

**BLUEWATER DISTRICT SCHOOL BOARD  
PROCEDURAL BY-LAWS  
RELATING GENERALLY TO THE OPERATION OF  
THE BOARD AND ITS COMMITTEES**

**POLICY BP 1501-D “Board Operation”**

**Bluewater District School Board is a board of education established under the Education Act, with power to perform all the duties conferred or imposed upon a public school board by that or any other Act of the Legislative Assembly of the Province of Ontario. It shall operate in accordance with the provisions of the Education Act, other applicable legislation, the pertinent regulations of the Ministry of Education (Ontario), and the procedural by-laws developed for the operation of the board and its committees.**

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## **Section One: Interpretation**

1.1 In these By-Laws the following shall be interpreted to mean:

- a) **“Board”** means Bluewater District School Board
- b) **“Corporate Board”** refers to trustees, Secretary of the Board and Treasurer
- c) **“Chair”** means the Chair of the board
- d) **“Vice-Chair”** means the Vice-Chair of the board
- e) **“Trustee”** means a member of the Board of Trustees including the Chair and Vice-Chair
- f) **“Student Trustee”** means a secondary school student elected or appointed by their peers to represent them on the Bluewater District School Board
- g) **“Director”** means the Director of Education and Secretary of the Board
- h) **“Board in Open Session”** means the corporation doing business in public
- i) **“Committee of the Whole in Open Session”** means a Committee of the Whole Board doing business in public as a committee
- j) **“Committee of the Whole In-Camera”** means a Committee of the Whole Board doing business as a committee with the media and public excluded
- k) **“Consensus”** means ... Collective opinion arrived at by a group whose members have listened carefully to the opinions of others, communicated openly, and have been able to state their opposition to other members' views and seek alternatives in a constructive (problem solving) manner. All members, because they have had the opportunity to influence it, should feel they understand the decision and support it.
- l) **“Majority Vote”** means, where there are no conditions noted, that the default requirement would be those trustees present and voting

## **1.2 Rules of Order and Parliamentary Authority**

The rules of order to be observed at the meetings of Bluewater District School Board will be in accordance with the provisions of these Procedural By-Laws, Section 208 of the Education Act and other relevant legislation. In all cases not addressed by these Procedural By-Laws, the rules, and practices of Robert's Rules of Order Newly Revised will govern insofar as they are applicable. Where these Procedural By-Laws and Robert's Rules of Order differ, these Procedural By-Laws shall prevail.

## **Section Two: Organization**

### **2.1 INAUGURAL AND INITIAL MEETINGS**

#### **2.1.1 Time and Date**

The Inaugural Meeting shall take place on the third Tuesday of November in each year following election and appointment, or at a place and time, not later than seven days after the day on which the term of office of the board commences, to be determined by the board prior to October 31 in each year (as per the Education Act, section 208 (2)).

#### **2.1.2 Inaugural Meeting**

At the appointed time and place of the Inaugural Meeting, the Director shall call the meeting to order, proceed to read the notice of appointed/elected trustees, receive the Oaths of Allegiance, and proceed with the agenda until a Chair has been elected.

#### **2.1.3 Initial Meeting**

At the appointed date, time, and place of the Initial Meeting, for the second, third year and fourth year of the board's term of office, the Director shall call the meeting to order and proceed with the agenda for the meeting until a Chair has been elected.

#### **2.1.4 Opening the Meeting**

Meetings will be opened with silent personal prayer or reflection.

#### **2.1.5 Election of Chair**

- i) The election of the Chair shall take place and shall be by nomination. Nominations for the position of Chair or Vice-Chair do not require a seconder. A nominated candidate must declare a willingness to stand for the position. After nominations have been closed, nominators will be permitted to speak for a maximum of two minutes. Following this, all nominees will speak in the order in which they were nominated for a maximum of five minutes each. The election will then proceed by ballot. The scrutineers designated to count the ballots will be the Superintendent of Business Services and the Recording Secretary.

*Note: If one or more trustees are participating in the meeting by electronic means, a voting assistant will be assigned to mark the ballot on their behalf at the time the voting takes place and then provide the ballot to the scrutineers. This requires the trustee participating electronically to have a second phone line available.*

- ii) If no candidate has a majority of the votes of trustees present and voting, then any candidate(s) who received the least number of votes, shall be dropped from the next ballot and a further vote taken. This process shall continue until one candidate has the majority of the votes.
- iii) If two or more candidates are tied for the least number of votes, the candidate to remain will be drawn by lot. If necessary, the process shall be repeated until one candidate does have a majority, or in the case of a tie the remaining candidate name will be drawn by lot. The names of

these candidates will be placed in a box and one will be drawn by a scrutineer to declare the successful candidate. A sufficient number of blank ballots shall be added to ensure fairness. In the case of a blank ballot being drawn, ballots will continue to be drawn until a candidate's name is drawn.

- iv) Upon completion of elections, the board, by motion, shall direct that all ballots be destroyed.

**2.1.6 Term of Chair**

The term of the Chair will be for one year, and until their successor is elected. A motion to end the term of the Chair early, with cause, requires a two-thirds vote of all trustees present, with prior notice.

**2.1.7 Election of Vice-Chair**

The election of the Vice-Chair shall take place and shall follow the same rules and process as the election of the Chair.

**2.1.8 Appointment to Committees**

The board will appoint trustees to the statutory committees. All trustees will serve on committees of the whole board.

**2.1.9 Agenda for Inaugural and Initial Meeting**

The agenda for the Inaugural Meeting and the Initial Meeting for the board's second, third, and fourth year of office shall include, but not be limited to the following:

- i) Appointments, should any be required, to boards, commissions, etc.
- ii) Appointments to committees
- iii) Notices of Motion
- iv) Banking Resolution
- v) Borrowing Resolution – Temporary Capital Financing
- vi) Borrowing Resolution – Current Expenditures
- vii) Signing Officers

**2.2 COMMITTEES (refer to Appendix A for Procedural By-Law Definition Table)**

**2.2.1 Committees of the Whole Board**

There shall be three Committees of the Whole Board: Business Committee, Committee of the Whole Board and Committee of the Whole Board In-Camera.

