



*Bylaws
of the
Nova Central School Board*

**Approved by the Board
October 25, 2011**

*Approved by the Minister of Education
February 13, 2012*

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Legislative Authority

WHEREAS as per Article 74 of the Schools Act, 1997, the Board of the Nova Central School District shall adopt bylaws

NOW THEREFORE the Board for the Nova Central School District in a meeting duly assembled on the 25 October, 2011 adopts the following Bylaws of the said Board which have to be approved by the Minister of Education.

DEFINITIONS

For the purposes of these bylaws:

In these by-laws and policies:

- a) "Board" means the Board of the Nova Central School District ;
- b) "Board Member" means a trustee as defined by Schools Act, 1997;
- c) "Committee" means any standing or ad hoc group of people officially established by the Board to perform a function specified by the Board;
- d) "Committee Chairperson" means the trustee chosen to lead a standing or ad hoc committee of the Board;
- e) "Consensus" means all board members present at a meeting support the proposed decision;
- f) "Current year" means the twelve month period between July 1 and June 30;
- g) "Director" means Chief Executive Officer of the Board;
- h) "Ex-Officio" means membership by virtue of office or position and that person is not granted voting privileges and is not counted in the quorum of a committee of which he is not a member;
- i) "Executive Committee" means the Executive of the School Board and consists of a chairperson, vice-chairperson, and three members-at-large;
- j) "Quorum" means fifty percent plus one of the current membership.
- k) "Majority" means more than fifty percent;
- l) "Current membership" means all current sitting members of the Board;
- m) "In writing" includes print in hard copy and/or electronic form;
- n) "Open meeting" is a meeting of the Board which is open to the public;
- o) "One voice" means all board members support the decisions of the Board in discussions with stakeholders;
- p) "Parent" means a parent as defined in the Schools Act, 1997.
- q) "Stakeholder" means a person or group with a direct interest or involvement in the functions of the Board.

ARTICLE 1. CALL AND CONDUCT OF MEETINGS OF THE BOARD AND THE ADMINISTRATION AND BUSINESS OF THE BOARD

Inaugural and Annual General Meeting

- 1.01. The inaugural or annual general meeting of the Board shall be held within 30 days of the board elections and shall be held no later than November 30th.
- 1.02. Stakeholders shall be given a minimum of a two-week notice of the month of the meeting and a two-week notice of the specific date.
- 1.03. The annual general meeting shall be held in either Gander or Grand Falls-Windsor, unless the Board decides by majority vote that the meeting is to be held in another location.
- 1.04. The Director of Education or his/her designate shall preside over the first meeting until the Executive has been selected.
- 1.05. The Director of Education shall arrange an orientation to the Board's constitution, bylaws and policies prior to the election of officers.
- 1.06. The Director shall accept fully-completed nomination forms which have been delivered, via any means, to the district office by 4 pm on the date of the board meeting, and announce to the assembly the names of persons who are willing to stand for office.
- 1.07. The Director shall provide opportunity for nominations from the floor.
- 1.08. The Director will proceed with the voting process only if 2/3 of the current membership are present at the meeting.
- 1.09. No member shall vote unless the member is present at the meeting.
- 1.10. The Director of Education or his/her designate shall name the scrutineers for the election process.
- 1.11. Any board member may nominate any other board member to any position and this nomination must be seconded. Only the nominator may speak on behalf of the nominee and the time limit is not to exceed five minutes.
- 1.12. Nominations shall remain open no more than one minute after the last nomination has been received and, in the case of the election of the chairperson, the Director of Education shall note that nominations are closed.

