



# Dufferin-Peel Catholic District School Board

## **PROCEDURAL BY-LAW #1 - 01**

*(Motion 338 - November 23, 2010)*

### **ARTICLE 1**

#### **DEFINITIONS**

In this By-Law and all other By-Laws of the Dufferin-Peel Catholic District School Board, unless the context otherwise requires, the following definitions apply:

#### **Board**

The Board shall refer to the totality of all duly-elected Trustees and is the official corporate body for the jurisdiction of the Dufferin-Peel Catholic District School Board. The Board also refers to the Administration natures of the Board as exercised by the Director and his/her designate.

*(Education Act, R.S.O.1990, Chapter E.2)*

#### **Committee**

Committee means a Committee 'of the Board'.

#### **Committee of the Whole**

'Committee of the Whole' shall have its customary meaning as defined in Robert's Rules of Order (revised).

#### **Assembly**

'Assembly' means all the elected members who constitute the quorum of a duly constituted meeting of the Board, with the presence of the Secretary of the Board, or a designate to that role.

*(Education Act, R.S.O.1990, Chapter E.2)*

#### **Meeting**

Where members of the Board assemble to transact business.

#### **To Postpone Indefinitely**

Reject the main Motion. If this Motion is passed, the main Motion cannot be brought up again in its original form at that particular session.

#### **To Postpone to a Definite Time**

Defer consideration of a main Motion and all attached Motions until a future date, requiring a two-thirds (2/3) vote. At that time, the matter will be brought up again under unfinished business. This motion will have priority on the next agenda.

#### **To Lay on the Table**

Motion to place a main Motion and all pending amendments aside temporarily, with the intention of bringing them back at a later time for action, in the same meeting at a different time on the agenda. Tabling a motion requires a seconder; is not debatable; cannot be amended; and requires a majority vote. Tabling a Motion cannot be used to defeat a main Motion by disposing of it permanently.

**To Amend**

Change a resolution or a motion by adding, striking out, or substituting a word or a phrase.

**To Rescind**

Nullify a vote taken at a previous meeting. A Motion to rescind can be made by anyone, but only *if no action has been taken* on the Motion. It requires a two-thirds (2/3) vote for adoption.

**To Reconsider**

Motion to review a previous decision and vote on it again. It must be made by a person who voted on the prevailing (winning) side, and it requires a majority vote. Reconsideration may not be moved more than once on the same Motion.

**The Board and Committee Information Officer**

The Board and Committee Information Officer is the recording secretary of the assembly and the custodian of its records (except those records specifically assigned to others such as the Treasurer's books).

**DISPOSAL OF REPORTS AND COMMITTEE MINUTES AND CORRESPONDENCE**

1.1 INFORMATION

In cases where reports, minutes or correspondence convey information to the Board and do not require endorsement or action, the Board will pass a motion "*to receive*". Such receipt merely acknowledges that the report, minutes or correspondence were brought to the attention of the Board.

1.2 ENDORSEMENT OR ACTION

A motion '*to adopt*' or '*is carried*' shall mean that the Board endorses a report, or a specified part thereof, and will take action on it.

Part of a report or selected recommendations may be so 'adopted'.

## **ARTICLE 2**

### **THE INAUGURAL/ANNUAL ORGANIZATIONAL MEETING, ELECTION OF OFFICERS AND APPOINTMENTS**

2.1 Following civic elections, the Inaugural/Organizational Meeting of the Board shall be held on the first Tuesday in December, at 7:00 p.m., following a 6:00 p.m. Mass.

In other years, the Annual Organizational Meeting of the Board shall also be held on the first Tuesday in December, at 7:00 p.m., following a 6:00 p.m. Mass.

2.2 The procedure at the Inaugural and the Annual Organizational Meetings, subject to other By-Laws, shall be as follows:

2.3 The Secretary shall take the Chair as Chairperson pro tem;

2.4 At the Inaugural Meeting, but not the Annual Organizational Meeting, the Secretary shall:

- a) read the returns of the Clerks certifying to the election of the members;
- b) ascertain that the members have met all procedural requirements and are eligible to take office;
- c) administer to each member of the Board a declaration of office and oath of allegiance;
- d) declare the Board to be legally constituted.