- i) Members of the Business Committee will elect their Chair at their initial meeting.
- ii) The Chair of the board will Chair Regular Meetings of the Board.
- iii) The Vice-Chair of the board will Chair the Committee of the Whole Board In-Camera.
- iv) The Chair and Vice-Chair of the board will share responsibility for chairing the Committee of the Whole Board meetings on a schedule agreeable to the entire board.

**2.2.2 Statutory Committees**

There shall be four statutory committees: Audit Committee, Special Education Advisory Committee, Supervised Alternative Learning Committee, and Parent

Involvement Committee in accordance with the Education Act, regulations, or legislations.

The Chair of each statutory committee shall be elected by the committee.

### **2.2.3 Standing Committee**

Standing committees of the board may be established and trustees will be appointed to represent board interests at these committees, which can include other educational stakeholders as required. Standing committees shall report to the board.

### **2.2.4 Executive Committee**

The Executive Committee shall consist of the board Chair, the Vice-Chair, and the Director of Education. Members of the Executive Committee, and any other trustee who wishes to attend, will build the agenda for all meetings of the board. The committee will meet to review the agenda prior to board meetings. The committee will meet as determined by the committee, with notice included with the notice of meeting.

The Executive Committee shall also review, assess, and consider questions with respect to board structure, procedures, policies and all legal issues and activities, and communications flow, and direct the issues to the appropriate committee.

### **2.2.5 Task Forces**

The board may, at any time, establish a task force to make recommendations to the board. The board shall set the terms of reference for the task force and shall appoint members to the task force.

### **2.2.6 Other Committees**

The board may, at any time, establish other committees to make recommendations to the board and appoint trustee representatives to those committees.

## **2.3 MEETINGS**

### **2.3.1 Time and Date of Meetings of the Board**

- i) Committee of the Whole Board meetings shall be held on the first Tuesday of the month, to be scheduled within the school year calendar, unless otherwise directed by resolution of the board.
- ii) The Regular Meetings of the Board shall be held the third Tuesday of the month, to be scheduled within the school year calendar, unless otherwise directed by resolution of the board.
- iii) The Committee of the Whole Board and Regular Meetings of the Board shall be held as outlined in Articles 2.3.1 (i) and (ii) at Bluewater District School Board Education Centre in Chesley at 7:00 p.m., unless otherwise directed by resolution of the board.
- iv) Where a special emergency such as, without limiting the generality of the foregoing, inclement weather or hydro failure, renders the holding of a Committee of the Whole Board or Regular Meeting impracticable, a Committee of the Whole Board or a Regular Meeting may be cancelled by the joint decision of any two of the Director, the Chair or the Vice-Chair,

provided that all efforts shall be made to notify the trustees promptly of the cancellation and the reason for such cancellation.

### **2.3.2 Special Meetings**

- i) Special meetings of the board shall be held:
  - a. At the call of the Chair, in consultation with the Director of Education, in which case notice will be conveyed to all members in accordance with section 2.3.5.
  - b. At the call of the Chair of the board at any time on the request to the Director of Education from four trustees, and for committee meetings, of a majority of the trustee members of the committee.
- ii) The notice of the special meeting will state all business to be considered. No other business will be considered unless all trustees are present and agree unanimously.

### **2.3.3 Accommodation Review – Special Board Meeting(s)**

Delegations pertaining to an Accommodation Review will not be heard at Regular Meetings of the Board or Committee of the Whole Board Meetings. Instead, a Special Board Meeting for Accommodation Review Delegations will be scheduled as per BP 3101-D “Accommodation Review - School Program and Facility Efficiency”.

The Chair, in consultation with the Director of Education and the area trustee(s), will determine the date(s) for this meeting. Notice will be provided as per Section 2.3.5.

### **2.3.4 Electronic Means for the Holding of Meetings (\*see Legislative Notes at end of section)**

- i) Subject to, and in accordance with, the Education Act and Ontario Regulation 463/97 ‘Electronic Meetings and Meeting Attendance’, any trustee, or student trustee, may request the use of electronic means for participating in meetings of the board or a committee of the board, including a committee of the whole board. However, the following members are required to be physically present in the meeting room of the board:
  - a) Meeting of the board and committee of the whole board:**
    - i. The Chair of the board, or designate;
    - ii. The Director of Education, or designate;
    - iii. At least one additional trustee.
  - b) Committees of the board, except committees of the whole board:**
    - i. The Chair of the committee, or designate;
      - If the chair of the committee, or their designate, participates in a meeting by electronic means, at least one additional trustee.
    - ii. The Director of Education or designate.
- ii) Despite section (i), the Chair of the Board or committee, or their designate, may participate in a meeting of the board or of a committee by electronic means if:

- a) the distance from the Chair's (or designate) current residence to the meeting location is 200 kilometres or more;
- b) weather conditions do not allow the Chair (or designate) to travel to the meeting location safely; or
- c) the Chair (or designate) cannot be physically present at a meeting due to health-related issues.

The chair, or designate, must be physically present for at least half of the board or committee meetings during any 12-month period.

- iii) Trustees must be physically present in the meeting room of the board for at least three regular meetings of the board in each 12-month term.
- iv) Members of the public will be provided with electronic means for participating in meetings, except proceedings that are closed to the public (effective February 1, 2021, Ontario Regulation 463-97).
- v) Trustees participating by electronic means shall be included in the quorum count and will notify the Chair of their departure from a meeting, whether it is temporary or permanent, to ensure a quorum is maintained. Minutes of the meeting shall record the presence of trustees participating through electronic means.
- vi) When participating by electronic means a trustee must be present for the entire duration of the discussion of the topic in order to be eligible to vote on the topic.

### **Costs**

When access to a meeting by electronic means is requested, the Chair and Director of Education will consider the associated costs involved to provide electronic access.

