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INTRODUCTION

This document is intended for members of Education Committees and for Centre Directors acting as secretaries of these committees. It also contains information which might be useful to other administrators and school personnel under the Kativik School Board's jurisdiction.

The Kativik School staff is pleased to provide this document to support Education Committees. The administrators shall always use it in conjunction with parameters binding the Board such as other policies, directives and collective agreements. to guide their actions in carrying out their own mandate, which is different from the Education Committees' mandate.

For instance, in the case of hiring, there are several steps to be taken by the administrators before involving the Education Committee in the file, these steps lie solely within the administrators' duties and responsibilities. Such action is not the subject of this document and administrators should therefore refer to other sources of information for their particular use.

However, each case being different, when dealing with a problematic situation, do not hesitate to contact the Kativik School Board's staff at the head offices. You are encouraged to seek information and advice from these staff members before making decisions that could have far-reaching consequences, from a labour relations as well as a financial point of view.

In this document, the term "Centre Director" might, in certain circumstances, be replaced by "Coordinator of Community Education Services", according to the type of structure in place in the different schools.

**PART I
THE ADMINISTRATION OF
EDUCATION IN NUNAVIK**

CHAPTER 1

THE EDUCATION SYSTEM IN NUNAVIK

Since the Education Committees were created by law through the James Bay and Northern Quebec Agreement (JBNQA) and the Education Act for the Cree, Inuit and Naskapi Native Persons, we deemed it necessary to situate them in their exact legal context as follows.

1.1 James Bay and Northern Quebec Agreement

The Kativik School Board was created officially in 1978, in accordance with the provisions of the *James Bay and Northern Quebec Agreement* (JBNQA) adopted in 1975. Chapter 17 of this Agreement deals exclusively with education and sets the main principles establishing the jurisdiction and powers of the School Board.

*School Board's
jurisdiction*

The JBNQA has treaty status. This ranks it higher than any other legislation. Therefore, the Agreement has predominance over laws which may contradict it, but taking into consideration the evolution of the legal environment, the Human rights, court cases, etc.

*Predominance of the
JBNQA*

In all cases, before an amendment is made to chapter 17, the Makivik Corporation and the Government of Québec must give their consent, as must the Government of Canada in certain cases. No amendment may be made unilaterally by the School Board without the prior approval of all stakeholders.

*Modification
to the JBNQA*

1.2 Education Act for the Cree, Inuit and Naskapi Native Persons

The JBNQA sets forth only the broad principles guiding the operating rules of the education system in Nunavik. That is why the Government of Quebec had to adopt related legislation to clarify the application of the principles set forth in the Agreement and to elaborate on management of school affairs.

*Other laws applicable
to Education*

Act different from the one applied elsewhere in Quebec

One of these related acts adopted by the Quebec government is the *Education Act for the Cree, Inuit and Naskapi Native Persons*, which has become the main instrument regulating the day-to-day activities of the education system in Nunavik. Although this Act is patterned on the *Education Act* that was in effect elsewhere in Quebec when it was passed in 1978, it applies only to Northern Quebec and is different from the Education Act now applicable elsewhere in Quebec.

One must keep in mind that chapter 17 of the Agreement prevails over all provisions of the *Education Act for the Cree, Inuit and Naskapi Native Persons*, should it lay down rules contrary to the *JBNQA*.

Other rules and guidelines developed by the Board

1.3 Regulations, Policies and Directives

In order to implement the above mentioned legislation and ensure that KSB operates in all respect of this framework, the School Board may through its Council of Commissioners and Management adopt Policies, Directives and Procedures.

CHAPTER 2

**COUNCIL OF COMMISSIONERS
AND EXECUTIVE COMMITTEE**

2.1 Composition and elections

• Council of Commissioners

The Council of Commissioners consists of 15 members, that is one representative for each of the 14 municipalities and one delegate of the Kativik Regional Government (KRG).

The election of the 14 community representatives is held every three years, on the third Wednesday in November, whereas the KRG delegate remains in office for as long as the KRG wishes.

Candidates for commissioner must meet certain criteria for legal qualification to become eligible¹. An elected commissioner who meets all these conditions throughout his mandate cannot be compelled to resign for any reason other than for losing his eligibility qualification, as stipulated by law.

• Executive Committee

The Executive Committee consists of five members², appointed as follows:

- a. four members are appointed by resolution of the Council of Commissioners from among the commissioners;
- b. a fifth member, the KRG delegate, is automatically a member of the Committee.

*Number of
Commissioners*

*Duration of the
mandate and date of
the Commissioners'
general election*

*Eligibility criteria to
become and remain a
Commissioner*

*Composition and
election of the
Executive Committee*

**The Council of Commissioners
and the Executive Committee**

*Appointment of the
President and Vice-
President of the School
Board*

At the time of the election, the Council of Commissioners decides which members will hold the office of President and Vice-President of the Executive Committee. These persons automatically become President and Vice-President of the School Board for their 3 years mandate.