2.5 At the Inaugural and Annual Organizational Meeting, the Secretary shall then conduct the election for the Office of Chair of the Board, which shall be as follows:

- a) The Secretary shall appoint three scrutineers, whose names shall be recorded in the minutes;
- b) The Secretary shall then call for nominations, which will not require a seconder. Upon having a Trustee name put into nomination, the nominated Trustee shall be asked by the Secretary upon nomination, if they wish to allow their name to stand in nomination. The nominated candidate shall declare – yes or no. Nominations are then open to the floor again until all who have been nominated have agreed to allow their name to stand for election.
- c) The Secretary will then ask the remaining candidates, in the same order as they were nominated, if they wish to say a few words. Trustees may ask questions of each candidate;
- d) The election shall be by secret ballot, the member receiving a number of votes amounting to a clear majority of the board membership, shall be declared elected, but the count shall not be declared;

e) Should no member receive a clear majority, the scrutineers shall announce the result and the name of the member receiving the smallest number of votes shall be dropped, the Board shall then proceed to vote anew and so continue until a majority shall be in favour of one person. The person with the clear majority of the Board membership shall be the Chair until the next Inaugural/Annual Organizational Meeting;

f) In the case of equality of votes, the candidates shall draw lots to fill the position pursuant to subsection 208. (8) of *The Education Act*.

**SECTION 208. (8) EDUCATION ACT (AS AMENDED)**

*In the case of an equality of votes at the election of a Chair or Vice Chair, the candidates shall draw lots to fill the position of Chair or Vice Chair, as the case may be.*

2.6 The Chair shall then take the Chair.

2.7 The Chair shall then conduct the election for the office of Vice-Chair of the Board using the same procedure as set out in article 2.5.

2.8 Elections for the positions of Chair and Vice-Chair of the Standing Committees will be referred to the first meeting of the Committees.

2.9 The Board shall appoint its auditors for the ensuing year.

2.10 The terms of office for all positions and appointments shall be for a period of one year, unless otherwise specified.

2.11 At the Inaugural/Annual Organizational Meeting, the Chair shall make his/her Inaugural Address.

## **ARTICLE 3**

### **MEMBERSHIP OF STANDING COMMITTEES**

3.1 The Standing Committees of the Board shall be:

- a) Administration and Finance
- b) Faith and Program
- c) Contract Negotiations
- d) By-Law/ Policies Review
- e) Audit Committee

and shall incorporate the business of the Board as follows:

- a) ADMINISTRATION AND FINANCE COMMITTEE  
Human Resources – Non-Contractual Matters, Property, Planning, Finance and Administration
- b) FAITH AND PROGRAM COMMITTEE  
Program Curriculum, and Faith-Related Activity
- c) CONTRACT NEGOTIATIONS COMMITTEE  
Contract Negotiations
- d) BY-LAW/ POLICIES REVIEW COMMITTEE  
Review of the Board's Procedural By-Law/ Policies, annually
- e) AUDIT COMMITTEE  
Internal, External Audit and Regional Internal Audit Issues

The Audit Committee will consist of five (5) members, including three (3) Trustees of the Board, and two (2) persons who are not Board members.

The Administration and Finance, the Faith and Program, and the By-Law/Policies Review Committees will consist of all the Trustees of the Board.

The Contract Negotiations Committee will consist of those Trustees of the Board, who are eligible to stand.

#### Ad Hoc Committee:

An Ad Hoc Committee may be established, from time to time, to deliberate on items which have been referred to it by the Board or Committee.

An Ad Hoc Committee shall exist until closure has been reached.

## **ARTICLE 4**

### **MEETINGS OF THE BOARD AND OF COMMITTEES**

4.1 The starting time for all Board and Standing Committee Meetings, with the exception of the Contract Negotiations Committee and the Audit Committee, which shall meet at the call of the Chair, shall be 7:00 p.m. and adjourn at 11:00 p.m. or upon completion of the item being discussed on the table at that time. No meeting shall continue past 11 p.m. save for the item on the table, without a majority vote of the Trustees present.

An additional meeting may be scheduled at the Call of the Chair, or by Motion of the Board, to deal with any unfinished items.

4.2 Special Meetings of the Board and of a Committee, shall be held at the call of the Chair, or on the written request of two members of the Board. The published agenda for every Special Meeting of the Board and of a Committee shall state all business to be transacted or considered thereat. Notwithstanding any other provision in the Board's By-Law, no other business shall be considered unless all the members of the Board are present and agree unanimously.

4.3 All meetings of the Board and of a Committee shall be open to the public, subject to article 10.41.

4.4 No other Board or Standing Committee meetings will be scheduled in the same evening prior to a Board or a Committee meeting, unless called by the Chair of the Board or of a Standing Committee.

