

SCHOOL DISTRICT NO. 63 (SAANICH)

POLICY DEVELOPMENT COMMITTEE

Report to Board Meeting of September 17, 2025

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 - regrets Suzanne Chisholm, SAA COPACS – regrets
Other Attendees:	Chair Dunford, Vice Chair Silzer, Trustee Hickman & Trustee Vandall

Committee Meeting

Tuesday, September 9, 2025

A. PRESENTATIONS AND QUESTIONS

No Items.

B. ITEMS DISCUSSED

1. Policy 11 – Indemnification
The Committee agreed that the Superintendent would consult with legal counsel on the appropriateness of language in several areas.
2. Policy 12 – Trustee Elections/Appendix A – Trustee Elections Bylaw
The Committee agreed that the Superintendent would draft policy amendments to strengthen the language, to be reviewed at the next Policy Committee meeting.
3. Policy 13 – Trustee Code of Conduct/Appendix – Trustee Code of Conduct Sanctions
The Committee agreed to review Policy 13 and Appendix at the next Policy Committee meeting.
The Committee agreed to two housekeeping changes to paragraphs 6 and 13.

The Committee agreed that the Superintendent would meet with the Chair and Vice Chair to discuss next steps for Policies 10 and 14.

C. ITEMS FOR RECOMMENDATION

No Items.

D. ITEMS FOR INFORMATION

No Items.

E. FUTURE AGENDA ITEMS

Policies 15, 17 – Oct 2025
Policies 10, 14 – Nov 2025
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 11: INDEMNIFICATION BYLAW

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.

Bylaw:

1. The Board will indemnify a Trustee, an officer or an employee of the Board.
 - 1.1 Against a claim for damages against the Trustee, officer or employee arising out of performance of their duties; or
 - 1.2 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:
 - 2.1 Any sum required to indemnify a Trustee, an officer or an employee of the Board where a prosecution arises out of the performance of their duties with the Board; and,
 - 2.2 Costs necessarily incurred; but the Board shall not pay a fine imposed on a Trustee, an officer or an employee as a result of their conviction.
3. The Board shall not seek indemnity against a Trustee, an officer or an employee of the Board in respect of any action by the Trustee, officer or employee that results in a claim for damages against the Board except,
 - 3.1 Where the claim for damages arises out of the gross negligence of the Trustee, officer or employee; or
 - 3.2 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:
 - 3.2.1 The terms of their employment, or
 - 3.2.2 An order of a superior.
4. The Board's obligation to indemnify a Trustee, an officer or an employee in respect of matters occurring during their term of office or employment shall continue, notwithstanding that the term of office or employment, 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 Trustee, officer or employee against:
 - 6.1 Liability and legal fees incurred as a result of an action or other proceeding taken by the Board against the Trustee, officer or employee, or as a result of an action or proceeding taken by the Trustee, officer or employee against the Board;
 - 6.2 Liability to pay a fine, penalty or order imposed as a result of the conviction for an offence;
 - 6.3 Legal fees incurred as a result of a prosecution where the Trustee, officer or employee is convicted of an offence or obtains a conditional discharge;
 - 6.4 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;
 - 6.5 Liability and legal fees incurred by a Trustee where the Court determines that the trustee knowingly contravened the School Act;
 - 6.6 Liability incurred by a Trustee, officer or employee where the Court determined that the trustee, officer or employee knowingly permitted or authorized an expenditure not authorized by an enactment;
 - 6.7 Liability incurred by a Trustee as a result of any restitution ordered pursuant to Section 62 of the School Act; and
 - 6.8 Those matters for which the Board may seek indemnity from an employee pursuant to its authority under Section 95 of the School Act.
7. The Board may enter into individual indemnity agreements with its officers and employees not inconsistent with provisions of the School Act.

POLICY 12 - TRUSTEE ELECTIONS

The Board of Education recognizes that during a period of trustee elections caution must be exercised to ensure that trustee candidates cannot have nor be perceived to have any unfair advantages due to connections to schools. This goes for candidates currently serving as trustees and candidates who might otherwise have connections to the schools where those connections may provide them with privileged opportunities to engage in election-related discussions or be perceived as providing an unfair advantage during campaigning.

The Board of Education supports fair campaigning during trustee elections and as such supports the use of school facilities for community led events such as all-candidates meetings. The Board is committed to the principle that other than through all-candidates meetings it is inappropriate for any trustee candidate, including sitting trustees, to undertake any campaigning or campaign related work in schools or on school property during an election campaign.

- For the purposes of this policy, trustee candidates include sitting trustees who are running for re-election.
- Trustee candidate visits to schools are not considered appropriate during an election campaign unless for non-election purposes.
- A trustee candidate who is in a school for non-election purposes should not engage in election-related conversations or processes, and should only be introduced by name, although a sitting trustee may be introduced as a trustee.
- Campaign events such as all-candidates meetings may be held in schools but only if organized through the community use department by community agencies or district partner groups.
- The Board supports the hosting of all-candidates meetings by student groups in support of students learning about the democratic process and issues related to public education governance.