- 1.13. A nominee may indicate to the chair of the meeting or his/her designate, his/her desire to speak before the vote is taken and shall be provided the opportunity to speak for no more than five minutes.
- 1.14. In the case of a single nomination for a position on the Executive Committee of the Board, the candidate shall be declared by acclamation.
- 1.15. In the case of more than one nomination, a vote by secret ballot shall be conducted and the person receiving the majority of the votes shall be declared elected.
- 1.16. Where a vote is conducted and no candidate receives a majority of votes cast, the candidate receiving the fewest votes cast shall be eliminated from consideration and another vote shall be taken.
 - 1.16.1 Where, on a vote that requires the elimination of a candidate, two or more candidates are tied with the fewest votes cast, such candidates shall be eliminated from further consideration provided two or more candidates remain.
 - 1.16.2 Where, on a vote that requires the elimination of a candidate, two or more candidates are tied with the fewest votes cast but two or more candidates would not remain for further consideration, all candidates shall be considered again on an immediate subsequent vote.
- 1.17. Where there is a tie vote for two or more candidates with the most votes cast, a subsequent vote shall be taken.
- 1.18. Where there is a tie vote for two or more candidates with the most votes cast on a second or subsequent ballot, the names of the nominees shall be placed in a box and one name only shall be drawn for the position.
- 1.19. When the vote for the Executive is complete, the Director of Education or his/her designate shall require the scrutineers to immediately destroy the ballots.
- 1.20. The trustees elected to the Executive shall hold office for a period of one year.
- 1.21. The standing committees are limited to the Executive, the Communication, the Policy, and the Finance and Property Committees.
- 1.22. Once constituted the board members on the standing committees shall remain unchanged for one year after the Annual General Meeting except by reason of subsequent decision of two-thirds of the members of the Board.
- 1.23. The Director of Education and the Chairperson of the Board shall be ex-officio members of all committees.
- 1.24. The Board shall make available to stakeholders copies of reports presented at the annual general meeting.

- 1.25 The Board shall distribute reports in the English language unless it is directed to do otherwise and is provided the necessary resources to fulfill the demand.

ARTICLE 2. AGENDA

- 2.01. The Board shall prepare the agenda for its meetings based on the list generated in previous meetings, then the Executive Committee will add suggestions given on the evaluation forms and those given to the Executive Members, and finally, the Board Chairperson shall ask for suggested items from the board members and add these items prior to the adoption of the agenda.
- 2.02. A list of deferred items shall be attached to each agenda; the Board shall deal with decision-making items within 12 months.
- 2.03. Submissions of potential agenda items from the general public shall be considered only if received by the Chairperson or Director no less than 14 calendar days prior to the regular meeting; the Chairperson shall not fail to inform the public, within 31 days, of the decision of the Executive Committee of the Board about how the item will be handled.
- 2.04. Individuals or groups who intend to propose new policies or changes to existing policies shall make a written proposal to Board Chairperson, via the Director of Education, for placement on the Board's agenda; the Board shall place the item on the its agenda within 12 months.
- 2.05. Where possible, a member who has a conflict of interest shall declare this when the agenda is being drafted or at the first opportunity thereafter.
- 2.06. The Board shall restrict agenda items to governance issues unless operational issues dealt with by the Director of Education were unable to be satisfactorily resolved and the resolution sought does not violate the Board's constitution, bylaws or policies.
- 2.07. The draft agenda for a regular meeting of the Nova Central School Board shall be set no less than seven calendar days prior to the meeting.
- 2.08. Addition of items to the agenda of a meeting, other than a special meeting of the board, shall be limited to board trustees and the Director of Education and shall be prioritized along with the other items on the distributed agenda.
- 2.09. The Executive Committee of the Board shall determine whether items on its draft agenda are for information, consultation or decision making; the Board shall determine whether items on its final agenda are for information, consultation or decision making.