## **ARTICLE 5**

### **COMMUNICATIONS**

5.1 Until members of the Board notify the Board and Committee Information Officer, in writing, of their official addresses, all notices or communications delivered or mailed to members at their addresses set out in their nomination papers, shall be deemed to have been received by them.

5.2 The Board and Committee Information Officer shall notify each member of all regular meetings of the Board or Committees, at least forty-eight hours (excluding Saturdays, Sundays and holidays) prior to the time at which the meetings are to take place, by written notice delivered to each member.

5.3 The Board and Committee Information Officer shall, to each member of the Board:

a) deliver, on the Friday prior to the meeting at which the same are to be considered, the agenda, the minutes of the previous meeting, and a copy of the written reports of Committees (wherever possible).

The agenda shall contain a brief notice of such matters as may come regularly before the or Committees, and shall set out in full all Notices of Motion.

Notices of Motion must be written in full describing the action which the Mover wishes to recommend to the Board.

### **SPECIAL MEETINGS OF THE BOARD AND OF COMMITTEES**

5.4 At least forty-eight hours notice (excluding Saturdays, Sundays and holidays) SHALL be required to be given to each member of the Board of every Special Meeting.

In the event of an emergency, the requirement of forty-eight hours notice may be waived by the Chair.

## **ARTICLE 6**

### **DELEGATIONS AND SUBMISSIONS**

6.1 All delegations are required to submit a Registration Form “Procedural By-Law #1-01/Article 6, Delegations”, outlining the key points to be presented, as well as a written copy of the intended presentation, and this documentation must be submitted, no later than by 1:00 p.m., five (5) working days before the date of the meeting, to the Board and Committee Information Officer, prior to the request being considered.

A public input process is not intended, nor is it appropriate, in addressing personnel, property, legal or negotiation matters, or where personal privacy may be compromised. The Secretary of the Board and/or a Designate, and/or Chair of the Board will review all requests to determine the suitability of materials for distribution or for presentation, in order to ensure compliance with the privacy protection requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

Written submissions may also be included in the agenda without an accompanying delegation.

6.2 Delegations are encouraged to be heard by the Standing Committee first, but may present directly to the Board with the knowledge that they may be referred to a Standing Committee of the Board for staff input and report. Normal practice is that a Standing Committee would debate the issue and make recommendations to the Board, before a Board decision is made.

6.3 Delegations may be heard at Standing Committees and Board Meetings, in accordance with By-laws and policies of the Dufferin-Peel Catholic District School Board.

6.4 Delegations wishing to address an item, will be directed appropriately by the Board and Committee Information Officer, at the time of the request.

6.5 Where a delegation wishes to pursue the same issue to the Board after speaking to a Standing Committee, it may register with the Board and Committee Information Officer to address the Board of Trustees at the next regular meeting.

6.6 The maximum number of delegations, is not to exceed five (5) for any meeting of the Board or of a Standing Committee. Delegations should be accommodated at regularly scheduled meetings. If there are requests for more than five (5) delegations, an additional meeting may be called.

6.7 Any delegation not registered for a Regular Board or Committee Agenda will be heard upon approval of the majority of Trustees present, subject to 6.6.

6.8 If, during the course of the presentation, a topic other than that stated in the request is raised by the delegation, questions of clarification may be asked by Trustees. The issue will be directed to the appropriate Standing Committee, for deliberation.

6.9 In cases where staff or Committee reports are on an agenda, these will be dealt with in the normal manner, notwithstanding presentations by delegations.

6.10 The order of the published agenda may be changed to accommodate delegations, by the request of a Trustee and with the consent of the majority of Trustees present.

6.11 The Board and Committee Information Officer will confirm with the applicant the time and date of the presentation. Delegations are advised to read the By-Law Article on the delegations prior to presenting. All requests and written submissions must be received no later than by 1:00 p.m., five (5) working days before the date of the meeting.

Delegations will be limited to five minutes except by permission from a majority of the Board present.

6.12 On the Board's Registration form, the presenter shall identify: the subject matter to be presented; the name of the speaker(s) (not more than two); the organization or on whose behalf the delegation is appearing, and, the authority of the spokesperson(s). No other member(s) of the delegation shall address the meeting without permission of the assembly.

If the speaker intends to use, or begins to use, the name/title/position of a staff member(s) or any personal or other information with respect to a member of the Board or committee, or a pupil or his or her parent or guardian, the Chair will rule that the speaker must address the committee or Board of Trustees in an 'In-Camera' session.