### **Student Trustee Access to Meetings by Electronic Means**

Student access to meetings by electronic means will be limited to the student trustees who have been designated to join the board for discussion.

### **Confidentiality**

When participating in an in-camera meeting by electronic means, it is the responsibility of the participants to ensure that communication is kept private and confidential. All provisions in the legislation with regard to in-camera meetings and conflict of interest will apply for electronic meetings of the board or committees of the board.

### **\*Legislative Notes**

- i. In accordance with Ontario Regulation 463/97, sections (i), (ii), and (iii) do not apply for the period ending November 14, 2022.
- ii. On, or after November 15, 2022, sections (i) and (ii) do not apply if all schools of the board are closed, pursuant to an order made by:
  - a. The minister of education under section 5(1) of the Education Act;
  - b. A medical officer of health or the chief medical officer of health under the Health Protection and Promotion Act; or



- c. The lieutenant governor in council under the Emergency Management and Civil Protection Act.

### **2.3.5 Notices**

- i) Written notices of all meetings of the board, including special meetings, shall be forwarded by the Director with the agenda to the Bluewater District School Board email address of each trustee at least five (5) calendar days prior to such meeting.
- ii) In cases of special meetings, the foregoing procedure may be dispensed with at the discretion of the Director after consultation with the Chair of the board or the committee Chair, as the case may be, and ratified by motion at such meeting.

### **2.3.6 Temporary Chair**

If at any meeting of the board, neither the Chair nor the Vice-Chair is present, the trustees present may appoint another trustee to serve as Chair for the meeting until the Chair or Vice-Chair arrives. The same procedure may be followed for committee meetings if the Chair of the committee is not present.

### **2.3.7 Quorum**

- i) A quorum of the board shall be the majority of all trustees.
- ii) A majority of a board committee shall constitute a quorum, provided that at least one of the trustee committee members is present. (Quorum for the statutory committees is established by legislation or regulation).
- iii) Should there be no quorum present within 30 minutes after the time appointed for the meeting, the recording secretary shall record the names of those trustees present and the board shall forthwith stand adjourned until the next Regular Meeting of the Board or the Committee of the Whole Board.
- iv) When a quorum no longer exists, no resolutions shall be voted upon and it shall be the responsibility of the presiding Chair and the recording secretary to note the lack of a quorum and record the fact in the minutes.
- v) The presiding Chair may then adjourn the meeting or declare a recess during which time an attempt will be made to obtain a quorum. If a quorum cannot be obtained during the recess, the meeting shall be adjourned.
- vi) Where a number of trustees who, by reason of disclosure of a pecuniary interest, are unable to participate in a discussion or vote, and where the remaining trustees are not of sufficient number to constitute a quorum, then the remaining number of trustees shall be deemed to constitute a quorum for the specific item of business, provided such number is not less than three.

### **2.3.8 Closing Hour**

Unless otherwise determined by a majority vote of the trustees present and voting, no board meeting or board committee meeting shall remain in session past 9:30 p.m. Trustees may vote to extend the session until no later than 10:15 p.m.

**2.3.9 Recess**

A recess of not more than fifteen minutes may be declared by the Chair of any meeting at any time during the meeting.

**2.3.10 Order of Business**

The order of business at Committee of the Whole Board and Regular Meetings of the Board shall be as follows:

- Committee of the Whole Board**
- A. 1) Call to Order (*including Land Acknowledgement*)
- 2) Approval of Agenda
- 3) Disclosure of Pecuniary Interest
- 4) Delegations
- B. Reports with Recommendations
- 1) Staff Reports
- 2) Committee Reports
- 3) Notices of Motion
  - i. New (include motion)
- C. Reports for Information
- 1) Staff Reports
- D. New Business & Announcements (*topics to be added at the time of the Approval of the Agenda*)
- 1) New Business
- 2) Announcements
- 3) Calendar of Events
- E. Adjournment

- Regular Meeting of the Board**
- A. 1) Call to Order (*including Land Acknowledgement and Reflection*)
- 2) Approval of Agenda
- 3) Disclosure of Pecuniary Interest
- 4) Receipt/Approval of Minutes and Business Arising
- 5) Excellence in Education
- 6) Delegations
- B. Reports
- 1) Recommendations from COTW Board
- 2) Report from COTW Board In-Camera
- 3) Notices of Motion
  - i. New
  - ii. Previous (include motion)
- 4) Committee Establishment and Appointments
- C. Reports for Information
- 1) Student Senate Report(s)
- 2) Staff Reports
- D. Communications
- 1) Correspondence
- 2) Communications and Announcements– Student Trustees/Trustees/Staff/Ministry of Education/OPSBA
- 3) Trustee/Director–Conferences/ Conventions/Out-of-District Meetings
- 4) Calendar of Events
- E. Adjournment

**2.3.11 Varying Order of Business**

The board may at any time suspend or vary the above order of business by a two-thirds vote of the trustees present and voting.

All motions relating to the order of business shall be decided without debate.

**2.3.12 Meetings in Open Session** (\*see Legislative Notes at end of section)

Subject to the provisions of paragraph 2.3.14, meetings of the board, including a meeting of the committee of the whole board, shall be open to the public and no person shall be excluded from a meeting that is open to the public except for improper conduct.

**\*Legislative Notes**

- i. In accordance with Ontario Regulation 463/97, section 2.3.12 does not apply for the period ending November 14, 2022.
- ii. On, or after November 15, 2022, section 2.3.12 does not apply if all schools of the board are closed, pursuant to an order made by:
  - a. The minister of education under section 5(1) of the Education Act;
  - b. A medical officer of health or the chief medical officer of health under the

- Health Protection and Promotion Act; or
- c. The lieutenant governor in council under the Emergency Management and Civil Protection Act.