ARTICLE 3. ORDER OF BUSINESS

Rules of Order

- 3.01. The Chairperson shall follow *Robert's Rules of Order* unless the constitution, bylaws or governance policies specify otherwise.
- 3.02. The Chairperson and any member of the board shall apply the articles of the Board's constitution, bylaws, and governance policies.
- 3.03. In the absence of the chairperson and the vice-chairperson, the Director of Education shall, within fifteen minutes of a quorum being present, conduct an election to determine who shall preside over the meeting.
- 3.04. Notwithstanding the order of business outlined in 3.19, the chairperson of the meeting may, when the circumstance of a particular meeting warrants and in consultation with the members, rearrange the order of items at that meeting.
- 3.05. The Board shall determine where in the district meetings will be held.
- 3.06. Resource persons other than the senior District Executive-Management Team may participate in meetings of the Board only upon invitation by the Director with the approval of the Executive Committee.
- 3.07. Except as otherwise stated in these by-laws and the constitution of the Board, all matters shall be decided by a majority vote of Board Members present.
- 3.08. The Board shall pass a motion where it intends to take votes by ballot; where there is no affirmative motion to use a ballot, the vote shall be taken by assent or dissent.
- 3.09. A declaration by the Chairperson that a resolution has been carried shall establish approval or rejection of the resolution.
- 3.10. Each resolution, the names of its mover and seconder, and the declaration of the Chairperson, either carried or rejected, shall be recorded in the minutes.
- 3.11. No motion is in order if it conflicts with federal or provincial law, provincial policies, or with the Board's constitution, bylaws and policies.
- 3.12. Where a motion proposes action which is outside the Board's official lines of business, a two-thirds vote of the current membership is required for the motion to be considered.

- 3.13 A motion of the current Board shall only be reconsidered at a future meeting when a member who was in attendance at the original meeting provides a written notice of motion no later than three weeks prior to the board meeting of intention to move a reconsideration, and the polling of the board members results in a simple majority of the board members agreeing to reconsider the motion; a motion to rescind any motion of the board shall only be carried with an affirmative vote of two-thirds of the current membership.
- 3.14 The vote of any member who absences himself/herself from the portion of the meeting where the vote to rescind a motion is taken shall be counted only as supporting the prevailing side.
- 3.15 A decision of the Board shall be binding on all board members.
- 3.16 Audio or video recording devices shall not be used without a motion which has been decided in the affirmative.
- 3.17 The Board shall not overturn any decision made by the Director of Education which is in accordance with enabling legislation or the constitution, bylaws or policies of the Board, or which is in accordance with the regulations or policies of the provincial Government.
- 3.18 No meeting of the Board of the Nova Central School District requiring the passing of motions shall be conducted without the quorum specified in the Board's governance policies.
- 3.19. The order of business of open board meetings shall be:
- a) Call to Order and notation of who is present
 - b) Adoption of Agenda
 - c) Adoption of Minutes of Previous Meeting
 - d) Determination of Conflict of Interest
 - e) Business
 - i. Items which require a decision by the Board
 - ii. Items on which the board will provide advice
 - iii. Items which are information for the Board
 - iv. Presentations
 - v. Reports
 - vi. Update on progress in the strategic plan and efforts to support the Strategic Directions of the provincial Government
 - f) Date and Place of next meeting
 - g) Adjournment

Closed Sessions of the Board

3.20. CLOSED sessions are held only for the following reasons:

- a) to discuss an individual's qualifications to hold a job or pursue training;
- b) to review materials and information concerning criminal or civil actions which are not part of a public court record;
- c) for a strategy session pertaining to collective bargaining, pending or potential litigation, when an open meeting would affect the bargaining or litigation position of the Board;
- d) for discussions which would disclose the identity of a bona fide and lawful donor to the district, when the donor has requested anonymity;
- e) for discussion of the content of documents protected by privacy acts;
- f) to hear a student disciplinary case, unless the parent of the student or the student, if the student is 19 years of age or older, requests an open hearing;
- g) to hear employee disciplinary or dismissal cases unless the employee requests a public hearing;
- h) to discuss personnel matters in which the names, competency and abilities of individual employees or students are discussed;
- i) to discuss potential or actual emergencies or matter of security related to the preservation of the public peace, health, and safety;
- j) to review legal advice rendered to the Board concerning an issue or a matter under board discussion, where the Board has not yet taken a public stand or reached a conclusion;
- k) to hold preliminary discussions of tentative information relating to school attendance zones, personnel needs, or fiscal requirements;
- l) to permit board committee proceedings, except for the Executive Committee when it is acting in place of the Board; and
- m) in other circumstances as determined by the Board in consultation with its legal counsel.