During both 'Public' and 'In-Camera' meetings, it is the responsibility of the Chair to stop or caution the delegate if they begin to make specific derogatory comments about any staff member or Trustee. The Chair will remind the delegate of the requirement to avoid 'negative, critical or derogatory' words and to focus on their concerns with respect to an issue or decision. If the delegates refuse to comply, the Chair can, in effect, put a stop to the delegation. If the delegate(s) becomes unruly, the Chair can warn the delegate(s) about s. 207(3) of the *Education Act*, with respect to exclusion and removal from the meeting for 'improper conduct'.

Delegates can be critical of Board decisions or make submissions with respect to a recommendation or decision. However, delegates shall refrain from negative, critical or derogatory comments about any 'identifiable person'.

Once the delegation has completed its presentation, Trustees shall have an opportunity to ask questions of the delegation. Once Trustee questions to the delegation are completed, the delegation will leave the podium and be seated, or, if In-Camera, the delegation will leave the room. Trustees may ask questions of staff, but not while the delegation is at the podium. If In-Camera, Trustees may ask questions of staff, but not while the delegation is present in the room.

*(October 2011)*

6.13 Anyone has the right to present as a delegation on any Board-related matter. However, special restrictions apply to Board employees when presenting matters of:

- a) Collective agreements to which the Board is a party.\*
- b) Employee organization to which the speaker is, or is eligible to be, a member.\*

\* Such submission(s) shall be dealt with as required by the appropriate Collective Agreement or shall be presented by the appropriate spokesperson of the relevant organization(s).

6.14 A motion for referral, or for a staff report on the matter, may be made at the same meeting as the presentation.

Those who delegate the Board will be informed by the Board and Committee Information Officer of the time and date at which the staff report on the matter is to be reviewed, by the Board. Information may be shared with Delegations after circulation to the Trustees.

## **ARTICLE 7**

### **QUORUM**

#### **7.1 The Board**

A majority of Trustees of the Board shall constitute a quorum for meetings of the Board or of a Committee of the Whole of the Board.

The Chair shall exercise flexibility in order to maintain quorum for the duration of a meeting.

#### **7.2 Standing Committees**

For all Standing Committees, except Audit Committee and the Contract Negotiations Committee, membership will be eleven (11) Trustees with six (6) as a quorum.

Audit Committee membership will be five (5) members including three (3) trustees and two (2) persons who are not Board members. A majority of the members of the Audit Committee that includes at least one (1) member who is not a Trustee constitutes a quorum for meetings of the Audit Committee.

For Contract Negotiations Committee membership will be those Trustees who have identified they are not in conflict of interest.

7.3 As soon after the time of the meeting as there shall be a quorum present, the Chair shall take the Chair and call the members to order.

7.4 If a quorum is not present within 15 minutes after the time appointed for the meeting, the Board or Committee shall not convene and the Secretary shall record the names of the members present.

However, where the Chair of the meeting has knowledge that a Trustee will arrive within the half hour of the posted commencement time of a meeting, the Chair may unilaterally extend the start time for a meeting beyond the stated 15 minutes to an additional 15 minutes, totaling no more than 30 minutes from the posted commencement time of the meeting. If a quorum is still not present after the additional 15 minutes, the Board or Committee meeting shall not convene and the Secretary shall record the names of the members present.

7.5 The Chair, of the Board or of the Committee, may call a recess of up to 15 minutes, should the quorum be lost. In order for the Board or Committee meeting to be re-called, a quorum must be present.

7.6 The Board or Committee shall adjourn a convened meeting whenever a quorum is no longer present and the Secretary shall then record the time of adjournment and the names of the members present.

7.7 Notwithstanding the provision in Article 7.2, whereby Standing Committee membership calls for all members of the Board, the Contract Negotiations Committee will consist of all members eligible to sit.

## **ARTICLE 8**

### **COMMITTEE PROCEDURES**

8.1 All Committees, except Audit Committee, shall be first convened within four weeks of the date of the resolution appointing the given committee. The first meeting of the Audit Committee in each fiscal year shall take place no later than September 30. If there is no quorum present, one of the members present shall report such fact at the next meeting of the Board.

8.2 All Committees shall, at their initial meeting, elect a Chair and Vice-Chair, one of whom shall report the Committee's activities to the Board.

At the first meeting of the Audit Committee, in each fiscal year, the members of the Committee shall elect the Chair and Vice-Chair of the Committee for the fiscal year of the Board from among the Trustee members appointed to the Committee. If at any meeting of the Audit Committee, the Chair and Vice-Chair are not present, the members present may elect a Chair for that meeting.

