



Lester B. Pearson  
School Board

Commission scolaire  
Lester-B.-Pearson

# REGISTER OF POLICIES, PROCEDURES AND BY-LAWS

## BY- LAW 1.5/2015: RULES OF INTERNAL MANAGEMENT OF THE COUNCIL OF COMMISSIONERS AND THE EXECUTIVE COMMITTEE

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Unless otherwise specified, the masculine gender shall include the feminine gender in order to simplify the text. Council of Commissioners will be referred to as "Council".

## 1. **Objectives**

- 1.1 The aim of this document is to explain and elaborate on the rules of internal management as stipulated in the Quebec *Education Act* (sections 143 to 182). These rules will also cover the preparation and convening of meetings and the taking and reporting of the minutes of the meetings of Council and the Executive Committee. These rules may be applied to Council's standing and advisory committees.

## 2. **General Provisions**

- 2.1 The meetings of Council and the Executive Committee are held according to the *Education Act* and in accordance with the provisions of the present rules. The stipulations of the Act have precedence.
- 2.2 The time and place of the regular meetings of Council and the Executive Committee are determined through a by-law, in accordance with the *Education Act* (sections 162 and 182).
- 2.3 The time and place of the meetings of standing/advisory committees are determined annually and the dates are forwarded by the chairs to their members. The chairs are also responsible to have the dates indicated on Council's calendar, posted electronically.

## 3. **Function and Powers: Chair and Vice-Chair**

- 3.1 The Chair presides over the Council meeting and follows the rules of management to ensure order, peace and decorum.
- 3.2 The Chair receives proposals submitted by the commissioners and administrators for study and deliberation.
- 3.3 The Chair continues to preside when he submits a proposal unless there is opposition from the commissioners present.
- 3.4 The Chair votes on all points. In the event of a tie, the Chair has a casting vote.
- 3.5 Should the Chair be absent or unable to act, the Vice-Chair shall exercise his functions and powers. If the Vice-Chair is absent or unable to act, the Chair

of the Executive Committee shall exercise the Chair's functions and powers. Should the Chair of the Executive Committee be absent or unable to act, another commissioner shall be designated by a majority vote of Council to exercise the Chair's functions and powers. The Director General shall oversee the election of a chair for that meeting.

#### **4. Caucus**

- 4.1** A caucus of commissioners is called for the purpose of studying dossiers referred by administration, Council, the Executive Committee, standing/advisory committees or individual commissioners.
- 4.2** The Chair presides over meetings which are held in camera. Commissioners who attend are bound to respect the confidentiality of what is discussed on penalty of a sanction as provided in the Code of Ethics and Professional Conduct Applicable to the Council of Commissioners.

#### **5. Convening**

- 5.1** The meetings of Council are convened by electronic notice to this effect.
- 5.2** The agenda, as well as all documents and dossiers, must be available electronically forty-eight (48) hours prior to the meeting (exception see 6.3.2).
- 5.3** At the calling to order of the meeting, the Chair will note that the convening process has been respected.

#### **6. Agenda**

##### **6.1 General**

- 6.1.1** A draft agenda for each regular meeting of Council is prepared jointly by the Chair, the Director General and the Secretary General. Items, documents and written reports emanating from administration are submitted by an administrator to the Director General for recommendation, with a copy to the Secretary General within five (5) working days of holding the meeting. Items, documents and written reports emanating from a commissioner are submitted to the Chair for recommendation, with a copy to the Secretary General within the same delay. Items, documents and written reports emanating from either committee meetings or events attended by Council representatives are submitted to the Secretary General within the same delay. In the case of committees holding their meetings the

week prior to the regular Council meeting, the documentation should be sent no later than the Wednesday of the week preceding the meeting.

**6.1.2** The Secretary General is responsible for finalizing the agenda and ensuring that the documentation is available at least forty-eight (48) hours before the meeting.

**6.1.3** After consulting the Chair and the Director General, the Secretary General draws up the agenda for special meetings, without further formality.