Special Meetings of the Board

3.21 SPECIAL meetings of the Board may be called in accordance with Section 63(3) of the *Schools Act, 1997*:

- a) Special meetings may be called by the Chairperson.
- b) Special meetings shall be called when a written application is made to the chairperson by a majority of trustees.
- c) Special meetings will only be called to deal with unanticipated or emergent issues that must be dealt with before the next regular board meeting.
- d) The nature of the business will be specified in the notice of the meeting and business shall not be transacted at a special meeting other than the business for which the meeting was called.

Participation in Meetings by Electronic Means

- 3.22 It is the preference of the Board that its meetings be held in a common location with participating trustees and staff physically present. However, electronic attendance of trustees at board and committee meetings may be permitted from time to time under extenuating circumstances.
- a) For regular meetings of the Board, the designated meeting site must be open to the public and the person chairing the meeting must be physically present.
 - b) Electronic means includes teleconference, videoconference and other means which allow good two-way communication so that trustees can hear each other and be heard by other participants and members of the general public.
 - c) A trustee cannot attend more than two regular board meetings and two committee meetings by electronic means in one school year.
 - d) Except where a special meeting of the Board is arranged by electronic means, any trustee wishing to participate in a meeting by electronic means must notify the Director's office a minimum of five hours prior to the start of a meeting.
 - e) If a connection cannot be made with a trustee after reasonable attempts, s/he will be considered absent from the meeting, or absent from the portion of the meeting during which there is no connection.

Article 4. SUBCOMMITTEES

All Committees

- 4.01. All committees, except the Executive Committee when it acts in compliance with subsection 56(2), Schools Act 1997, shall (i) provide the findings and the pros and cons associated with each option, or (ii) where directly mandated by the Board, provide a recommendation for consideration by the Board.
- 4.02. The committee chairperson shall ensure minutes are accessible to all board members to read and shall report on the findings of committee meetings at a designated regular board meeting.
- 4.03. Committee meetings shall only be held in accordance with the committee's mandate.

Standing Committees

- 4.04. The Standing Committees of the Board shall be limited to the Executive Committee, the Communications Committee, the Policy Committee, and the Finance and Property Committee.

- 4.05. The Standing Committees shall comply with the terms of reference established by the Board, and shall not assume any additional responsibilities unless they are conferred by the Board.
- 4.06. Where the Committee Chair is absent from a meeting, the members shall select another board member to act as chair for the meeting.
- 4.07. The Chair of a standing committee shall ensure minutes of each meeting are duly recorded, signed and stored in perpetuity with the Director of Education.
- 4.08. The Executive Committee shall include the Board Chair (committee chair); Vice-Chair of the Board; three members-at-large; and the Director of Education, who is a non-voting member. The *mandate* of the committee is limited to the following:
- a) To exercise the full powers of the Board in all matters when the Board is unable to obtain a quorum;
 - b) To inform the Board of the number of times it will report to the Board and the topics to be included;
 - c) To determine, where requests are time sensitive, whether presentations are heard at the next board meeting;
 - d) To ensure the development of a strategic plan and monitor its implementation and effectiveness;
 - e) To review the board's infrastructure plan;
 - f) To review the evaluation forms of the previous board meetings and present findings to the Board;
 - g) To facilitate the annual performance evaluations of the Director;
 - h) To develop a process for trustee and board evaluation for board approval;
 - i) To implement the aforementioned evaluation process approved by the Board;
 - j) To monitor the effective operation of the Board and board committees;
 - k) To determine the education and training needs of trustees;
 - l) To develop a plan to be submitted to the Board to address the identified needs;
 - m) To develop an annual trustee professional development budget and present to the board for approval.
 - n) To review the current orientation of trustees and report its findings to the board;
 - o) To finalize the draft agenda for the next board meeting ensuring that all items are assessed to determine which are
 - i. governance items and shall be allocated time on the agenda within a 12-month period or
 - ii. management items and shall be addressed by the Director of Education;
 - p) To exercise the full powers of the Board in all matters under Article 12: STUDENT APPEALS;
 - q) To study an issue and advise the Board on any matter as directed by the Board.