8.3 Ad Hoc Committees, when created for special purposes, shall exist until closure has been reached. *(See Article 3.1)*

8.4 If a member of the Board is absent for three (3) consecutive meetings of any Committee of the Board, except Audit Committee, to which he/she is appointed, the Secretary of the Board shall notify the Chair of the Board and the Board member, and the Chair shall look into the matter.

For Audit Committee, the following shall apply:

A Trustee member of the Audit Committee shall vacate his or her position on the Audit Committee if he or she is absent from two (2) consecutive regular meetings of the committee, and the committee has not authorized those absences by a resolution at the first regular meeting of the committee that follows the second absence.

A member of the Audit Committee who is not a Board member vacates his or her position on the Audit Committee if he or she is absent from two (2) consecutive regular meetings of the committee, and the committee has not authorized those absences by a resolution at the first regular meeting of the committee that follows the second absence.

## **ARTICLE 9**

### **DUTIES OF THE CHAIR AND VICE-CHAIR**

9.1 The Chair shall preside at all meetings and, in the capacity of Chair, shall preserve order and decide all questions of order subject to an appeal to the assembly, *subject to Article 10*.

9.2 In the absence of the Chair from any meeting, the Vice-Chair shall preside at the meeting and perform all the duties of the Chair.

9.3 The Vice-Chair of the Board, or of a Committee, shall preside at all in-camera meetings and, in this capacity, shall preserve order and decide all questions of order, subject to Article 10.5, with the exception of the Contract and Negotiations Committee (*Refer to Clause 9.8*).

The Vice-Chair, if called upon by the Chair, shall speak on behalf of the Board, if the Chair requests, is unable, or if the Chair is absent or has disqualified himself/herself from presiding.

9.4 The Chair of the Ad Hoc Committees will preside over the open and in-camera sessions of these committee meetings.

9.5 In the case of the absence of both the Chair and the Vice-Chair for five minutes after the hour appointed, or as soon as a quorum shall be present, the Secretary shall call the meeting to order and a Chair shall be elected by the members present, and shall preside and act as Chair. The Chair, shall preside only until the Chair or Vice-Chair arrives and the immediate business at hand is completed.

9.6 A similar procedure shall be followed in the case of the absence of the Secretary.

9.7 The Chair of the Board, or a delegate chosen from among the other members of the Board, shall be the official representative of the Board at public functions.

9.8 The Chair of the Contract and Negotiations Committee, and the Chair of the Audit committee, shall conduct both the Public and the In-Camera Sessions of the meeting. In the event of the Chair being absent, the Vice-Chair shall act as the presiding officer.

9.9 All former Chairpersons of the Dufferin-Peel Catholic District School Board, shall be recognized with the title, 'Past Chair', for a period of one year from the annual Inaugural/Organizational Meeting.

9.10 The Chair is to provide leadership to the Board of Trustees.

9.11 The Chair shall consult with the Director or designate in the development of the agenda.

9.12 The Chair and Vice-Chair shall enforce the Board's Code of Conduct.

## **ARTICLE 10**

*(Revised by Motion 153, April 27, 2010)*

### **GENERAL PROCEDURE**

10.1 The following rules of order shall be observed in meetings.

NOTE: IN ALL CASES NOT PROVIDED FOR IN THIS BY-LAW THE RULES AND PRACTICE OF "ROBERT'S RULES OF ORDER - NEWLY REVISED", SHALL GOVERN AS FAR AS APPLICABLE.

Latest Edition [10th Edition]

10.2 The Chair, or in his or her absence, the Vice-Chair, shall preside at all meetings. The Chair shall call the meeting to order at the hour appointed and shall preserve order and decorum and decide upon all questions of order based on the Board Procedural By-Law, Board Policies and Regulations, as well as reference to Robert's Rules of Order, provided that the above articles are silent.

10.3 The Chair shall cause the Board and Committee Information Officer to record the names of the members present and absent, at the beginning of the meeting and, as well, when a Trustee leaves and when a Trustee arrives.

10.4 Should the Chair elect to take part in any debate or discussion or for any other reason, he/she shall vacate the Chair and call upon the Vice-Chair or being absent, one of the members to fill his/her place until the matter under discussion is decided. The Vice-Chair or Past Chair, or any member temporarily occupying the Chair, shall discharge all the duties and enjoy all the rights of the Chair, but not participate in the discussion.

10.5 The Chair shall base rulings on the Board's Procedural By-Law, Board Policies and Regulations, the *Education Act* and, if those are silent, on Robert's Rules of Order.