**6.1.4** The Secretary General determines the title of each item that is to appear on the agenda.

## **6.2 Quorum**

**6.2.1** Quorum at a meeting of Council is determined by the presence of a majority of the voting commissioners.

**6.2.2** The Chair and Director General or their delegates must be physically present at the meeting.

**6.2.3** Upon prior request of a commissioner to the Chair, Council may agree that he fully participates at the meeting through any means permitting all participants to communicate.

**6.2.3.1** In such a case, the minutes must note:

- that the meeting was held with virtual attendance;
- the name of each member physically present at the meeting and who voted favourable to the use of the device;
- the name of the commissioner(s) who joined the meeting through virtual attendance.

**6.2.4** If quorum is not attained one hour past the official time of convening, the Secretary General may declare the meeting closed.

**6.2.5** Once quorum is established, the Chair calls the meeting to order no earlier than the time indicated by the by-law setting the time and date of the meeting.

- 6.2.6** A short absence of a commissioner during the meeting does not affect quorum; nonetheless, resolutions cannot be adopted if the requirements of quorum are not met.
- 6.2.7** A commissioner must advise the Secretary General whenever he leaves the meeting either temporarily or permanently. The absence is noted in the recording of votes by the Secretary General.
- 6.2.8** A meeting automatically ends if an absence of quorum is created by the permanent departure of a commissioner.
- 6.2.9** During normal deliberation, except on the special request of a member, there is no need to verify the quorum.
- 6.2.10** A brief recess may be taken at any time during the meeting at the call of the Chair.

### **6.3 Approval**

- 6.3.1** The agenda is approved after quorum is established. It may be modified at the request of any commissioner. The modified agenda must then be adopted by two thirds of the voting commissioners present. A modification can either be an addition, a deletion, a withdrawal and/or a change of the order of items. The Chair determines the placement of the addition.
- 6.3.2** Approval of two-thirds of the voting commissioners present is required in order to entertain any resolution presented to Council after delivery of the documentation cited in paragraph 5.2 and prior to the start of the meeting. Any resolution not receiving this two-thirds approval will be deferred to the next regular or adjourned council meeting.

### **6.4 Question Period for the public**

- 6.4.1** Two question periods are reserved so that members of the public may address Council through the Chair, to ask questions or present petitions on issues relevant to Council, as determined by the Chair.
- 6.4.2** The first question period will follow the calling to order, the declaration of attendance, the adoption of the agenda, the adoption of the minutes, the report of the Chair and the report of the Director-General.

- 6.4.3** The second question period will be at the end of the agenda and reserved for questions that have arisen from items on that agenda.
- 6.4.4** Each question period shall last at most 15 minutes unless otherwise extended by the Chair.
- 6.4.5** A member of the public wishing to ask a question must identify himself and address all questions to the Chair. The Chair will decide whether or not to answer the question or to refer it to the most appropriate person.
- 6.4.6** Each member of the public will be limited to 3 minutes to ask a question or make a comment.
- 6.4.7** A member of the public may present their question and/or comments in writing through the live blog.
- 6.4.8** The Chair may declare inadmissible and immediately terminate any question or comment that :
- a. is not related to matters that fall under the Council of Commissioners' mandate; or
  - b. is regarding a matter pending before the courts or quasi-judicial bodies, or which is under investigation or part of on-going negotiations; or
  - c. is deemed to be of a personal or confidential nature, or
  - d. is deemed to be abusive, offensive or that constitutes a personal attack.
- 6.4.9** Decorum at Council meetings will be strictly upheld. All persons will show respect for others, whether present in the room or not, in language and conduct.
- 6.4.10** The Chair may use discretion to terminate any speaker's privilege to speak or exclude a speaker from the meeting if, after due warning, the speaker persists with conduct or comments which are not admissible and appropriate.
- 6.4.11** This exclusion may be for the balance of the meeting or for an indefinite time, at the Chair's discretion.

**6.4.12** At Executive Committee, there will be one Question Period following the adoption of the agenda and approval of the minutes. All other preceding provisions regarding Question Period at Council, apply equally to Executive Committee.

## **6.5 Internal Communications**

**6.5.1** Commissioners may ask questions or relate information to Council on items not on the agenda. The Chair may answer immediately or ask the Director General or an appropriate member of administration to do so, or defer an answer to a subsequent meeting.