*Duration of the
Executive Committee's
mandate*

The Executive Committee has a 3 years mandate, for its elected members, as long as their term as commissioners is 3 years. However, the Council of Commissioners may at all times replace all or part of the Executive Committee in the course of the mandate. This replacement is possible because Executive Committee members are not elected by the population but are appointed by means of a resolution adopted by the Council of Commissioners. However, a member removed from the Executive Committee keeps his seat as Commissioner.

**2.2 President of the Council of Commissioners and
Executive Committee**

The President and Vice-President of the Executive Committee are, ex officio, President and Vice-President of the Council of Commissioners.

The President of the School Board (and of the Executive Committee) must devote all his time to the service of the School Board and shall not have any other remunerative employment or occupation nor hold any other public office, except as member of the Education Committee of the municipality which he represents or as a KRG regional counsellor³.

*Duties of the President
of the School Board*

The Education Act confers to the President of the School Board the following obligations, powers and rights:

- a. Presiding meetings of the Council of Commissioners;
- b. Calling special meetings of the Council⁴;
- c. Voting and exercising a right to a deciding vote in case of a tie decision during meetings of the Council of Commissioners⁵;
- d. Signing the minutes of each meeting⁶.
- e. Signing cheques issued by the School Board⁷.

<p>The powers of the President cannot be delegated to any other person, except when he is absent or incapacitated. The Vice-President then replaces him⁸. If the Vice-President is also absent or unable to act, he shall be replaced by another Commissioner designated for that purpose by the Council of Commissioners.</p>	<p><i>The Vice-President replaces the President when he is absent</i></p>
<p>2.3 Meetings • Council of Commissioners</p>	<p><i>Frequency of the Council of Commissioners meetings</i></p>
<p>The Council of Commissioners holds at least 4 regular meetings each year. Other special meetings may be held as required during the year. These can take the form of a conference call.</p>	<p><i>Public meetings</i></p>
<p>Meetings are open to the public but matters of a personal nature such as complaints against a teacher or applications for employment may be dealt with in camera⁹.</p>	<p><i>Right to speak during the meetings</i></p>
<p>No one other than a Commissioner is authorized to take part in the Council’s discussions without the permission of the Chairperson of the meeting.</p>	<p><i>Frequency of the Executive Committee meetings</i></p>
<p>• Executive Committee Meetings of the Executive Committee are held at least once a month but these meetings are not open to the public.</p>	<p><i>Powers vested in the Council of Commissioners by the JBNQA and by the Education Act</i></p>
<p>2.4 Powers and delegated powers • Council of Commissioners</p>	<p><i>Powers vested in the Council of Commissioners by the JBNQA and by the Education Act</i></p>
<p>The Council of Commissioners has the rights and powers established namely in the <i>James Bay and Northern Québec Agreement (JBNQA)</i> and in the <i>Education Act for the Cree, Inuit and Naskapi Native Persons (the “Act”)</i>. If a right is not vested in the Council, it cannot be exercised. Commissioners cannot take action if such action is not explicitly authorized in legislation.</p>	<p><i>Powers vested in the Council of Commissioners by the JBNQA and by the Education Act</i></p>
<p>Section 605 of the Act states that the School Board has jurisdiction and responsibility for preschool, elementary, secondary and adult education. The School Board is also involved in the administration of financial funding for eligible Post secondary students but does not have jurisdiction over the academic aspect at that level.</p>	<p><i>Powers vested in the Council of Commissioners by the JBNQA and by the Education Act</i></p>
<p>Section 606 of the Act states that the School Board is represented by the Council of Commissioners who administers its affairs.</p>	<p><i>Powers vested in the Council of Commissioners by the JBNQA and by the Education Act</i></p>

*Responsibilities of the
Council of
Commissioners*

Here are some examples of powers and obligations of the Council of Commissioners drawn namely from section 189 of the Act:

It shall be the duty of Commissioners:

- a. to engage teachers who are legally qualified to teach;
- b. to ensure that the courses of study given in their schools comply with the curricula and with prescribed or approved regulations;
- c. to require that only authorized books and teaching material be used in the schools under their control;
- d. to make regulations for the management of their schools;
- e. to ensure the development and operation of schools on their territory;
- f. to make and carry such regulations respecting health in schools as are not contrary to those made by the government;
- g. to ensure the management of the School Board's human resources;
- h. to follow the general or specific instructions given by the Minister;
- i. to cause to be prepared each year a statistical report on the form supplied for that purpose and to have it sent to the Minister before the date set by the latter;
- j. to keep a register in which are entered the minutes of their meetings, which are signed by the President and by the Secretary;
- k. to cause to be prepared each year a financial statement and to have it sent to the Minister on the date set by the latter;