A Trustee may only appeal the Chair's ruling, based on the Board's Procedural By-Law, Board Policies and Regulations, and, if those are silent, Robert's Rules of Order. A Trustee may indicate the reason for challenging the Chair, to a maximum time of one (1) minute. No other debate can take place on this item.

The Assembly will then vote to sustain or overturn the Chair's ruling by a simple majority, and the Secretary of the Board shall conduct the vote and assume the Chair until the vote is taken.

10.6 The yeas and nays shall not be recorded upon any question unless requested by at least one member, and such request shall be made before the Chair calls upon the members to vote upon same. Motions which failed in Committee will be noted on a Committee Report to the Board. Recorded votes may only take place in the public session of the Board meeting.

10.7 Any member desiring to speak shall indicate by an up-raised hand, or the words, "Mr. or Madam Chair", and upon recognition by the Chair who shall call the member by name, the member may then, but not before, proceed to speak. Members proceeding to speak before they have been recognized by the Chair, shall be considered out-of-order.

10.8 When two or more members attempt to speak at the same time, the Chair shall name the member who is to speak.

10.9 Every member shall confine himself/herself to the question in debate and shall avoid all discourteous language and personal references to staff and to other Trustees.

10.10 No member shall have the floor for more than three (3) minutes, to the same issue, at the discretion of the Chair.

Response time to the question is not included in this time. The mover of the original motion, but not any amendment thereto, may have three (3) minutes to reply.

10.11 Notwithstanding a motion to defer consideration of a matter coming before the Board or Committee (which is not debatable), a member who submits a Notice of Motion, which appears on the agenda, shall be given an opportunity to address the assembly for a period not exceeding three (3) minutes on such Notice of Motion and, similarly, the Director of Education and Secretary (or his/her delegate) shall be given an opportunity to address the assembly on a report at the time the Notice of Motion shall be discussed.

10.12 A Trustee, who has the floor, may not be interrupted, except for questions of privilege or procedural rules of order.

The Chair will deal with the question of privilege and procedural rules of order, before the Trustee, who has the floor, resumes speaking.

10.13 After a vote has been taken on any question (except one of indefinite postponement), such vote may, with the consent of two-thirds (2/3) of all Trustees present, be reconsidered at any meeting held thereafter, provided that the notice of motion procedure has been followed.

A motion to reconsider, being one made at a previous meeting and decided in the negative, shall not again be entertained for a period of six (6) months, unless approved by two-thirds (2/3) of all Trustees present.

10.14 Every motion, at a Board meeting, shall be seconded and shall be disposed of only by a vote of the assembly, unless the mover and seconder, by permission of the assembly, withdraw the motion. No seconder shall be required at committee meetings.

10.15 Any member may request the Board and Committee Information Officer to read the motion under discussion, for information, at any time in the course of the debate, provided that no such request shall be made so as to interrupt a member speaking to the question.

10.16 A member may propose a motion and before it is seconded, if a seconder is required, speak to it.

10.17 After a motion is presented, it shall be deemed to be in the possession of the assembly and not by the person who moved the motion.

10.18 No motion or amendment shall be debated or put to a vote unless the same is in writing, and seconded, where required, except:

- a) formal motions to adopt reports
- b) to refer
- c) to postpone
- d) to lay on the table
- e) to put the previous question
- f) to file
- g) to go into Committee of the Whole
- h) to rise and report
- i) to adjourn
- j) or such short oral motions as the Chair may accept

10.19 When the motion under consideration contains two or more distinct propositions, any particular proposition, upon the request of any member may be considered and voted upon separately.

10.20 No Trustee shall have more than one vote on any motion, either at Board meetings or Committee meetings, or in Committee of the Whole. The members shall indicate their vote by clearly up-raised hands.

10.21 A motion directly concerning the privilege of the Board and thereby affecting the rights and immunities of the Board collectively, or the position and conduct of members in their respective capacities, shall take precedence over all other business and may be moved without notice.

10.22 When a motion is under debate, the only motion in order shall be:

- a) to adjourn
- b) to lay on the table
- c) to put the previous question
- d) to postpone
- e) to refer
- f) to amend

which shall have precedence in the order above named. The first, second and third shall be decided without debate.

10.23 A motion to adjourn shall be in order, except when a member is speaking, or a vote is being taken, or when the previous question has been called. A motion to only adjourn shall not be open to amendment or debate, but a motion to adjourn to a certain time may be amended and debated.