**2.3.13 Trustee Attendance / Absence**

- i) Trustee attendance is defined by the Education Act, Ministry regulations and relevant legislation. In the case of an unauthorized absence beyond two consecutive regular meetings of the board a resolution must be passed by the board to authorize the absence, if prevention of an automatic seat vacancy is to be effected.
- ii) A trustee wishing to request such authorization should contact the office of the secretary of the board to arrange to have the request considered at a future board meeting.
- iii) Attendance of trustees at all regular and committee of the whole meetings of the board shall be recorded in the minutes of those meetings.
- iv) It is the responsibility of each trustee to notify the recording secretary of expected absences prior to the time of each meeting of the board.

**2.3.14 Meetings In-Camera**

A meeting of the board or committee of the board will be closed to the public when the subject matter under consideration involves:

- i) The security of the property of the board;
- ii) 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 student or their parent or guardian;
- iii) The acquisition or disposal of a school site;
- iv) Decisions in respect of negotiations with employees of the board; or
- v) Litigation affecting the board.

[Reference: The Education Act Section 207 (2)]

Before convening into an in-camera meeting, the board shall consider a motion stating that the agenda be deemed to meet the legislative requirements for discussion in-camera (as listed above).

**2.3.15 Persons to be Present In-Camera**

At meetings of the board, or a committee of the board, in-camera, no persons other than the trustees, the Director of Education and recording secretary shall be present, physically or by electronic means. The elected student trustees may be present at in-camera meetings of the board, or a committee of the board, for all matters except for any issues that pertain to the subject matter outlined in sub-section ii) of section 2.3.14 above. The Superintendents and such other persons as the board may from time to time designate, would also normally be in attendance.

### **Section Three: Rule of Order and Procedure at Board Meetings**

#### **3.1 DEATH OR RESIGNATION OF THE CHAIR OR VICE-CHAIR**

The Chair shall preside at all board meetings or in the absence of the Chair, the Vice-Chair until the Chair returns. In the event of death or resignation of the Chair, the board at its next regular meeting shall elect a Chair in the manner prescribed for the Inaugural Meeting. In the event of death or resignation of the Vice-Chair, the board at its next regular meeting shall elect a Vice-Chair in the manner prescribed for the Inaugural Meeting.

#### **3.2 PRESERVATION OF ORDER**

The Chair shall preserve order and conduct the meetings in conformity with the rules of order of the board.

#### **3.3 DECISIONS OF THE CHAIR**

- i) The Chair shall decide all questions of order and such decision shall be final, subject to an appeal to the board.
- ii) Should the Chair refuse any motion, the trustee making such motion shall have the right to appeal to the board as to whether or not the motion shall be introduced for consideration.
- iii) An appeal to the board pursuant to the above sub-sections (i) and (ii) shall be by motion as follows, "Shall the decision of the Chair be sustained?" according to Robert's Rules of Order. The appeal must have a second. The decision of the Chair is sustained by a majority vote or a tie vote.

#### **3.4 STATE RULE**

The Chair shall, when called upon to decide a point, state the rule applicable to the case.

#### **3.5 PARTICIPATION OF THE CHAIR**

The Chair shall not take part in any debate or discussion unless he/she first leaves the Chair, and appoints the Vice-Chair or in their absence, one of the trustees present to take their place until the question is decided.

#### **3.6 VICE-CHAIR**

In the absence of the Chair, the Vice-Chair shall act as Chair of board meetings and shall perform all the duties and enjoy all the rights and privileges of the Chair.

#### **3.7 CHAIR EX-OFFICIO**

The Chair shall be ex-officio a member of all board committees and shall count in forming a quorum. The presence of the ex-officio at a meeting does not increase the total number of members required to constitute a quorum.

#### **3.8 CHAIR PUTTING MOTION**

When the Chair is putting the motion for a vote, no trustee shall leave their Chair for any reason.

**3.9 TRUSTEES SPEAKING AT THE SAME TIME**

When two or more trustees desire to speak at the same time, the Chair shall name the trustee who is to speak first.

**3.10 INTERRUPTION OF TRUSTEE SPEAKING**

While speaking, trustees shall not be interrupted except to be called to order by the Chair or a trustee for infraction of the rules of order of the board, in which case he/she shall wait until the point of order has been decided by the Chair.

**3.11 ADDRESSING THE CHAIR**

Any trustee desiring to speak shall address the Chair. The Chair shall call the trustee by name and such trustee may then, but not before, proceed to speak, confining remarks to the motion or to make another motion.

**3.12 SPEAKING TO THE MOTION**

A trustee may speak twice to any motion but cannot speak the second time on the same question as long as any trustee who has not spoken desires the floor. A trustee who has spoken twice on the question at the same meeting has exhausted their right to speak on the question. The mover of the motion reserves the right to speak last but the Chair should inquire of other trustees if they wish to speak before the mover of the motion speaks last.

**3.13 RECORDED VOTE**

Any trustee who is eligible to vote may demand a recorded vote upon any motion being put to a vote. It is not required to approve a motion to this effect. The Chair will declare the results of the vote of each individual trustee and the vote will be recorded in the minutes.

**3.14 READING MOTION DURING DEBATE**

Any trustee may, by right, require the motion in discussion to be read for their information at any time during the debate, but not so as to interrupt a trustee speaking.

**3.15 PRESENTATIONS OF MOTIONS**

**3.15.1 Motions in Writing**

i) All motions shall be put in writing and any motion once moved and seconded is in the possession of the board, but with permission of the board it may be withdrawn.

**3.15.2 Notice of Motion**

i) A trustee may have an item considered at a Regular Meeting of the Board by giving notice of motion at a prior meeting of the board (Committee of the Whole or Regular Meeting).

ii) Trustees will provide written notice of motion in public session to the recording secretary so that the item will be considered at the next Regular Meeting of the Board as per section 2.3.10.

iii) The written notice of motion must indicate the purpose/intent but such a statement must be accurate and complete since it will determine what amendments are in order when the motion is considered; an amendment

beyond the scope of the notice given is not in order and shall be disallowed by the Chair, subject to appeal.