- l. to settle all disputes arising in relation to the schools in their municipality between the parents or children and the teachers;
- m. to dismiss from the school any pupil who is habitually insubordinate or whose conduct is immoral either in word or deed;
- n. to ensure the application of program and curricula organization, to adapt the optional contents of these curricula and to enrich them according to their needs and priorities;
- o. to ensure that schools provide education and cultural services to the children under their jurisdiction and to adults residing on their territory in compliance with the law and regulations, and to make sure they have access to these services;
- p. to ensure that schools under their jurisdiction provide quality training and encourage the realization of an educational project for each school;
- q. to participate, in areas under their jurisdiction, to the realization of community projects on their territory;
- r. to report to the population of their territory on the quality of services offered, the administration of schools and the use of resources;
- s. to inform the population of the educational and cultural services they offer.

The Commissioners' jurisdiction may extend to other powers even if these are not explicitly mentioned in the legislation, provided these powers are of a nature similar to those listed above and are not prohibited by another provision.

In many cases however, the mandate thus conferred to Commissioners requires frequent and often urgent action that can hardly be taken by the Council of Commissioners, due to the difficulty and cost of getting all 15 members together. To overcome this situation, the Council of Commissioners has, by ordinance, delegated some of its rights, powers and obligations to the Executive Committee as allowed by the Act¹⁰.

<p><i>Powers delegated to the Executive Committee</i></p>	<p>The Council has also delegated, by ordinance, certain responsibilities to Education Committees¹¹.</p> <ul style="list-style-type: none"> • Executive Committee <p>The primary role of the Executive Committee is to ensure that the law, Council ordinances, resolutions and contracts are faithfully and impartially observed and carried out¹². The Executive shall never disregard the guidelines established by the Council.</p> <p>The powers already delegated by the Council of Commissioners to the Executive Committee are the following:</p> <ol style="list-style-type: none"> a. human resources management (hiring, dismissal, special leaves, classification, etc.); b. approval of expenditures and payments (as per the budget approved by the Council of Commissioners); c. appointments to various internal committees; d. approval of teaching materials; e. authorization of contracts not exceeding \$250 000.
<p><i>Cases where a resolution must be adopted</i></p>	<p>2.5 Exercising powers</p> <ul style="list-style-type: none"> • Council of Commissioners (resolution vs. ordinance) <p>The Council of Commissioners exercises all of its powers by way of resolution except where it is explicitly stated in the Act that it must proceed by ordinance. Resolutions and ordinances are adopted by a majority plus one of members present.</p>
<p><i>Ordinance / Adoption procedure</i></p>	<p>The procedure for adopting a resolution is far simpler than for an ordinance. The simple adoption of a resolution by the Council is sufficient for it to become effective immediately or at a predetermined date.</p> <p>An ordinance must first be adopted by the Council, then forwarded to the Minister of Education, who has the power to disallow it within 40 days. Unless the Minister has disallowed them, all ordinances shall automatically come into force 40 days after the date of their being passed or at any earlier date indicated by the Minister.</p>

2.5.1 Cases where an ordinance is required:

- a. Delegation of rights, powers and obligations to the Executive Committee¹³, to the Director General, to the Assistant Director General or to senior staff¹⁴;
- b. amendment of the procedure for electing commissioners¹⁵;
- c. delegation of the Council of Commissioners' responsibilities to Education Committees¹⁶;
- d. provision for the establishment of programs, the teaching of subjects and the use of teaching materials in Inuktitut, English and French, based on Inuit culture and Inuktitut¹⁷;
- e. establishment of school calendars¹⁸;
- f. establishment of Inuit teacher training programs¹⁹;
- g. establishment of qualifications and employment criteria for Inuit teachers involved in the teaching of Inuit culture and Inuktitut²⁰;
- h. conditions for conducting the annual school census²¹;
- i. means for posting notices²²;
- j. establishment of special training courses for its teachers²³.

Cases where an ordinance must be adopted

2.5.2 Cases where the Minister's written approval is required:

- a. modification of the composition of Education Committees and criteria for participating in the said committees²⁴;
- b. approval of budgets²⁵.

Cases where the Minister must approve the resolution

These last two situations are the most demanding. The Council of Commissioners will not be required to proceed with an ordinance but the Minister will have to approve officially the resolutions adopted by commissioners.