The Board is committed to there being no Board election campaign materials of any kind posted in schools or on school property, or distributed through any school communication, although it is appropriate to share information about the election and to encourage people to become informed and vote.

POLICY 12: TRUSTEE ELECTIONS BYLAW

A bylaw to provide for the determination of various procedures for the conduct of general school elections and other trustee elections.

Preamble:

Under the School Act, a Board of Education may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections.

In School District No. 63 (Saanich), trustee elections are held in the following trustee electoral areas:

TEA #	Trustee Electoral Area Description	# of trustees
1	District of North Saanich & Outer Gulf Islands	Two
2	Town of Sidney	One
3	District of Central Saanich	Two
4	District of Saanich & Juan De Fuca (Willis Point) & District of Highlands (Durrance Lake Road)	Two

The Board of Education of School District No. 63 (Saanich) wishes to establish various procedures and requirements under the authority of the School Act for trustee elections.

The Board of Education of School District No. 63 (Saanich) in an open meeting of the Board, enacts as follows:

1. Definitions

The terms used in this bylaw shall have the meanings assigned by the School Act, the Local Government Act, and the Local Elections Campaign Financing Act, except as the context indicates otherwise.

“Board” means the Board of Education of School District No. 63 (Saanich).

“by-election” means a trustee election to fill a vacancy on the Board in any of the circumstances described in section 36 of the School Act.

“election” means a trustee election.

“general voting day” means the date on which general voting for a trustee election is to take place, whether part of the general school elections or a by-election.

“Minister” means the Minister of Education.

2. Application

This bylaw applies to both general school elections and by-elections, except as otherwise indicated in this bylaw.

3. Order of Names on the Ballot

The order of names of candidates on the ballot will be alphabetical.

4. Resolution of Tie Vote after Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by lot in accordance with the Local Government Act.

5. Application of Local Government Bylaws

5.1 In Trustee Electoral Area #1, if the District of North Saanich and/or the Capital Regional District conducts all or a part of the trustee election, the elections bylaws of District of North Saanich and/or the Capital Regional District, as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, or any other matter on which the local government bylaws may not by law apply to a trustee election.

5.2 In Trustee Electoral Area #2 the election bylaws of the Town of Sidney apply to trustee elections conducted by the Town of Sidney, except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, or any other matter on which the local government bylaws may not by law apply to a trustee election.

5.3 In Trustee Electoral Area #3 the election bylaws of the District of Central Saanich apply to trustee elections conducted by the District of Central Saanich, except for bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, or any other matter on which the local government bylaws may not by law apply to a trustee election.

5.4 In Trustee Electoral Area #4, if the District of Saanich and/or the Capital Regional District conducts all or a part of the trustee election, the elections bylaws of District of Saanich and/or the Capital Regional District, as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, or any other matter on which the local government bylaws may not by law apply to a trustee election.

6. Additional Voting Opportunities Conducted by the Board

The chief election officer is authorized to establish additional advance voting opportunities

and additional general voting opportunities for each election and to designate the voting places, establish the date and the voting hours for these voting opportunities.

As authorized under Section 76 of the Local Government Act, the most current list of voters prepared under the Election Act, existing at the time of an election or assent voting which is to be held, is deemed to be the register of resident electors for the municipality. The Provincial List of Voters becomes the register of resident electors 52 days before general voting day for each election or assent voting for the municipality.

7. Title

This bylaw may be cited as ‘School District No. 63 (Saanich) Trustee Elections Bylaw No. 1003.’

8. Repeal of Bylaw from Previous Election

School District No. 63 (Saanich) Trustees Elections ByLaw No. 1002 is hereby repealed.

Date of First Reading: June 15, 2022

Date of Second Reading: June 15, 2022

Date of Third Reading and adoption: June 15, 2022

Original Signed by:

Tim Dunford
Chair of the Board

Jason Reid
Secretary Treasurer

CORPORATE SEAL

POLICY 13 - TRUSTEE CODE OF CONDUCT

The Board has a strong commitment to ethical conduct. This includes the responsibility of trustees to use authority properly and to conduct themselves with appropriate decorum and professionalism at all times.

Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Policy 13 Appendix – Trustee Code of Conduct Sanctions.