- iv) If, when a notice of motion is to be voted upon, the mover is absent, or not disposed to proceed therewith, the motion shall be placed last on section 2.3.10 B – Reports– of the agenda, and if not voted upon, placed on the agenda for the next Regular Meeting of the Board.

**3.16 VOTING PROPOSITIONS SEPARATELY**

- i) When the motion under consideration contains unrelated propositions, upon the demand of any one trustee, the vote upon any motion shall be taken separately.
- ii) When the motion under consideration has related propositions, a motion to divide the question may be made. The motion to divide the question must be seconded and requires a majority vote.

**3.17 CLAUSE BY CLAUSE CONSIDERATION**

Every report presented to the board may be adopted as a whole, or considered clause by clause, whichever is deemed advisable by a majority vote.

**3.18 COMMITTEE TO CONSIDER MATTER FIRST**

No motion or petition within the jurisdiction of a board committee shall be considered by the board until considered and reported on by such committee. This provision may be suspended by a vote of two thirds of all trustees present and voting.

**3.19 RECONSIDER OR REVISIT A QUESTION**

- i) A motion to reconsider a vote may only be made at the same meeting in which the motion was adopted or defeated; can only be moved by a trustee who voted on the prevailing side; requires a second; is debatable; is not amendable; requires a majority vote;
- ii) An adopted motion or the subject matter of an adopted motion may be revisited within a 12-month period to permit the trustees to rescind the motion, amend the motion, or rescind and replace the motion, provided previous notice is given and the action to be taken receives a 2/3 vote of the trustees present and voting;
- iii) After the 12-month period, previous notice is required to reopen an adopted motion or the subject matter of the adopted motion and the action to be taken requires a majority vote of the trustees present and voting.

**3.20 AMENDMENT**

An amendment must be related to or pertain to the original motion. Only one amendment to the original may be made at any one time. If the amendment does not relate to the intent of the original motion or it introduces a difference in subject from that contained in the original motion, then it is not a legitimate amendment. When an amendment is not deemed to relate or be pertinent to the original motion, it shall be ruled out of order.

Legitimate amendments may be:

- i) “Friendly amendments” – i.e. so simple or acceptable that they may be adopted by general consent
- ii) Amendments that are made by motion to add, strike out, strike-out and insert, or amend by substitution in the main motion, and that must be seconded and requires a majority vote
- iii) Amendments that are made by motion to add, strike out or substitute a word or phrase in an amendment and that must be seconded and require a majority vote

**3.21 AMENDMENT TO AMENDMENT**

Only one amendment shall be allowed to an amendment at any one time. An amendment to an amendment shall be directly relevant to the main motion and amendment and shall propose some change in the form or substance of the amendment.

**3.22 VOTING ON THE AMENDMENT**

All amendments shall be put to a vote before the main motion and in the reverse order of that in which they were moved.

**3.23 SEPARATE VOTING**

A separate vote shall be taken upon an amendment to an amendment, upon an amendment, and upon the main motion.

**3.24 MOTIONS SECONDED**

Every motion of the board shall be seconded.

**3.25 ABSTAINING**

When a motion is put, all trustees present, shall vote on the motion unless they choose to abstain, in which case they shall state their intention before the motion is put, and may provide clarification as to why they are abstaining.

**3.26 2/3 PRESENT AND VOTING**

Table 1: Votes required to pass a motion with 2/3 present and voting required

		<b>Trustees who Abstained from Voting</b>									
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>Trustees Present</b>	<b>6</b>	4	4	3	2	2	1				
	<b>7</b>	5	4	4	3	2	2	1			
	<b>8</b>	6	5	4	4	3	2	2	1		
	<b>9</b>	6	6	5	4	4	3	2	2	1	
	<b>10</b>	7	6	6	5	4	4	3	2	2	1
1) Find number of trustees present in left column											
2) Follow that row across to the number of trustees who have abstained											
3) The number where the column and row meet is the number of votes in favour of the motion that are required to pass.											

Abstentions are not counted towards a majority or 2/3 vote and have no effect on the result.

*Exception: If the vote that is required is a majority of trustees present, two-thirds of the trustees present or of the entire membership, then an abstention will have the same effect as a “no” vote*

**3.27 PERSON ADDRESSING THE CHAIR**

No person other than a trustee of the board shall be allowed to address the Chair without permission of the Chair.

A trustee, in speaking to any question or motion, shall address the Chair, confining himself or herself to the question in debate and avoiding all un-parliamentary language and reference to personalities.

**3.28 PROCEDURE WHEN QUESTION UNDER DEBATE**

When a motion is under debate, no further motion shall be received, except:

- i) To adjourn
- ii) To put the previous motion (introduce a motion to close debate and vote immediately, i.e., “to call the previous question”)
- iii) To lay on the table (introduce a 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).
- iv) To refer to a committee
- v) To amend
- vi) To postpone (to postpone indefinitely – a motion that prevents the main motion from being brought up again in its original form – to postpone to a definite time – defer consideration of a main motion and all attached motions until a future date)
- vii) To go into Committee of the Whole In-Camera session
- viii) To suspend the 9:30 p.m. rule
- ix) To take a recess
- x) Point of Order
- xi) Point of Privilege
- xii) To divide the question
- xiii) To consider clause by clause

**3.29 MOTION TO ADJOURN OR TABLE**

A motion to adjourn, or to lay on the table without condition shall be put without debate. It requires a second and majority vote.

**3.30 MOTION TO ADJOURN**

A motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some other business shall have intervened. Such motion, however, shall not be made while a trustee is speaking or a vote is being taken, and may not be amended. However, a motion to adjourn at a certain time may be amended and debated.

**3.31 MOTION TO REFER**

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

**3.32 PRECEDENCE**

A motion to refer to a statutory committee or to a committee of the whole board shall take precedence over a motion to refer to a standing or sub-committee.