Commissioners appointed to the Executive Committee cannot receive this remuneration as such, since they are already otherwise remunerated. The President of the Council is entitled to the remuneration set by the government and the Vice-President is entitled to 75% of this amount, whereas other members of the Executive receive 50% of the President's remuneration. The KRG delegate is not entitled to this remuneration but receives a pre-determined lump sum when he attends a meeting.

*Remuneration of the
Executive Committee
members*

References

- 1 One of these is to not having been found guilty of a crime punishable by one year in prison or more (See chapter 4, section 4.2).
- 2 Section 612 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.
- 3 Section 614 (id.)
- 4 Section 173 (id.)
- 5 Section 181 (id.)
- 6 Section 182 (id.)
- 7 Section 322 (id.)
- 8 Section 172 (id.)
- 9 Section 177 (id.)
- 10 Section 185 (id.)
- 11 Section 657 (See chapter 6: Roles and Responsibilities of Education Committees).
- 12 Section 613 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.
- 13 Section 185 (id.)
- 14 Section 187 (id)
- 15 Section 662.1 (id)
- 16 Section 657 (id)
- 17 Section 664 (id)
- 18 Section 667 (id)
- 19 Section 669 (id)
- 20 Section 674 (id)
- 21 Section 678 (id)
- 22 Section 680 (id)
- 23 Section 17.0.69 of the JBNQA.
- 24 Section 657 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.
- 25 Section 672 (id) and 17.0.83 of the JBNQA.
- 26 Section 610 (id.)
- 27 Section 181 (id.)
- 28 In compliance with the regulation respecting the indemnification of members of the Executive Committee and the other Commissioners of the Kativik School Board (amended by resolution CC-2003/2004-11 adopted by the Council of Commissioners on October 29, 2003).

CHAPTER 3

ADMINISTRATION AND OPERATIONS OF THE SCHOOL BOARD

3.1 Organizational chart

The structure of the Kativik School Board is shown in annex 3-A. This organizational chart depicts the different departments and their heads.

*Structure of the
School Board*

3.2 Management

Even though the administration of the School Board's affairs is left entirely to the Council of Commissioners or Executive Committee, certain rights, powers and obligations may also be delegated to the Director General, Assistant Director General and senior staff (section 187 of *the Education Act for the Cree, Inuit and Naskapis Native Persons*).

The Director General has powers delegated by the Council of Commissioners in the following cases:

- a. temporary suspension of an employee;
- b. hiring of temporary employees;
- c. transfer of employees from one department to another (except senior staff);
- d. authorization of contracts or leases not exceeding \$50,000.

*Powers delegated to
the Director General*

3.3 Personnel

In September 2014, the School Board had some 873 full-time employees. Of these, 455 were teachers, 239 support staff, 100 non-teaching professionals and 79 senior staff. Nearly 48% of full-time employees were Inuit.

*Workforce of the
School Board*

<p><i>Number of students in the regular sector</i></p>	<p>3.4 School population</p> <ul style="list-style-type: none">• Regular sector <p>This sector had more than 3,130 students registered for the 2014/2015 school year, divided as follows:</p>
<p><i>Distribution of students between the French and English sectors</i></p>	<ul style="list-style-type: none">a. Kindergarten and Elementary = 1,876 studentsb. Secondary = 1,254 students <p>Of these students, 942 were enrolled in the French sector, 1,068 in the English sector and 1,120 in kindergarten and elementary Inuktitut classes. For all levels, 30% of students were enrolled in the French sector and 34% in the English sector and 36% in Inuktitut.</p>
<p><i>Number of students in the Adult Education & Vocational Training sectors</i></p>	<ul style="list-style-type: none">• Adult Education and Vocational <p>During the 2014-2015 school year, 219 students were enrolled in the Adult Education sector of these, 184 were full-time students and 81 students were enrolled in a Vocational Training program.</p>
<p><i>Number of students attending college and university</i></p>	<ul style="list-style-type: none">• Postsecondary <p>In January 2015, 69 students were studying outside Nunavik after completing Secondary 5: 52 were in college, 3 in university and 9 in other programs.</p>
<p><i>Budget and funding of the School Board</i></p>	<p>3.5 School Board funding</p> <p>For 2014-2015, the School Board had a budget of over \$123 million for all of its activities. The School Board's total budget is determined each year by a series of very complex rules based not only on enrolment but also on several other factors related to the specific character of the territory, such as the development of Board-specific teaching materials, the cost of transportation, the cost of operating buildings, etc.</p> <p>At the signing of the James Bay Agreement, the governments made no commitment as to a guaranteed or pre-set minimum budget; there had been only a general statement whereby Québec and Canada committed to maintaining adequate funding for educational services and programs provided to the population of the territory. Therefore, the government has no obligation to increase or maintain the KSB's annual budget and each request for additional funding must be negotiated.</p>

The Government of Québec is the main stakeholder on the territory through its Ministry of Education, financing 75% of the KSB's activities. The Government of Canada is less present except for its obligation to fund 25% of the School Board's activities, as established in the JBNQA.