**6.5.2** The period reserved for the Internal Communications may be used by a commissioner to propose a topic for study at the next meeting. Such proposal shall be recorded in the minutes.

## **6.6 Reports**

**6.6.1** All reports are presented to Council by the chair of the committee reporting or by a designated person and are received by resolution.

**6.6.2** Questions regarding the reports are addressed to the Chair who can reply, ask the Director General or his delegate to reply or ask the reporter to do so.

## **6.7 Correspondence**

**6.7.1** Correspondence is addressed to Council through the Chair. It is received by resolution and Council determines how it is to be handled.

**6.7.2** This item cannot be used to add any new requested item to the agenda.

## **6.8 Adjournment**

Any regular or special meeting may be adjourned to another time on the same day or to a determined date and time. This adjournment will not entail a new convening notice to the absent commissioners.

A commissioner may ask for an adjournment of the meeting to a specific moment. In this event, Council must vote on this request of adjournment before it can continue any further discussion on the agenda.

## **6.9 Closing of the Meeting**

When all the items noted in the agenda have been dealt with, the meeting may be closed. The Chair closes the meeting with a motion. No further decisions may be taken and the meeting may not be reopened. Council must wait until the next regular meeting to discuss any additional subjects. It may convene a special meeting according to the prescribed delays.

## **7. General Rules of Order**

- 7.1** The decisions of Council are adopted by resolution by a majority of the votes cast by the commissioners present and entitled to vote.
- 7.2** The vote may be taken verbally, by a show of hands, electronically, by phone or by secret ballot. Proxy votes are not permitted. The Chair decides on the voting procedures and other procedural questions as agreed by the majority of Council.
- 7.3** Any member of Council may ask for a secret ballot vote. A resolution will then be adopted to validate this request. In such a case, the Secretary General receives the vote of the commissioner who is attending through virtual attendance via videoconference, teleconference or electronically.
- 7.4** Resolutions must be in writing. To this purpose, the proposer, after having stated the object of his resolution, must do so in writing and submit the text to the Secretary General before a vote can be taken unless said document is already part of the dossiers given to the commissioners.
- 7.5** The parent commissioners are allowed to propose resolutions but are not entitled to vote at the meetings of Council and the Executive Committee. Should Council decide to co-opt commissioners, the same rule would apply to them.
- 7.6** Student commissioners are allowed to participate in discussions and to propose resolutions at Council but are not entitled to vote.
- 7.7** Any commissioner having a conflict of interest in a particular dossier must so indicate prior to discussion on the dossier. He must then abstain from any discussion or voting on the subject and must leave the meeting until deliberations on this dossier are completed.

- 7.8** The right to speak is given to the commissioners in the order in which it is asked. The Chair follows the same procedure as the other commissioners by adding his name to the speakers' list.
- 7.9** Deliberations concerning items on the agenda are formal. All interventions are addressed to the Chair, whose permission is required in order to speak.
- 7.10** During the discussion, a commissioner may ask that the said item be postponed to another moment in time. The commissioners must then vote on this request of deferral before there is any further discussion on the subject.
- 7.11** Following the deliberation, the commissioner proposing the resolution is given a brief period in which to make a final comment before the vote is taken.
- 7.12** If a motion to adjourn is requested, it takes precedence over the request for a vote.
- 7.13** A *point of order* may be raised if a commissioner considers that there is an infraction to the rules of conduct, or to the decorum of the meeting. This point of order must be dealt with before the meeting can resume.
- 7.14** A commissioner can invoke a *question of privilege* if he believes that his reputation is under attack by another member of the Council or by a staff member. This question of privilege must be dealt with before any further deliberation. A question of privilege may also be invoked by a commissioner wishing to obtain priority to speak; the Chair must decide if the privilege is granted or not.
- 7.15** An amendment to a resolution strives to modify it by striking, altering or replacing the original wording. It may not be received if it is not in accordance with the motion or if it alters the type of motion.
- 7.14.1** The amendment is a subsidiary motion to the proposal and a vote on the amendment has precedence over the vote on the original motion.
- 7.14.2** A sub-amendment is an incidental motion to an amendment and has precedence over a vote on the amendment itself. A sub-amendment may not be amended.
- 7.16** Any commissioner may call the question in debate which forces a vote on the item.

