustee has 30 days after receiving the notification to do so. If the trustee fails to comply, it is regarded as a violation of the act and the school board begins proceedings to disqualify the trustee.

15. Are all gifts, assets and interests to be disclosed:

Section 39.3(5)

No. Trustees do not report the following:

- a. Gifts worth less than \$250.00 unless the total value of gifts from the donor to the trustee and dependents exceeds \$250.00.
- b. An asset or interest less than \$500.00
- c. Any assets or interests acquired by a dependent prior to January 1, 1984, in the case of a trustee elected prior to January 1, 1987, or more than two years prior to first election to the school board for those elected after January 1, 1987.

16. Are these statements open to the public?

Section 39.3(7)

No, the secretary-treasurer may not reveal the contents to any person. They are open on request to the trustee. However, if a person details a possible violation to the secretary-treasurer, including a specific asset or interest related to the violation, the secretary-treasurer must examine the statement filed by the trustee and inform the complainant in writing whether or not the statements disclose that asset.

17. Can a trustee use his position to gain information valuable to himself or others?

Section 39.4(1)

No. A trustee cannot use for personal gain, or the gain of any other person, information that the trustee obtains through his position as a trustee and is not available to the public. No trustee can receive compensation, directly or indirectly, for services rendered in influencing a decision of a board or in attempting to influence other trustees, officers, or employees of the school board, nor, can he/she have any direct or indirect gain from such action.

18. Can a trustee appear before the board of trustees on his own behalf?

Section 39.5(1)

Yes, but the trustee may not vote on any such matter.

19. What is the penalty for violating the act?

Section 39.6(1)

A trustee who violates the act is disqualified from holding office and his/her seat becomes vacant.

20. What is the procedure for enforcing the act?

Section 39.7(1)

The procedure begins when:

- a. the school board directs the secretary-treasurer to apply to a Judge of the Court of Queens' Bench for a declaration of violation, or
- b. an elector applies to a Judge of the Court of Queens' Bench for an ex parte declaration of violation, after having filed an affidavit showing details of the violation, and paying to the court \$300.00 as security.

If the Judge finds there has been a violation, he declares the seat vacant and may order the trustee to pay restitution if he finds that the trustee has received pecuniary gain. The Judge has the option to find that the breach of the law was inadvertent and not impose any penalty.

21. Is there a limitation on the period for starting procedures?

Section 39.7(11)

Yes. No application for a declaration of violation may be brought more than six years after the date of the violation and no order for restitution may be made more than six years after the violation.

22. When does a trustee's seat become vacant?

Section 39.8

The seat becomes vacant when:

- a. the trustee is deceased,
- b. the trustee has submitted a written letter of resignation,
- c. the trustee fails to attend three consecutive school board meetings without authorization by resolution of the school board,
- d. the trustee is disqualified under the *Act*, or
- e. the trustee ceases to be a resident of the school division or school district.