3.6 Relations with other organizations and Organigram

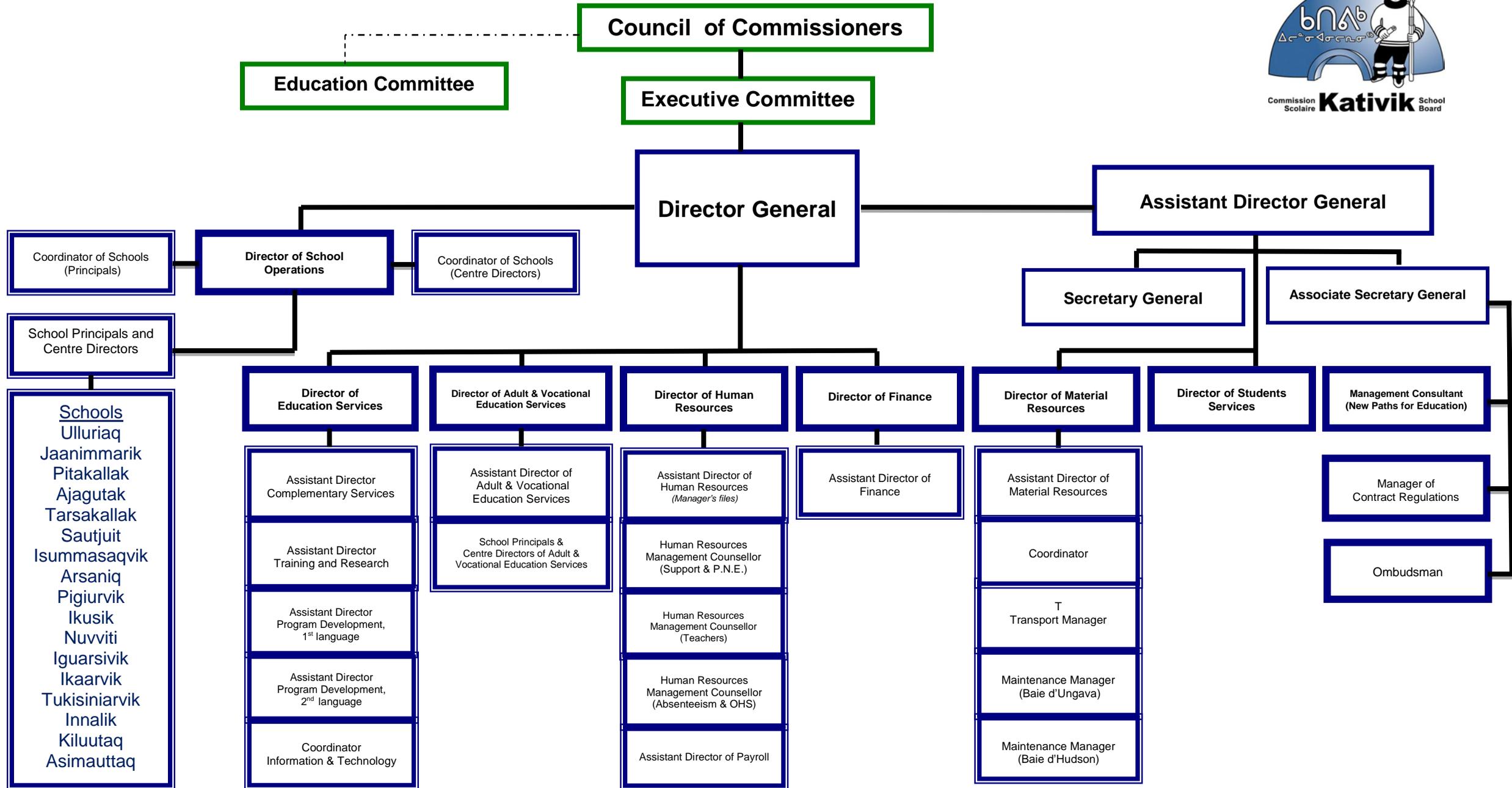
In conducting its activities, the School Board is independent from other Northern organizations, except for the presence on its Council and Executive Committee of a delegate of the Kativik Regional Government.

The School Board is also represented at some 15 other committees, such as:

- Joint Committee KSB-Avataq
- Kativik Regional Development Council (KRDC)
- Nunalituqait Ikajuqatigiittut (NI);
- Inuulitsivik Hospital
- Tulattavik Hospital
- APTN - Board Of Directors

*Sharing out of funding
among governments*

*School Board's
representatives sitting
on other committees*



**PART II
EDUCATION COMMITTEES**

CHAPTER 4

***ELECTION OF THE
EDUCATION COMMITTEE MEMBERS***

A general election of the members of the Education Committees shall be held every 2 years, in even-numbered years, always on the last Tuesday in September.

