

SCHOOL DISTRICT 63 (SAANICH)
POLICY DEVELOPMENT COMMITTEE
Agenda

Committee Members:	Trustee VanWell, Chair Trustee Elder Trustee McMurphy
Staff Support:	Dave Eberwein, Superintendent of Schools Jason Reid, Secretary Treasurer
Partner Representatives:	Shannon Toronitz, STA CUPE Sean Kenny, SAA COPACS
Other Attendees:	

**Tuesday, November 18, 2025
1:00 pm**

A. PRESENTATIONS AND QUESTIONS

No Items.

B. ITEMS FOR DISCUSSION

1. Policy 15 – Parent/Guardian Involvement
2. Policy 17 – Public Consultation

C. ITEMS FOR RECOMMENDATION

Policy 11- Indemnification

Note from September 17, 2025 Board Meeting – the Committee agreed that the Superintendent would consult with legal counsel on the appropriateness of language in several areas.

D. ITEMS FOR INFORMATION

No Items.

E. FUTURE AGENDA ITEMS

Policies 20, 21 – Jan 2026
Policies 22, 23 – Feb 2026
Policies 24, 25, 26 – Mar 2026
Policies 18 – Apr 2026
Policies 19 – May 2026
Policies 27, 29 – June 2026

POLICY 15 – PARENT/GUARDIAN INVOLVEMENT

The Board believes that parents/guardians are partners in the education of their children and have rights and responsibilities to work with the school and district in support of their children's education.

The Board recognizes that the most effective education for students occurs when parents/guardians are active partners. Collaborative partnerships between school staff and parents contribute to the important conditions that enable students to realize their potential, be successful, and become lifelong learners.

Guiding Principles

1. Parents/guardians have the right and responsibility to be involved in their child's education.
2. The Board respects and supports the rights afforded to parents/guardians through the School Act, as well as other applicable legislation.
3. The Board is committed to an environment that respects the inherent diversity of the community in which we work and learn.
4. The Board believes schools are learning communities which involve students, staff, parents/guardians and the broader community.
5. The Board believes students are most successful when parents/guardians and the school work cooperatively to:
 1. Create a supportive and positive learning environment;
 2. Be engaged in regular communication about student progress;
 3. Solve any problems which may arise; and,
 4. Participate in school and district processes including, where appropriate, the work of committees.

POLICY 17 – PUBLIC CONSULTATION

The Board is committed to providing opportunities for members of our community to have meaningful input into various processes, especially if the decisions from these processes could directly or indirectly affect them, and especially for the purpose of building community support and confidence in public education.

Guiding Principles

1. The Board commits to providing public involvement processes which are timely, transparent, accessible and accountable and which reflect the diversity of the community it serves.
2. The Board will decide on the timing and the process of public consultation.
3. The Board will endeavour to identify the appropriate constituencies which may be affected by its decisions as well as explaining any constraints facing the Board.
4. The Board commits to providing the general public an opportunity to provide input into significant decisions including those related to strategic and budget planning.

The Board believes that district staff have a significant role in effectively and appropriately communicating with the public as much information as is possible, and appropriate, in the circumstances.

Memorandum

TO Superintendent and Board of Education of
School District #63

October 29, 2025

FROM Michael Hancock, Partner, Harris & Co.

RE Trustee Indemnity Policy

Attached are my suggested revisions to Bylaw 11 – Indemnification.

The suggested revisions include minor housekeeping changes to reflect the creation of Indigenous Education Councils, and resulting amendments to the indemnity provisions of the *School Act*.

More substantively, the amended policy recommends the addition of two further exclusions from the scope of the provided indemnities (sections 6(2) and 6(3):

1. Legal fees incurred in responding to a complaint under the Trustee Code of Conduct.

The frequency of internal dissension and formal Code Of Conduct complaints has risen significantly across the province. It is possible that a trustee faced with a complaint could argue that this complaint involved a proceeding involving the “administration and conduct of the business of the School District.”, within the meaning of section 1 [2] of the Bylaw.

Code of Conduct complaints can impose significant costs and administrative burden on Districts and, in our opinion, they are not within the scope of the types of proceedings initially contemplated under the relevant provisions of the *School Act*. Requests for indemnification have been made in other Districts, and we recommend that this be explicitly addressed in your Bylaw. The original intent of these indemnity provisions was to protect trustees from inquiries that arose specifically out of the administration and conduct of the Board’s affairs as a whole, and not as a result of the conduct of an individual trustee.

2. Legal fees and recursion responding to a complaint under AP 403 [Intimidation and Harassment] or a complaint under the bullying and harassment provisions of the collective agreement.