4.09. The Finance and Property Committee shall include a minimum of three and a maximum of five trustees and the Assistant Director of Education (Finance and Administration) who is a non-voting member. The *mandate* of the committee shall be limited to the following:

- a) To select a trustee to chair the committee;
- b) To meet a minimum of three times per year;
- c) To inform the Board of the number of times it will report to the Board and the topics;
- d) To review the proposed annual budget;
- e) To generate provincial pre-budget items;
- f) To review quarterly financial reports;
- g) To review the capital priorities set out by the Director of Education;
- h) To review the annual audit and management letter and arrange for the Auditor to present to the Board;
- i) To arrange with the Executive Committee of the Board a session for the full board to review and discuss the budget;
- j) To review the acquisition and disposal of properties;
- k) To review the Auditor General's report; and
- l) To study an issue and advise the Board on any other matter as determined by the Board.

4.10. The Policy Committee shall include a minimum of three and a maximum of five trustees and the Senior Administrative Officer (Corporate Services) who is a non-voting member. The *mandate* of the committee shall be limited to the following:

- a) To select a chairperson for the committee;
- b) To meet a minimum of three times per year;
- c) To inform the Board of the number of times it will report to the Board and the topics;
- d) To monitor each policy on a yearly basis to ensure it is current and table the report to the board at the June meeting;
- e) To ensure risk management procedures are set up with management to ensure effective reporting to the Board;
- f) To suggest topics for new policies to the Board;
- g) To monitor compliance with and effectiveness of current governance policies;
- h) To communicate with the Director to ensure management policies support the governance policies of the Board;
- i) To review the governance policies to ensure they meet the needs of the school community; and
- j) To study an issue and advise the Board on any other matter as determined by the Board.

4.11. The Communication Committee shall include a minimum of three and a maximum of five trustees and the Senior Administrative Officer (Corporate Services) who is a non-voting member. The *mandate* of the committee shall be limited to the following:

- a) To select a chairperson for the committee;
- b) To meet a minimum of three times per year;
- c) To inform the Board of the number of times it will report to the Board and the topics;
- d) To hold quarterly meetings;
- e) To develop an annual communication plan and submit to the Board members for input, suggestions, and approval;
- f) To evaluate the effectiveness of the communication plan;
- g) To monitor the implementation of the plan;
- h) To devise an intra-governance communication plan for board approval; and
- i) To study an issue and advise the Board on any other matter as determined by the Board.

Ad Hoc Committees

- 4.12. The Board shall only structure ad hoc committees by resolution and the terms of reference shall not extend beyond 12 months unless the resolution establishing the ad hoc committee states otherwise.
- 4.13. The Board shall only structure ad hoc committees using comprehensive terms of reference to deal with specific issues in a specified manner.
- 4.14. Ad hoc committees shall not deal with items which are within the terms of reference of standing committees.
- 4.15. Ad hoc committees shall not make decisions on behalf of the Board and shall report to the Board at intervals designated by the Board.
- 4.16. Ad hoc committees shall only present options with pros and cons for the Board's consideration and decision making, or where directly mandated by the Board, provide a recommendation for consideration by the Board
- 4.17. A quorum of an ad hoc committee shall be no less than a simple majority.
- 4.18. Where a chairperson has not been named to an ad hoc committee, the committee shall not conduct business until it has chosen a chairperson.
- 4.19. An ad hoc committee is considered dissolved when it has: delivered its final report; at any time based on a resolution of the Board; or at the end of the term of office of the Board.