Dates of the general election

A by-election may also be necessary when a vacancy occurs on the Education Committee in course of a mandate. An election becomes necessary if there are more than 6 months to go before the next general election and if the last election's list of non-elected candidates is exhausted.

By-election

We first have to offer the position to candidates who were not elected during the last election. If the one with the highest number of votes refuses the appointment, the position is then offered to the next defeated candidate and so on. If there are no other candidates on the list or if all of them refuse the position, a by-election is called following the procedure prescribed for a general election.

A resigning Education Committee member shall remain in office until his replacement is elected or appointed.

The election procedure is explained in annex 4-A.

4.1 Responsibility for the election

The Secretary General of the School Board is the returning officer and has overall responsibility for the election at the regional level. He appoints Centre Directors as returning officers in charge of the conduct of the election at the local level.

Role of the Secretary General and of the Centre Directors

	<p>As returning officer, the Centre Director may appoint a poll clerk to assist him during the election.</p> <p>The Education Committee in office at the time of the election remains active until the new Committee is elected. It has no role to play in the election and should not be consulted nor involved at any time in the election process.</p>
<p><i>Role of the Local Commissioner</i></p>	<p>However, a member could make a public statement on his personal behalf, but never on the Education Committee's behalf, to promote his candidacy or that of someone else. The Commissioner may highlight the significant role of the Education Committee, but should never endorse a candidacy nor express his opinion on the candidates.</p>
<p><i>Conditions to be maintained by each candidate before and after the election</i></p>	<p>4.2 Eligibility criteria</p> <p>To be eligible as a candidate, one must :</p> <ul style="list-style-type: none"> a. have reached the age of majority (18 years old and over); b. not be affected by any legal incapacity (for example: having a serious mental illness and being declared inept by a judge); c. be a Canadian citizen; d. have resided in the municipality for at least 12 months;
<p><i>Criminal record</i></p>	<ul style="list-style-type: none"> e. not have been convicted of an act punishable, under a law of the Parliament of Canada or of the National Assembly, by imprisonment for 1 year or more; such disqualification shall continue for 3 years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or if the sentence is suspended, for 3 years from the date of such condemnation unless the person has obtained a pardon; f. not have been convicted of an indictable offence punishable by imprisonment for 5 years or more after having previously been convicted of 2 indictable offences so punishable; such disqualification shall continue for 10 years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or if the sentence is suspended, for 10 years from the date of the conviction unless the person has obtained a pardon for either of such indictable offences;

- g. not be a full-time or part-time employee of the School Board. However, a member may act as an occasional substitute teacher when no one else is available;
- h. not be a student enrolled in the regular sector or a regular student in an Adult Education program offered by the Kativik School Board.

During his mandate, an elected member must meet and maintain these criteria. Failing that, he automatically loses his right to sit on the Education Committee.

4.3 Persons eligible to vote

To have the right to vote, one must:

- a. have reached the age of majority (18 years and over);
- b. have resided in the municipality for at least 12 months;
- c. be a Canadian citizen;
- d. be registered on the electoral list.

4.4 Persons eligible to nominate a candidate

To have the right to nominate a candidate, a person must have the right to vote, as described in section 4.3 above.

No other requirements or exclusions apply to a person who nominates a candidate. For example, even employees of the School Board may nominate a candidate.

4.5 Public notice and electoral list

The Centre Director may obtain the latest electoral list from the municipal office and use it to draw the official list of electors. He verifies this list and makes all necessary corrections. This electoral list is posted in a public place where electors may check whether the information is accurate.

10 days before the election, the Centre Director shall give official notice to the population that an election of the Education Committee will be held.