**3.33 CALLING THE PREVIOUS QUESTION**

A motion for the previous motion, if adopted, shall preclude all further amendments or debate and leads to an immediate vote. It must be seconded, is not debatable, and requires a 2/3 vote of those present and voting for adoption. The motion shall be submitted by the Chair in this form: "All in favour of closing debate?"

**3.34 MOTION TO POSTPONE**

A motion to postpone indefinitely requires a second, is debatable and requires a majority vote. A motion to postpone to a definite time requires a second, is debatable, and requires a majority vote.

**3.35 AFTER MOTION PUT**

After the Chair has put the motion to a vote, there shall be no further debate.

**3.36 MOTION CONTRARY TO BY-LAWS AND PRIVILEGES**

Whenever the Chair is of the opinion that a motion presented is contrary to the by-laws and privileges of the board, the Chair shall so apprise the trustees and quote the authority applicable to the case.

**3.37 DISCLOSURE OF PECUNIARY INTEREST**

A "pecuniary interest" pertains to money or finance.

Trustees who judge themselves to have a pecuniary interest with respect to a matter being considered at any meeting shall disclose such interest and the general nature of that interest prior to any consideration of the matter. Any trustee with a pecuniary interest shall not take part in the discussion or vote on any question in respect of the matter and shall not attempt to influence the voting on such question.

In the case of a trustee having a pecuniary interest during an in-camera session, the trustee shall disclose the pecuniary interest and withdraw from the meeting.

In the event that a trustee has not disclosed a possible pecuniary interest by reason of being absent from a meeting, that trustee shall disclose such interest at the first public meeting of the board attended by him or her.

In the event that a pecuniary interest is declared during an in-camera session, that declaration shall be recorded in the minutes of the next meeting that is open to the public.

## **Section Four: Rules of Order**

### **4.1 RULES OF ORDER - BOARD COMMITTEES**

Whenever possible, decisions will be reached by consensus at committee meetings.

The rules of order of the board shall be observed in committee with these exceptions:

- i) A recorded vote is not permitted in committee (See section 3.14 Recorded Vote).
- ii) No motion shall require to be seconded except in Committee of the Whole In-Camera.
- iii) Committee members shall not be restricted in the number of times of speaking on any question.
- iv) No motion may be considered by the committee unless a quorum of trustees is present, or at least one trustee is present for a committee composed of both trustees and other persons.

### **4.2 RISE AND REPORT**

A committee member, at any time, may move that the committee rise to report progress or to obtain the ruling of the Chair, with leave to sit again. A motion to rise and report shall be decided without debate.

### **4.3 APPEALS**

- i) The chair shall decide all questions of order and such decisions shall be final, subject to an appeal.
- ii) Should the chair refuse any motion, the trustee making such a motion shall have a right to appeal as to whether or not the motion shall be introduced for consideration.
- iii) An appeal shall be by motion as follows, "Shall the decision of the chair be sustained?", according to Roberts Rules of Order. The decision of the chair is sustained by a majority vote or a tie vote.

### **4.4 FORM OF REPORTS**

Reports of all committees shall be printed in the appropriate format before being presented to the board and shall contain the names of the members of such committee and other participants present at the meetings.

### **4.5 MINORITY REPORTS**

A minority of any committee may have a minority report presented to the board by the Chair of the committee in the same manner as the majority report is presented.

If there is a minority report, the following procedure shall be followed:

- i) The majority committee report shall be moved and seconded.

- ii) If the minority committee report is then moved and seconded, the Chair shall permit debate on the two reports in this order:
  - a. The majority report
  - b. The minority report
- iii) After debate, the Chair shall call a vote on the minority report and if carried, it shall be adopted and replace the majority report.
- iv) If the minority report is defeated, the Chair shall then call for a vote on the majority report, and if carried, it shall be adopted.

#### **4.6 PARTICIPATION BY OTHER MEMBERS**

- i) Trustees attending meetings of committees of which they are not members may take part in the discussion of such committee but shall not vote and shall not be counted when determining whether or not a quorum of the committee is present, unless designated as a replacement by a trustee, or appointed by the Chair, as described in section 4.6 (ii).
- ii) The Chair of any constituted committee of the board shall have the right to appoint a non-member trustee who is in attendance as a voting member at any said committee meeting, only when a member trustee is absent and has not named a replacement.

#### **4.7 VACANCIES**

Vacancies on committees shall be filled by the Chair of the board forthwith after such vacancies occur, subject to approval of the board by resolution at the next board meeting.

#### **4.8 CONDUCT OF BUSINESS**

The business of the statutory committees, committees of the whole board, and standing committees or sub-committees shall be conducted under the following regulations:

##### **4.8.1 General**

- i) In the absence of the committee Chair, one of the other committee members shall be elected to preside until the arrival of the committee Chair.
- ii) The minutes of all transactions of every committee shall be accurately entered in a book for that purpose, and at each meeting of the committee, the minutes of the preceding meeting shall be submitted for confirmation or amendment.

**4.8.2 Special Issue**

- i) A statutory committee or committee of the whole board may at any time appoint from among its members a sub-committee and set its terms of reference, subject to approval of the board by resolution at the next Regular Meeting of the Board.
- ii) A member on whose motion a sub-committee is established shall be a member of such sub-committee unless that trustee defers to another trustee.
- iii) All sub-committee reports shall be submitted to the appropriate committee in writing and signed by the Chair of the sub-committee.

**4.9 CONVENING AND DISSOLVING**

Committee meetings shall be convened as soon as possible after the date of appointment. Upon completion of the committee's final report and recommendations it shall be dissolved.

**4.10 OPEN AND IN-CAMERA MEETINGS**

**4.10.1 Open**

Subject to the provisions of paragraph 4.10.2, meetings of committees of the board shall be open to the public and no person shall be excluded from a meeting that is open to the public except for improper conduct.

**4.10.2 In-Camera**

A committee meeting of the board may be considered to be in-camera and closed to the public, by resolution of the committee, when the subject matter under consideration involves those items listed in section 2.3.14 (Reference: The Education Act Section 207 (2)).