Specifically, Trustees shall:

1. Carry out their responsibilities as detailed in Policy 3 – Role of the Trustee with reasonable diligence.
2. Keep confidential any personal, privileged or confidential information obtained in their capacity as a trustee and not disclose the information except when authorized by law or by the Board to do so. Trustees shall not divulge the contents of closed (in-camera) meetings, recognizing that a disclosure could seriously harm the Board's ability to conduct its business.
3. Be fully conversant with conflict of interest provisions of the School Act. Disclose in open meeting prior to discussion of the subject matter which may place the trustee in conflict, the nature of any pecuniary interest, and may leave the room. In addition, such a trustee in conflict shall not discuss the matter outside the meeting with other trustees and shall not exert influence on the decision in which the trustee has a conflict of interest. The trustee is responsible for declaring themselves to be in possible conflict of interest, however, it is the fiduciary duty of all trustees, the Superintendent and the Secretary Treasurer to protect the Board and they have a duty to point out apparent, potential or perceived conflict of interest when it appears. Additionally, a trustee may request guidance from other trustees or the Board on this matter. Such declaration of conflict of interest shall be recorded in the minutes of the meeting and the trustee shall not in any way discuss the associated topic at any time outside the Board table.
4. Not use their influence to obtain employment within the District for family members or friends and will not use their position for personal advantage or the advantage of friends and/or family.
5. Not attempt to exercise individual authority over the organization except as explicitly set forth in policies of the Board. Trustees' interaction with the Superintendent or with staff shall recognize the lack of authority vested in individual trustees except when explicitly authorized by the Board;

6. Respect that only the corporate Board as opposed to individual Trustees shall exercise individual authority over the Superintendent. In particular, only the corporate Board shall make judgments regarding the Superintendent's performance.
7. Abide by the policies of the Board, all applicable legislation and regulations, in particular the School Act, the Oath of Allegiance and the Oath of Office.
8. Respect and abide by the majority decisions made by the Board in legally constituted meetings.
9. Endeavour to work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion which may arise during debate.
10. Ensure fiduciary responsibility to the Board supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs.
11. Represent the Board in all Board-related matters with proper decorum and respect for others.
12. Use discretion at all times to minimize the impression that the individual trustees' statements reflect the corporate opinion of the Board.
13. Ensure the use of electronic devices at Board meetings are for the purposes of the meeting.
14. Refrain from engaging in private communications while at Board meetings.

To: Policy Committee

Prepared By: Jason Reid, Secretary Treasurer

Subject: Review of Board Motions

Date: September 2, 2025

Purpose

The purpose of this briefing note is to report the results of the annual review of Board minutes to identify any motions which having continuing force.

Background

As reflected in the following Board Policy, decisions (motions) made during the year with continuing effect should be reflected in policy:

- [Policy 2 \(Role of the Board\)](#) includes that the Board shall “Ensure Board decisions which are intended to have continuing effect are integrated into existing or new policy statements” (paragraph 5.5)
- [Policy 7 \(Board Committees\)](#) includes within the powers and duties of the Policy Development Committee “Review Board minutes at least annually to identify any motions which have continuing force for possible inclusion in existing policies or which would require additional policy development.” (paragraph 3.2.3)

This annual review of minutes is included in the Board annual work plan in September.

Review of Minutes

I reviewed all Board minutes from September 2024 to June 2025 (see attachment), and there were no motions identified with continuing effect (excluding those to adopt policy).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Reid", with a stylized flourish at the end.

Jason Reid
Secretary Treasurer

JR/klg

Attachment: List of Board Minutes Reviewed

Attachment: Board Minutes Reviewed for Motions with Continuing Effect

Date	Meeting	Motions with Continuing Effect?
	Special In-Camera Meeting	No
Sept 18, 2024	Regular Meeting	No
Sept 18, 2024	In-Camera Meeting	No
Oct 23, 2024	Regular Meeting	No
Oct 23, 2024	In-Camera Meeting	No
Nov 4, 2024	AGM	No
Nov 13, 2024	Special In-Camera Meeting	No
Nov 19, 2024	Special In-Camera Meeting	No
Nov 27, 2024	Regular Meeting	No
Nov 27, 2024	In-Camera Meeting	No
Dec 4, 2024	Special In-Camera Meeting	No
Jan 10, 2025	Special In-Camera Meeting	No
Jan 15, 2025	Regular Meeting	No
Jan 15, 2025	In-Camera Meeting	No
Feb 12, 2025	Regular Meeting	No
Feb 12, 2025	In-Camera Meeting	No
Mar 15, 2025	Regular Meeting	No
Mar 15, 2025	In-Camera Meeting	No
Apr 23, 2025	Regular Meeting	No
Apr 23, 2025	In-Camera Meeting	No
May 1, 2025	Special In-Camera Meeting	No
May 7, 2025	Special Budget Meeting	No
May 14, 2025	Regular Meeting	No
May 14, 2025	In-Camera Meeting	No
June 10, 2025	Special In-Camera Meeting	No
June 18, 2025	Regular Meeting	No
June 18, 2025	In-Camera Meeting	No

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