- 4.20. When the Director of Education's position is vacant, the Board shall appoint an ad hoc committee consisting of five trustees to search for a new director and to present a recommendation to the Board.
- 4.21. When an Assistant Director of Education position is vacant, the Board shall appoint a two-person advisory ad hoc committee consisting of two trustees to assist the Director of Education.

ARTICLE 5. MINUTES

- 5.01. The Director or his/her designate shall assist the Board to record and to maintain the minutes of the proceedings of the Board.
- 5.02. The minutes shall contain the names of persons in attendance; persons who are absent; the persons who made and seconded motions only; other names shall not be noted.
- 5.03. The minutes shall contain: (i) issues; (ii) facts relating to the issue; (iii) whether due process, as it relates to the specific situation, was followed; (iv) motions; and, (v) the decision.
- 5.04. The minutes of the preceding meeting, with any changes made by motion shall be approved by the Board and become the official minutes for that meeting.
- 5.05. The Board shall ensure that minutes of board meetings and executive committee meetings, when it is acting in place of the Board, are signed by the Chairperson.
- 5.06. The original copy of official minutes of board and executive committee meetings, when it is acting in place of the Board, shall be available for inspection by the public or the Department of Education during regular office hours, in the presence of the Director or his/her designate.
- 5.07. A copy of the official minutes of each board and executive committee meeting, when it is acting in place of the Board, shall be posted for public viewing on the Board's website.

ARTICLE 6. ZONES

- 6.01. The Board shall review the boundaries and representation of the zones one year prior to the next scheduled school board election.
- 6.02. The Board shall not change the boundaries and representation of the zones without a 2/3 affirmative vote of the current membership.

Article 7. CONFLICT OF INTEREST

- 7.01. The Board shall outline, in its governance policies, its voting process for dealing with motions where members have absented themselves due to conflict of interest.

Article 8. PRESENTATIONS TO THE BOARD

- 8.01. The Board shall only schedule presentations to the Board within time limits specified by the board which do not encroach on the Board's ability to complete its approved agenda.
- 8.02. The Board shall pass resolutions which specify the number of delegations, the length of each presentation and the number of questioners it can accommodate and shall publish the title of the presentations at least four days in advance of the meeting.
- 8.03. Persons requesting to make a presentation to the Board shall make the written request containing the following information: the name of the spokesperson, a synopsis of the issue, and the desired outcome.
- 8.04. Presentations which are to be made in languages other than English shall only be scheduled where a translator is provided by the presenter.
- 8.05. A delegation shall only be defined as an individual or a group with a (1) designated speaker.
- 8.06. The Board shall recognize only the spokesperson as the representative of a group delegation.
- 8.07. The Board shall notify a delegation why permission to present to the Board has been denied.
- 8.08. The Chair of the Board shall present each spokesperson with the code of conduct for presentations.

ARTICLE 9. STAKEHOLDER CONSULTATIONS

- 9.01. The Board shall consult with relevant stakeholders when it is necessary to seek advice and/or opinions, and/or to gather additional information about an issue.
- 9.02. The Board shall notify the relevant stakeholders of the format, goal, timeframe and place of the consultation.
- 9.03. The Board shall provide notice of the meeting.

- 9.04. The Board may require an individual or group to provide the Board with a written copy of the formal presentation.
- 9.05. An individual or group may provide the Board with a written submission for consideration.