7.17 The Chair may close the debate when he deems it appropriate.

## 8. Reconsideration of a Decision

8.1 A commissioner, who has voted in the majority regarding a resolution/decision, may ask Council to reconsider said resolution if he has relevant information that was not communicated during the debate at the original motion that may have influenced the decision.

8.1.1 He may ask for reconsideration on the same night as the resolution was adopted. This reconsideration must be addressed at the same meeting.

8.1.2 Alternatively, he may present a written request to the Chair no later than five (5) working days prior to the next regular meeting of Council. The request shall briefly set forth the grounds on which it was made. Upon receiving the request, the Chair shall instruct the Secretary General to place the item on the agenda of the next regular meeting. The commissioner must verbally present his proposal at the meeting.

8.2 The Chair shall invite Council to vote on the request for reconsideration. If the majority of the votes expressed are in favour of the reconsideration, then the debate must resume on the subject mentioned by the commissioner's proposal and must be concluded with a new vote on the subject. The Chair may limit the time for the period of the debate.

8.3 This process shall be invoked only once per resolution and the final vote on the subject shall not be the object of further consideration.

## 9. Minutes

9.1 The Secretary General is responsible for recording minutes of the meeting.

9.2 A title and a number must be given to each item noted in the minutes.

9.3 In the minutes, the presence and absences of the commissioners are duly noted. The agenda item during which a commissioner arrived or departed is noted.

9.4 The minutes must mention all approved decisions. However, a brief and explanatory preamble may precede a resolution.

- 9.5** The minutes must duly note all favourable and non-favourable votes as well as those who abstained, mentioning the names of those who voted in the minority, those who abstained and the absentees. The minutes will also indicate cases when a commissioner did not vote due to a conflict of interest.
- 9.6** When a resolution is amended or revoked, mention of this is duly noted in the margin of the minutes of the meeting when this was adopted. When a by-law is amended or revoked, mention of this is duly noted in the by-law register. The note will also state the date when said modification was voted.
- 9.7** The minutes are approved at the beginning of the following meeting. The Secretary General is not obliged to read the minutes as long as each member present was sent an electronic copy at least six (6) hours prior to the meeting during which the minutes are to be approved. When minutes of a meeting are being approved, the Secretary General might make a correction to the minutes as long as the correction in no way alters the meaning of a decision nor adds elements that were not part of said decision.
- 9.8** Approved minutes are then signed by the Chair and by the Secretary General and kept in an official book of minutes. They are also posted on the board's website.
- 9.9** A register containing the by-laws must be kept separately from the book of minutes. Approved by-laws will be posted on the board's website.
- 9.10** The minute book or by-law register may be consulted by any interested party during regular office hours.
- 9.11** According to the *Education Act* (section 172), the signed and certified copies of resolutions, by-laws or other documents of Council or the Executive Committee are public.
- 9.12** The approval of the minutes of a meeting may not become the object of an incidental motion.
- 10. Special Meeting**
- 10.1** The Chair or two commissioners may call a special meeting of Council per the *Education Act* (section 163) or a special meeting of the Executive Committee (section 182). The Secretary General shall send a call of notice to each commissioner and give a public notice of the date, place and time of the meeting and of the matters to be discussed, at least two days before the meeting is held. However, no publication in a newspaper is required.

**10.2** Only matters mentioned in the notice calling the special meeting may be dealt with and decided, unless all the commissioners are present and decide otherwise (*Education Act*, sections 164 and 182).

**10.3** The Chair of Council or the Chair of the Executive Committee shall ascertain at the opening of the special meeting that the procedure for calling the meeting has been complied with.

**11. Coming into Force**

The present Rules of Internal Management of the Council of Commissioners and Executive Committee come into force once adopted by Council.

**12. Supplemental Rules**

The Robert's Rules of Order shall supplement any rule or situation not covered by the present document.