10.24 No second motion to adjourn shall be made until some business has been transacted after the first motion has failed.

10.25 A motion to lay on the table only, is not debatable, but a motion to lay on the table with any other condition is subject to debate and amendment.

10.26 The motion for the previous question shall preclude all further amendment or debate, and shall be submitted by the Chair in this form: "Shall the main question in debate be now put" - or call the vote?" If adopted, the Chair shall at once proceed to put the main question, first putting amendments pending, to the vote of the assembly.

10.27 A question having been postponed indefinitely shall not be taken up again at the same meeting.

10.28 After a resolution is made and seconded, where required, a motion to amend may be made, and a motion to amend the amendment; however, no further motion to amend shall be made until those have been decided. Only an amendment to the motion shall be on the floor at any one time.

10.29 An amendment modifying the subject of the motion shall be in order, but an amendment in conflict with or relating to a different subject shall not be in order, and should be ruled out of order.

10.30 All amendments shall be put in the reverse order in which they were moved.

10.31 Every amendment submitted shall be decided upon or withdrawn before the main question shall be put to a vote, and if the vote on an amendment(s) is decided in the affirmative, the main question as amended shall be put to a vote.

10.32 After the Chair has put a question to a vote, there shall be no further debate. The decision of the Chair as to whether the question has been finally put shall be final.

10.33 A Trustee, including the Chair and Vice-Chair, may call for a recorded vote. All Trustees must stand and their votes registered, by the Board and Committee Information Officer.

*(Subject to 10.6)*

All Trustees are required to vote. In order for a motion to carry, there must be a simple majority of all members present, at the meeting, unless otherwise specified.

10.34 Members who resist the rules of the Board or Committee, disobey the decision of the Chair or of the Board or Committee on points of order or make any disorderly noise or disturbance, may, unless they make an apology, be ordered by the Chair to leave their seats for the remainder of the meeting. In case of a refusal to do so, on the order of the Chair, may be removed from the Board Room and Board Office by any police officer. The *Education Act* and the Board's Code of Conduct for Trustees shall govern all Trustee actions.

*(Education Act, R.S.O.1990, Chapter E.2)*

10.35 When a question is put, every member present at a meeting of the Board or a Committee, must vote thereon unless prevented by statute or excused by the assembly for reasons declared by the member before a vote is called. A member has the right to abstain from a vote, whereupon, he/she simply responds, "I abstain". When the vote is taken, the abstention is deemed to be in the negative.

10.36 The agenda and order of business for regular meetings of the Board will normally be as follows:

- A) Routine Matters
  - 1. Call to Order and Attendance
  - 2. Opening Prayer
  - 3. Declaration of Interest
  - 4. Approval of Agenda
    - i) Approval of Consent of Calendar Items
  - 5. Approval of Minutes
    - i) Business Arising from the Minutes
- B) Awards and Presentations
- C) Pastor's Remarks
- D) Delegations
- E) Information/Reports from Trustees for Receipt
  - i) Regular Reports
  - ii) Good News Items
- F) Information/Reports from Committees for Receipt
- G) Information/Reports from Administration for Receipt
- H) Trustee, Committee, Administration Reports Requiring Action
- I) Notices of Motion
- J) Additional Business
- K) Questions Asked of, and by, Board Members
- L) In-Camera Session
- M) Rise and Report
- N) Future Meetings
- O) Adjournment

10.37 No variation in the foregoing agenda shall be permitted, unless otherwise determined by a vote of a majority of the members present, the vote to be taken without debate. Each staff report shall indicate on the report, whether the report is of a policy, monitoring or informational in nature.

*(Education Act, R.S.O.1990, Chapter E.2)*

10.38 Meetings of the Board and Committees, except only as hereinafter provided, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

### 10.39 In-Camera Session (Committee of the Whole)

NOTE: Topics for the Board Agenda, In-Camera, will be delineated in generic terms.

10.40 When the Board wishes to go In-Camera, the motion shall be "that the Board resolve into Committee of the Whole in In-Camera session". The Committee of the Whole Board would then follow its normal procedural rules for committee proceedings for such matters as approval of the agenda, motions and other proceedings. At the conclusion of the process, the Committee of the Whole Board rises and reports to the Board on its deliberations with the wording, "present the report of the Committee of the Whole Board in In-Camera session and recommend its adoption".

10.41 A meeting of a committee of the Board, including a Committee of the Whole Board, may be closed to the public when the subject matter under consideration involves:

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

10.42 The appropriate Chair may rule on the inclusion of any matters on the agenda of an In-Camera Session of the Board or Committee.