ARTICLE 10. SCHOOL COUNCILS

- 10.01. Where an insufficient number of teachers or parents put themselves forward for election, the school council shall endeavour to seek individuals willing to stand for election and hold elections until the positions are filled.
- 10.02. The school council shall select a chairperson from the parent or community representatives in order to foster as much parental and community input as possible.
- 10.03. Each school council shall hold a minimum of four meetings per year, beginning not later than October 31.
- 10.04. The Director of Education shall provide the resources and information needed for the operation of school councils in the form of a resource binder and necessary training sessions.
- 10.05. The Director of Education shall ensure protocol agreements are signed between the school district and each of its school councils.
- 10.06. The Director of Education shall approve all levies imposed by school councils.
- 10.07. A school council shall not hold bank accounts.
- 10.08. School principals shall include a category for school council operation in the school's budget and record same in the accounting software.
- 10.09. Generally, information shall flow from the school council to the Principal to the Director of Education.
- 10.10. Where the issue is not addressed by the Principal, the school council may appeal to the Director, and where the Director does not address the issue, the school council may appeal to the Board.
- 10.11. The Director of Education shall report matters which are governance in nature to the Chairperson of the Board.
- 10.12. School councils shall only deal with issues of a general nature and shall not view or discuss cases of individuals.

ARTICLE 11. PRESENCE OF A TEACHER

11.01. Unless assigned to other duties by the principal, or is on leave from the school approved by the director, or is absent because of illness or other unavoidable cause, a teacher shall:

- (a) in the case of split instructional day, arrive at school at least 15 minutes prior to the commencement of the morning and 10 minutes prior to the commencement of the afternoon sessions of the daily instructional schedule;
- (b) in the case of a continuous instructional day, arrive at school at least 15 minutes prior to the commencement of the daily instructional schedule; and
- (c) in any case, remain at least 30 minutes following the conclusion of the daily instructional schedule.

ARTICLE 12. STUDENT APPEALS

12.01 The appeals process shall not violate Section 22 of the *Schools Act, 1997*.

12.02 Appeals concerning the decisions of:

- a) a board employee in a school shall be made to the principal.
- b) a board employee not in a school shall be made to their direct management supervisor.
- c) a principal or supervisor shall be made to the Director of Education.
- d) the Director of Education shall be made to the Executive Committee of the Board.

12.03 All appeals under Section 22 of the *Schools Act, 1997* shall:

- a) be made in writing by the parent or student, if the student is nineteen (19) years of age or older, stating the student's name, the name of the employee responsible for the decision being appealed and those issues believe to be in question concerning the decision.
- b) be commenced within fifteen (15) days from the date the parent or student was informed of the decision being appealed.

12.04 All appeal decisions shall:

- a) be provided in writing to the parent or student, and the employee who made the decision.
- b) be provided within five business days of the commencement of the appeal or, in the case of an appeal to the Executive Committee of the Board, within five days of board consideration or the conclusion of any hearing.
- c) include the rationale for the decision and information on the appellant's right to any further appeal under these by-laws or the *Schools Act, 1997*.

12.05 An appeal to the Executive Committee of the Board regarding a decision of the Director shall be made to the Chair of the Executive Committee via the office of the Director of Education.

- 12.06 The Executive Committee shall consider or hear an appeal within five business days from the receipt of the appeal or within such other timeframe as agreed to by mutual consent.
- 12.07 Once it has been determined that an appeals hearing before the Executive Committee of the Board is necessary, the Chair of the Executive Committee shall decide on all questions of order and procedure subject to the appeal, preserving the order and decorum of the meeting, the effective use of time and ensuring that fair and equitable processes have led to acceptable conclusions.
- 12.08 The appellant shall be afforded time to present the case and may be accompanied by a representative.
- 12.09 Following the appeal, the Executive Committee of the Board shall either dismiss the appeal and affirm the decision of the Director; allow the appeal and set aside the decision of the Director; or allow the appeal in part and modify the decision of the Director.
- 12.10 Decisions of the Executive Committee of the Board are final.
- 12.11 A decision that is final or that is not appealed within the time period allowed for appeal shall be binding upon the student, the school, the Board and any other person affected by the decision.