The rationale for this change is similar to the above. Indemnity policies were designed to avoid trustees facing individual liability for decisions they may as part of the collective, or in carrying out the general business and affairs of the Board. The Bylaw excludes actions or other proceedings taken by the Board against a Trustee s.6(1). In our opinion, it is advisable to clarify that this includes situations where it is necessary for the Board, at the

instance of another party, to investigate an individual Trustee's conduct under AP 403 or the bullying and harassment provisions of the collective agreement.

In the event the Board is not comfortable with a complete exclusion for these types of proceedings, we have provided alternate additional wording for your consideration. There may be circumstances in which a trustee is made the target of a harassment complaint by a third party as a result of statements or actions which were sanctioned by the Board, and are clearly consistent with Board policy. While, in our opinion, it is generally preferable to avoid indemnity commitments in respect of allegations regarding individual misconduct or behaviour, the Board may wish to adopt language which would allow full or partial reimbursement of legal fees were a majority of the trustees deem it appropriate.

BYLAW 11: INDEMNIFICATION

It is in the interest of a responsive and efficient public service that trustees, officers and employees be protected against a claim of damages arising out of the performance of their duties. None of these individuals should be placed in a position of personal liability for the performance of responsibilities vested in them by the School Act or assigned to them by the Board.

By-Law:

1. The Board will indemnify a Trustee, an officer or an employee of the Board, **or a member of an Indigenous education council**
 1. Against a claim for damages against the Trustee, officer, ~~or employee~~, **or member of an Indigenous education council** arising out of performance of their duties; or
 2. Where an inquiry under **Part 2 of** the Public Inquiry Act or other proceeding involves the administration and conduct of the business of the School District and, in addition, the Board may pay legal costs incurred in proceedings arising out of the claim, inquiry or other proceeding.
2. The Board may, by affirmative vote of a majority of not less than 2/3 of all its members, pay
 1. Any sum required to indemnify a Trustee, an officer, ~~or an employee of the Board~~, **or member of an Indigenous education council** where a prosecution arises out of the performance of their duties with the Board; and
 2. Costs necessarily incurred;
But the Board shall not pay a fine imposed on a Trustee, an officer, ~~or an employee~~ **or a member**, as a result of their conviction.
3. The Board shall not seek indemnity against a Trustee, an officer, ~~or an employee of the Board~~, **or member of an Indigenous education council** in respect of any action by the Trustee, officer or employee that results in a claim for damages against the Board except
 1. Where the claim for damages arises out of the gross negligence of the Trustee, officer, ~~or employee~~, **or member of an Indigenous education council**; or
 2. Where, in relation to the action that gave rise to a claim for damages against an **officer or employee**, the officer or employee willfully acted contrary to:

Commented [MH1]: This amendment, and related amendments below, brings the policy into line with the changes to the School Act which created indigenous education councils.

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Commented [MH2]: Amended to reflect the language of the School Act

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1. The terms of their employment, or
 2. An order of a superior.
4. The Board's obligation to indemnify a Trustee, an officer, ~~or~~ an employee or member of an Indigenous Education Council, in respect of matters occurring during their term of office, ~~or~~ employment or membership on an Indigenous education council shall continue, notwithstanding that the term of office, ~~or~~ employment or membership, as the case may be, has ended.
 5. Where the Board decides to pay legal costs incurred in proceedings out of a claim, inquiry under Part II of the Public Inquiry Act or other proceedings, the Board has the right to conduct the defense of the matter and, in its discretion, to compromise and/or settle the claim.
 6. The Board shall not indemnify a ~~t~~Trustee, officer, ~~or~~ employee, or member of an Indigenous eEducation Council against:
 1. Liability and legal fees incurred as a result of an action or other proceeding taken by the Board against the ~~t~~Trustee, officer, ~~or~~ employee, or member of an Indigenous education council, ~~or~~ as a result of an action or proceeding taken by the ~~T~~Trustee, officer, employee or member or employee against the Board;
 2. Legal fees incurred in responding to a complaint under the Trustee Code of Conduct;
 3. Legal fees incurred in responding to a complaint under AP 403 (Intimidation and Harassment) or a complaint under the bullying and harassment provisions of a collective agreement unless the Board, by an affirmative vote of a majority of its members, so agrees;
 - 1-4. Legal fees incurred in response to a complaint to the Teacher Regulation Branch or an investigation or hearing conducted by the Teacher Regulation Branch;
 - 2-5. Liability to pay a fine, penalty or order imposed as a result of the conviction for an offence;
 - 3-6. Legal fees incurred as a result of a prosecution where the ~~T~~Trustee, officer, ~~or~~ employee, or member of an Indigenous eEducation Council is convicted of an offence or obtains a conditional discharge;