*Right to propose a
petition to become
a candidate*

*Preparation of the
electoral list*

Chapter 4
**Election of the Education
 Committee Members**

	<p>The Centre Director or his representative shall announce the upcoming election on the radio and explain the eligibility criteria as well as the role and responsibilities of the Education Committee and provide all other relevant information.</p>
<p><i>Posting of public notices</i></p>	<p>A public notice shall be posted in key locations such as the school, the Coop, the Northern store and the airport in order to make sure that everyone knows about this process. See the sample public notice in annex 4-B.</p>
<p><i>Date of nomination determined by the Centre Director</i></p>	<p>4.6 Nominations Nominations take place from 7 to 3 days prior to the election. The Centre Director shall determine a date for nominations between 7 and 3 days, whichever is deemed the most appropriate for the community.</p>
<p><i>Form to be filled by the nominator</i></p>	<p>Candidates are nominated in writing using the form shown in annex 4-C. The Centre Director registers every nomination on an election return.</p> <p>Only one nominator is needed for the nomination to be valid and no seconder is required.</p>
<p><i>Mandatory declaration by each candidate</i></p>	<p>4.7 Accepting the nomination Candidates accept their nomination in writing and sign a declaration of eligibility. This declaration is attached as annex 4-D.</p>
<p><i>Validity of the declaration</i></p>	<p>Should there be a doubt as to the truthfulness of this declaration, the Centre Director shall contact the Secretary General of the School Board, who can check the candidate's criminal record. It is important to confirm the candidates' eligibility before the election is held: If an elected candidate is proven ineligible after the election, he will automatically lose the right to sit on the Committee and it may be necessary to hold another election.</p>
<p><i>Lack of candidates</i></p>	<p>4.8 Insufficient nominations If, after nomination, there are fewer candidates than there are seats available at the closing of the nomination day, the Centre Director shall apply the following rules:</p> <ol style="list-style-type: none"> a. If there are enough candidates at least to constitute a quorum, these candidates are declared elected by acclamation, but a new nomination day shall be called within 30 days to fill the remaining vacancies.

b. If there are not enough candidates at least to constitute a quorum, nominations may be extended by one additional day, or until the number of nominations is sufficient for a quorum.

4.9 Exact number of nominations / election by acclamation

If the number of candidates is equal to the number of available seats, no election is needed and all candidates are automatically elected by acclamation.

*Election by
acclamation*

4.10 More nominations than there are seats available / polling

If the number of candidates exceeds the number of seats available, a poll is held by secret ballot from 9 a.m. to 8 p.m. on the last Tuesday in September.

*Situations where a
poll is needed*

The vote takes place at the most appropriate location in the community (school, community centre, arena) so that as many people as possible can vote.

The Centre Director draws a list of candidates by alphabetical order of family names and posts this list in public places so that voters have enough time to make up their minds. See annex 4-E.

4.11 Voting procedure

The Centre Director shall appoint a poll clerk to assist him and to serve as witness on election day. This person must not have a personal interest in the election (as would, for example, the spouse of a candidate) and should be chosen from among the staff of the school. If no school employee can fill this position on election day, someone may be hired and paid by the hour.

*Appointment of a
poll clerk*

No elector may vote by proxy (by appointing someone to vote on his behalf). Electors expecting to be absent on election day may cast their vote in advance with the Centre Director. Every elector may vote for as many candidates as there are seats to fill.

Advance voting

Chapter 4
**Election of the Education
Committee Members**

<i>Form of the ballot</i>	<p>The Centre Director prepares the ballot paper listing the names of the candidates in alphabetical order of family names, as shown in annex 4-F. The 3 languages (Inuktitut, English and French) are used on the same ballot paper. There are not separate ballots for each language.</p>
<i>Voting procedure</i>	<p>The Centre Director writes his initials on the back of the ballot, and hands it to the elector before he enters the polling booth.</p> <p>After voting, the elector places his ballot in the box previously sealed by the Centre Director and the poll clerk¹.</p> <p>The Centre Director shall write the word “voted” on the list next to the elector’s name as soon as the ballot paper has been deposited in the ballot box.</p> <p>An elector who is unable to read may ask the Centre Director to assist him by marking his ballot paper as directed.</p>
<i>Counting the votes</i>	<p>4.12 Results of the vote</p> <p>After the poll closes, the Centre Director immediately counts the ballots in the presence of the poll clerk. Each ballot is checked for the initials of the Centre Director.</p> <p>The Centre Director shall declare elected the candidates who have obtained the greatest number of votes.</p> <p>In the event of a tie between candidates when all positions have been filled except one, there shall be a drawing of lots. This could be as simple as choosing at random a name from a hat in which all eligible names have been placed.</p>
<i>Cases where the ballot must be rejected</i>	<p>4.13 Spoiled ballots</p> <p>When counting votes, the Centre Director shall reject all ballots:</p> <ol style="list-style-type: none">not supplied by him;on which more votes appear than the number of seats available;bearing a mark by which the voter could be identified;that are unmarked or null because the intention of the voter is not clearly shown;that do not bear the Centre Director’s initials.

If an elector votes for more candidates than there are seats available, his ballot is automatically rejected. However, an elector may vote for fewer candidates than there are seats available without spoiling his ballot.