10.43 The motion to resolve into the In-Camera Session may identify the matter to be taken under consideration and shall set a limit to the time of debate.

10.44 When a meeting of the Board or Committee has resolved into the In-Camera Session, the Chair shall relinquish the Chair and shall call the Vice-Chair or another Trustee to act as presiding officer, with the exception of the Contract and Negotiations Committee.

The Chair of the Contract and Negotiations Committee, and the Chair of the Audit Committee, shall conduct both the Public and In-Camera Sessions of the meeting. In the event of the Chair being absent, the Vice-Chair shall act as the presiding officer.

10.45 The In-Camera Session cannot entertain a motion to refer, to postpone **or to table a** subject referred to it.

10.46 When the Board or Committee sitting in the In-Camera Session has completed its consideration of the subject referred to it, or if it wishes to adjourn, or if the established time limit for debate has expired, the In-Camera Session shall adjourn on a motion to rise and report to the Board or Committee, which motion shall specify the result of its proceedings. A motion to rise and report shall be decided without debate.

10.47 As soon as motions in an In-Camera Session of the Whole Board are adopted, the Board shall reconvene with the Chair in the Chair, and the Chair of the In-Camera Session shall present the report of the In-Camera Session of the Committee of the Whole Board and move its adoption. Such motion is not debatable or amendable, and no other motion may be applied to it.

10.48 The reasons why a Trustee voted in a particular way in the In-Camera Session of the Committee of the Whole Board will be apparent from statements made during the debate upon the motion. Parliamentary practice does not permit a Trustee to explain why the Trustee voted as he/she did after a vote has been taken, and any discussion in the public session in respect of a matter considered in In-Camera also raises the real risk of violating the very protection that is the purpose of considering an issue In-Camera. No recorded vote shall be taken in open session on any item discussed in the In-Camera Session. Material distributed in In-Camera Session cannot be shared to the public.

10.49 The procedures for governing a meeting, as outlined in Article #10.1, shall also apply to the In-Camera Session of the Committee of the Whole Board.

10.50 Trustees may make a statement on the reasons they cast their vote on a particular item, with respect to why they have voted the way they did, and any request for recorded votes, will be permitted at this time.

10.51 The Board and Committee Information Officer shall not record in the minutes of the Board or Committee Meeting the proceedings of the In-Camera Sessions, subject to Section 6 of *the Municipal Freedom of Information and Protection of Privacy Act (M-FIPPA)*, when dealing with those items as set out in 10.39.2.

10.52 Except as noted in 8.40, the rules of order as set out in this Procedural By-Law, shall be observed by the In-Camera Session.

10.53 The Board or Committee may, by resolution passed in public session, refer any matter to a committee for consideration and/or disposition in an In-Camera Session provided that such a resolution stipulates the reason for such referral.

10.54 The only time the text of a resolution passed during an In-Camera to read in public session of the Board meeting is on a motion to discharge a teacher holding a permanent appointment. No other in-camera items may be a part of the public record.

## **ARTICLE 11**

### **MINUTES**

11.1 The minutes of Board and Committee meetings shall contain the following:

- a) the kind of meeting ("regular", "special", etc.)
- b) the date and place of the meeting;
- c) the names of Trustees, Non-Board members and Staff members present, the names of members absent, and the time of arrival and/or departure of members not present for the entire meeting;
- d) the minutes of the previous meeting(s) and where approved, an indication of any changes therein;
- e) all motions and points of order and appeals, and the disposition thereof;
- f) the time of adjournment;
- g) the time, date and place of the next meeting.

## **ARTICLE 12**

### **AMENDMENT OF ARTICLES IN THE PROCEDURAL BY-LAW**

12.1 Except when coming to the Board as a recommendation from a Committee of the Board, no amendment, alteration, or addition to the By-Law, policies, and regulations contained in this book shall be made unless due notice thereof in writing, setting forth the proposed amendment, alteration, or addition shall have been given at a Board meeting previous to that at which the same comes up for consideration and unless supported by a majority of the members of the Board as appropriate.

12.2 The Procedural By-Law of the Dufferin-Peel Catholic District School Board shall be reviewed annually.

12.3 The provisions of the Procedural By-Law may not be suspended, except for debate on an emergency issue, subject to provisions of Provincial Legislation, Municipal By-Law or other administrative Acts or Statutes.

The provision to suspend the rules, for emergency debate, requires two-third (2/3) of those Trustees present.