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4.7. Legal fees incurred in an appeal of any conviction, sentence, judgment or order, ~~unless the Board, by an affirmative vote of a majority of its members, so agrees;~~

5.8. Liability and legal fees incurred by a Trustee where the Court determines that the trustee knowingly contravened the School Act;

6.9. Liability incurred by a Trustee, officer, ~~or~~ employee, ~~or member of an Indigenous eEducation Council,~~ where the Court determined that the trustee, officer, ~~or~~ employee, ~~or member~~ knowingly permitted or authorized an expenditure not authorized by an enactment;

7.10. Liability incurred by a Trustee as a result of any restitution ordered pursuant to Section 62 of the School Act; and

11. Those matters for which the Board may seek indemnity from an employee pursuant to its authority under Section 95 of the School Act.

8: ~~unless the Board by majority or other legally required majority established by the School Act expressly determines otherwise and any such indemnity is not otherwise precluded by law.~~

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7. The Board may enter into individual indemnity agreements with its officers and employees not inconsistent with provisions of the School Act or this bylaw.

Policies Revised During Board Term

Motion: That during the last two years of the term, the Board conduct a review of policies not previously reviewed by this Board, pursuant to Policy 6 – Policy Making & Review

Policy	Board Review - 2022-Present	Action/Discussion	Previous Board 2018-2022	Recommendation
1 – Foundational Statements			New Policy approved Jun/19	
Recommendation Defer review to coincide with development of next Strategic Plan				
2 – Role of the Board App A – Annual Work Plan App B – Advocacy Public Education	Sept 2023 / 2024	Spring/21 changes were made to align with legislative changes / ministerial order for childcare (3.9)		No changes recommended
3 –Role of the Trustee	Jan 2024	Reviewed Jan/24 – changes made to para16 to support for ProD	New Policy approved Jun/19	No changes recommended
4 – Role of the Board C			New Policy approved Jun/19	No changes recommended
5 – Role of the Vice-Chair			New Policy approved Jun/19	No changes recommended
6 – Policy Making & Review	Mar 2023	6.4 – Evaluation of Policies	New Policy approved Oct/19	No changes recommended
7 – Board Committees			New Policy approved Jun/19	
Recommendation - HR 1.5 – What is STA/CUPE Committee? - FFT 2.5 – Student Safety? - Ed Dir 4.5 Should early learning & childcare programs be included in the scope of the Ed Directions Committee? - FFT 2.2.2 May want to review Audit Committee Responsibilities as there is a Future Agenda Item to review audit committee guidance				
8 – Board Representatives			New Policy approved Jun/19	No changes recommended
9 – Board Operations	Nov 2023 Nov 2024	Nov/23 – revisions relating to Trustee Attendance at Bd Mtgs Nov/24 – revisions section 7 (public participation) and 'clean up' amendments		No changes recommended
10 – Delegation of Authority			New Policy approved Nov/20	No changes recommended
11 – Indemnification			New Policy approved Nov/20	Legal Review
12 – Trustee Elections App A – Elections			New Policy Sept/19	No changes recommended

13 – Trustee Code of Conduct App – Code of Conduct Sanctions			New Policy approved Jun/19	No changes recommended
14 – Role of the Superintendent			Reviewed May 2019	No changes recommended
15 – Parent/Guardian Involvement			New Policy approved Jan/20	No changes recommended
16 – Appeals Bylaw	Feb 2024	Policy re-write		No changes recommended
17 – Public Consult.			New Policy approved Jan/20	No changes recommended
18 – Recruitment of Personnel App A App B			New Policy approved Oct/19	No changes recommended
19 – Accumulated Operating Surplus		Revisions made in 2021/22 response to Ministry direction re approval of internal restrictions and fund transfers	New Policy approved Nov/20	No changes recommended
20 – Environmental Sustainability			Approved Jan/20	No changes recommended
21 – Student Transp.	Feb 2024	Revision following extensive community consultation		No changes recommended
22 – Disposal of Land & Improvements			New Policy approved Jan/20	No changes recommended
23 – School Closures			New Policy approved Oct/19	No changes recommended
24 – Programs of Choice			New Policy approved Apr/21	No changes recommended
25 – Int’l Student Program			New Policy approved May/21	No changes recommended
26 – Online Learning			New Policy approved Sep/21	No changes recommended
27 – Sexual Orient. Gender Identity			New Policy approved Dec/21	No changes recommended
28 – Core French	Jan 2024	Committee provided direction for future policy revisions		To be reviewed
29 – Diversity & Incl.	Dec 2022	New Policy		No changes recommended