## **Section Five: Board and Board Committees In-Camera**

### **5.1 BOARD MEETINGS**

#### **5.1.1 Meeting by Board Resolution**

The board, or any committee of the board, may move into an in-camera session by resolution of the board, or any committee of the board, made in accordance with the provisions of these by-laws.

#### **5.1.2 Matters to be Dealt With**

Where the board moves into an in-camera session with the meeting closed to the public, only matters designated in paragraphs 2.3.14 will be considered.

#### **5.1.3 Confidentiality**

All committee or staff reports prepared in support of an item on the agenda for an in-camera session which is not open to the public shall be received in confidence and the materials and discussion shall be treated as confidential.

#### **5.1.4 Rise and Report**

When the committee of the whole board has completed its work or wishes to recess, it shall pass a motion to "rise and report".

#### **5.1.5 Deemed Resolution of the Board**

A resolution from an in-camera session, with the meeting closed to the public, if it so states, shall be deemed to be a resolution of the board. Such resolution may be reported to the next Regular Meeting of the Board, as appropriate.

#### **5.1.6 Matters to be Disclosed**

The motion "to rise and report" shall specify the items or reports which are to be brought from an in-camera session of the board to the open meeting of the board.

### **5.2 A COMMITTEE OF THE BOARD IN-CAMERA**

A committee of the board an in-camera session shall follow the procedures outlined in 5.1 above.

## **Section Six: Delegations**

### **6.1 NOTIFICATION OF INTENT TO SPEAK**

Bluewater District School Board recognizes the need to foster effective communication between the educational system and the community. At each public meeting of the board, members of the community will be provided with an avenue to speak to public education-related topics, specific to either them, or regarding the system as a whole. Individuals or groups that wish to appear before the board are requested to contact the Director of Education before noon of the Tuesday, one week prior to the meeting of the board.

### **6.2 TIME ALLOTMENT**

Near the beginning of each board meeting, a maximum of 20 minutes will be provided for delegations as follows:

- i) Each delegation is allotted a maximum of ten (10) minutes, exclusive of questions of clarification (which will last no longer than five (5) minutes); and
- ii) A maximum of two (2) delegations will be allowed per meeting.

### **6.3 REGISTRATION**

**6.3.1** To be a delegation to the board, the following information must be provided by noon of the Tuesday preceding the meeting at which the delegation wishes to appear:

- i) Full name, and the names of all speakers;
- ii) Contact information (including telephone number and home address);
- iii) A complete copy of the presentation;
- iv) Presentation needs (e.g., laptop for PowerPoint presentation); and
- v) Any recommendation(s) pertaining to the issue.

**6.3.2** An individual or group may present as a delegation to the board once in every three (3) months. The months of July and August will not be used to calculate this timing.

**6.3.3** Requests will be denied if the requestor(s) has presented on the same topic within the previous 12 months, or if the subject matter is not within the jurisdiction of the board. Such requests may instead be provided as a written submission to trustees.

**6.3.4** Delegation presentations will be reviewed by the Director (or designate) to ensure that they meet the requirements of Section Six: Delegations.

- i) If it is determined that the requirements of Section Six have not been met, the Director (or designate) will review the request in consultation with the Executive Committee.
- ii) If, in the opinion of the Executive Committee, the delegation request should be denied, the Director (or designate) shall advise the requestor

(in writing) that their delegation request has been denied and provide rationale. This decision is final. Trustees will be informed of the decision.

#### **6.4 CONFIRMATION**

**6.4.1** When they receive confirmation of their delegation date, delegations will be:

- i) Asked to provide any specific questions they may have; and
- ii) Invited to provide their own copies of any presentation handouts. Board staff will not be responsible for making copies of delegation materials, for the purpose of providing handouts.
  - a) If the delegation would like their presentation to be provided electronically to trustees prior to the meeting, they must notify Corporate Services of this request at least 24 hours in advance of the meeting.

**6.4.2** All delegations will be informed of the following:

- i) That there may be no response to the presentation at the meeting.
- ii) In accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), presenters must ensure that no student or staff member is identified by name or by specific comments by which they could be identified.
- iii) Presentations shall be free of statements or materials that are contrary to the Ontario Human Rights Code, other laws of Ontario and Canada, and the policies of the board.
- iv) Presentations must not contain inappropriate comments regarding students, staff or community members.
- v) Presenters are expected to conduct themselves with courtesy and respect for others.
- vi) That the purpose of a delegation is to allow the presentation to be heard, not to debate the issue at the time of presentation. Trustees may ask questions of clarification.

#### **6.5 RESPONSE**

**6.5.1** Delegation presentations will be reviewed at the following Executive Committee meeting to determine recommendations to the board regarding appropriate next steps. These recommendations will be reviewed at the following Committee of the Whole or Regular Meeting of the Board.

The Chair, with the concurrence of the board, may direct that any recommendations arising from the delegation be:

- a. Received as information;
- b. Referred to staff for follow-up and/or a future report;
- c. Referred to the appropriate committee;
- d. Referred to a future board meeting; or
- e. Handled by letter following the board meeting.

- 6.5.2 A written response will be provided within thirty (30) days to delegations who provide a copy of their presentation. The months of July and August will not be used to calculate this timing.

**6.6 IN-CAMERA ISSUES**

Delegations regarding issues which must be heard in camera as prescribed by the Education Act will be heard in Committee of the Whole In-Camera. Meetings of the board and its committees shall be open to the public except when the subject matter under consideration involves those items listed in The Education Act Section 207 (2)) (specifically noted in section 2.3.14 of these by-laws).

**6.7 DECISIONS IN RESPECT OF ISSUES RAISED**

Once the board has made a decision, on a matter raised by a delegation or delegations, the board will not entertain a further delegation on substantially the same issue within the ensuing six (6) month period, unless:

- i) The Executive Committee is of the opinion that there is sufficient new information to warrant a review; or
- ii) The board has agreed to re-open the matter.