Article 13. SUSPENSION OF STUDENTS

13.01. Teachers and principals shall follow the process outlined in Section 36 of the *Schools Act, 1997*.

13.01.1 A teacher may suspend a student from class in a situation where

- a) the student is a threat to the safety of others or
- b) the student seriously disrupts the teaching and learning process.

13.01.2 A principal may suspend a student from school in a situation where

- a) the student is a threat to the safety of others,
- b) the student seriously disrupts the teaching and learning process,
- c) where the student deliberately damages property of the school or others during school hours or when on school sponsored events, or
- d) where the student refuses to abide by board/district/school policies.

Article 14. APPEALS RELATED TO EXPULSION OF STUDENTS

14.01. The Board, via the Director of Education, shall, via a yearly memorandum, inform teaching and administrative personnel of Section 37 of the *Schools Act, 1997*.

14.02 Where a student has been expelled under Section 37 of the Schools Act, 1997, a parent of the student, or, if the student is nineteen years of age, the student, may, within fifteen

days of the effective date of the expulsion, make a written request to the Board that the expulsion be reviewed.

14.02.1 Upon receiving such a request the Executive Committee of the Board shall investigate the circumstances of the expulsion and make an order upholding or reversing the order to expel the student.

14.02.2 The order of the Executive Committee is binding upon the student, school, board and other persons affected by it.

Article 15. BEHAVIOUR ON BOARD PROPERTY

15.01. No person shall be permitted to smoke on or in the property of the Nova Central School Board, or on Nova Central School Board work sites.

15.02. No person shall be permitted to consume alcohol or illicit drugs on or in property of the Nova Central School Board or other Nova Central School Board work sites.

15.03 No employee shall report for work under the influence of alcohol or any illicit drug that impairs his/her ability to function.

15.04 No person shall harass, bully, engage in illegal activity, engage in on-line gambling, view pornography, or engage in any activities which violate the values and ethics of the Board.

Article 16. RELIGIOUS OBSERVANCE

16.01. In accordance with Section 10 of the *Schools Act, 1997*, school principals shall make reasonable and appropriate accommodation with respect to a request for religious observance, taking into account the impact on instructional time and available school space.

16.02. Where a request for a religious observation is granted, the school principal shall provide space and relevant activity for those students who do not participate, upon request from a parent.

Article 17. AMENDMENT TO BOARD POLICY

17.01. No amendment or addition to a board governance policy shall be made unless due notice thereof, setting forth the proposed amendment or addition, has been given at a regular board meeting previous to that at which the same comes up for consideration; and during

consideration a majority of all members of the Board present and entitled to vote on the question vote therefore.

Article 18. AMENDMENTS TO BY-LAWS

18.01. No amendments or addition to the by-laws, to be submitted to the Minister of Education, shall be made unless three-months due notice, setting forth the proposed amendment or addition thereof, has been given in writing at a regular board meeting previous to the designated meeting that at which the same comes up for consideration; and during consideration a two-thirds majority of all members of the Board and entitled to vote on the question, vote therefore.

Article 19. RECORDS

19.01. The Director shall implement policies defining the time-lines and method of destruction for the maintenance of all records within the district in compliance with provincial and federal legislation.

Article 20. HIRING AND TERMINATION OF EMPLOYEES

20.01. The Director of Education shall implement policies and procedures for the hiring, evaluation and termination of employees, subject to the *Schools Act, 1997*.

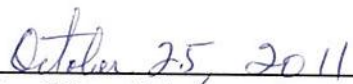
Article 21. TEACHER SPONSORS

21.01. Principals shall ensure there is a teacher sponsor, who is an employee of the Nova Central School Board, to accompany students on school sanctioned events.


21.02. The Principal shall ensure that the school policies outline the appropriate level of supervision and responsibilities of the teacher sponsor.



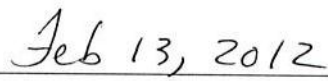
Signature of Board Chair



Date of Board Approval



Signature of Minister of Education



Date of Minister's Approval