**6.8 DELEGATIONS IN REMOTE LOCATIONS**

Providing that facilities and staffing are available at no additional expense to the board, a delegation from a remote location may be considered.

**6.9 ACCOMMODATION REVIEW DELEGATIONS**

Pursuant to the regulations and processes defined in BP 3101-D "Accommodation Review - School Program and Facility Efficiency", delegations pertaining to an Accommodation Review will not be heard at Regular Meetings of the Board or Committee of the Whole Board Meetings and will only be heard at a Special Board Meeting for Accommodation Review Delegations.



## **Section Seven: General**

### **7.1 OFFICERS OF THE BOARD**

The officers of the board shall consist of the Chair, Director of Education and Secretary, Superintendent of Business Services and Treasurer, and other appointed supervisory officers as necessary and appropriate.

### **7.2 TRUSTEES' AUTHORITY**

No trustee has any authority to act on behalf of the board except at properly convened and constituted board meetings or when authority has been delegated specifically to the trustee by board resolution, or otherwise.

### **7.3 DUTIES OF OFFICERS**

The duties of the officers of the board shall be set forth in the Education Act and the job descriptions as amended from time to time.

### **7.4 AMENDMENTS, ALTERATIONS OR ADDITIONS TO THE BY-LAWS**

Proposed amendments, alterations or additions to the by-laws shall be made by a member of the corporate board in writing, setting forth the proposed amendment(s), alteration(s) or addition(s). The proposal will be brought to a vote before the board within 60 days. The amendment(s), alteration(s) or addition(s) must then be confirmed by a two-thirds vote of all trustees present at that meeting.

## **Section Eight: Effective Date**

### **8.1 Effective Date**

All the provisions of the procedural by-laws heretofore passed are repealed from and after the passing of these by-laws by the board.

Such repeal shall not affect the previous operation of any such by-laws so repealed or affect the validity of any contract or agreement made pursuant to any such by-laws prior to their repeal.

All officers and persons acting under any by-laws so repealed shall continue to act as if appointed under the provisions of these by-laws and all resolutions with continuing effect of the board or committees of the board passed under any such repealed by-laws shall continue to be good and valid except to the extent they are inconsistent with these by-laws and until amended or repealed.

Enacted this 16th day of June 1998; and amended:

September 8, 1998; October 19, 2004; November 20, 2007; November 17, 2009; amended June 15, 2010, to be in effect September 1, 2010; November 16, 2010; December 20, 2011; March 23, 2016; October 16, 2018; September 17, 2019; December 15, 2020; October 18, 2022

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Chair of the Board

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Director of Education

**Appendix A: Procedural By-Law Definitions**

<b>Board Committee Definitions</b>		
<b>Committee</b>	<b>Committee Membership</b>	<b>Reporting Responsibilities</b>
<b>Committee of the Whole Board (Section 2.2.1)</b> <i>The whole membership of the board sitting as a committee.</i>	<ul style="list-style-type: none"> <li>trustees</li> <li>Committee of the Whole In-Camera will be chaired by the Vice-Chair of the board</li> <li>Chair of Business Committee will be elected by members at their initial meeting</li> </ul>	<ul style="list-style-type: none"> <li>Report to the board on a monthly basis</li> </ul>
<b>Statutory Committee (Section 2.2.2)</b> <i>A legislative committee established in accordance with the Education Act.</i>	<ul style="list-style-type: none"> <li>Chair of this committee will be elected by the committee</li> </ul>	<ul style="list-style-type: none"> <li>Report to the board on a monthly basis</li> </ul>
<b>Standing Committee (Section 2.2.3)</b> <i>A committee that will have continuing existence and function and is normally responsible for a particular subject matter.</i>	<ul style="list-style-type: none"> <li>trustees appointed or elected to represent board interest</li> <li>chaired by a trustee member of this committee</li> <li>educational stakeholders as required</li> <li>parent and community representatives as required</li> </ul>	<ul style="list-style-type: none"> <li>Report to the board on a monthly basis</li> </ul>
<b>Executive Committee (Section 2.2.4)</b> <i>Reviews the agenda prior to board meetings. Shall also review, assess and consider changes with respect to board structure, procedures, policies and all legal issues and activities, and communications flow, and direct the issues to the appropriate committee.</i>	<ul style="list-style-type: none"> <li>board Chair</li> <li>board Vice-Chair</li> <li>trustees who wish to attend</li> <li>Director of Education</li> </ul>	<ul style="list-style-type: none"> <li>Report to the board as required</li> </ul>
<b>Task Force /Ad-Hoc Committee (Section 2.2.5)</b> <i>A committee that is created for a particular purpose and will cease to exist when that purpose is completed.</i>	<ul style="list-style-type: none"> <li>trustees appointed to represent board interest</li> <li>chaired by a trustee member of this committee</li> <li>membership selected when committee is established by the board</li> </ul>	<ul style="list-style-type: none"> <li>Determined at time of committee being established</li> </ul>
<b>Other Committees (Section 2.2.6)</b> <i>A committee established by the board at any time.</i>	<ul style="list-style-type: none"> <li>trustees appointed to represent board interest</li> <li>the procedure for electing the Chair of such committees will be agreed to at the time the committee is established by the board</li> </ul>	<ul style="list-style-type: none"> <li>Determined at time of committee being established</li> </ul>

**Section 4.6: Participation by Other Members**

- a) Trustees attending meetings of committees of which they are not members may take part in the discussion of such committee but shall not vote and shall not be counted when determining whether or not a quorum of the committee is present, unless designated as a replacement by a trustee, or appointed by the Chair, as described in 4.6 (ii).
- b) The Chair of any constituted committee of the board shall have the right to appoint a non-member trustee who is in attendance as a voting member at any said committee meeting, only when a member trustee is absent and has not named a replacement.

**GENERAL DEFINITIONS**

- Section 2.3.10 – Order of Business - A.1 - Call to Order will include a moment of reflection/prayer

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