4.14 Sending the results to the Secretary General

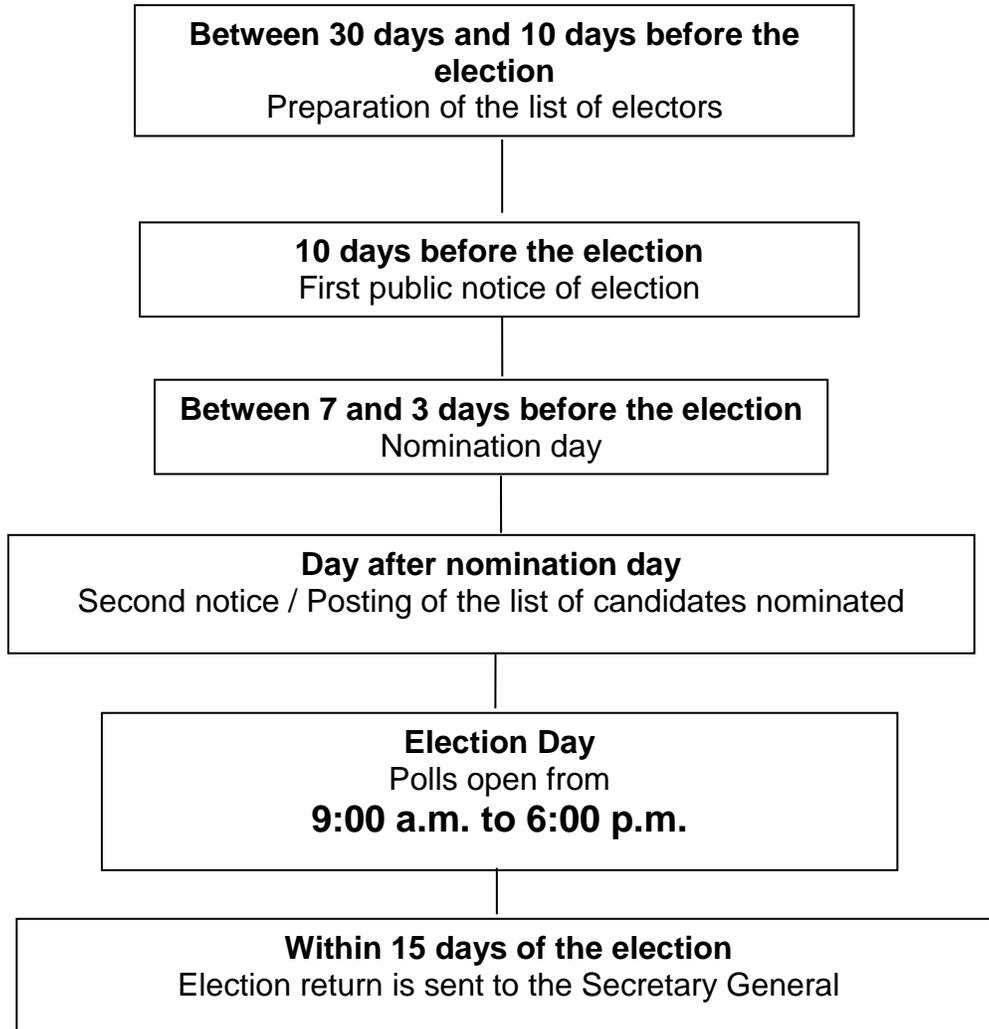
Within 15 days of this election, the Centre Director shall send to the Secretary General of the Board a return indicating the names of the candidates and poll results. A sample report is shown in annex 4-G. The Centre Director shall post this return to inform the public of the outcome of the election.

*Sending the
election return to
the Secretary
General*

References

¹ To seal a box, tape it in all places where it could be opened. The Centre Director initials it, as does the poll clerk. The tape shall not be broken before votes are counted.

Annex 4-A
Election procedure



Annex 4-B
First notice to voters

**FIRST NOTICE TO VOTERS
CONCERNING THE EDUCATION COMMITTEE
ELECTION FOR ATTIITUQ SCHOOL**

On ___(date)_, an election will be held to elect (number) members to the school's Education Committee.

Who is entitled to vote?

All Canadian citizens aged 18 and over who have been residents of the community for at least 12 months and are duly registered on the voters' list are entitled to vote. This list may be consulted at the school from 9 a.m. to 4 p.m., Monday to Friday.

No elector may vote by proxy. An elector unable to be present on election day may vote in advance with the Centre Director.

Nomination of candidates

Nominations for candidates shall be held on (date) from 10 a.m. to 5 p.m. at the school, at the office of the Centre Director or through FM radio. The criteria for eligibility as a candidate to the Education Committee are:

- a) to have reached the age of majority (18 years and over);
- b) not to be affected by any legal incapacity (for example, to have a serious mental illness and be declared unfit by a court);
- c) to be a Canadian citizen;
- d) to have been a resident of the municipality for at least 12 months;
- e) not to have been convicted of an act punishable under a law of the Parliament of Canada or of the National Assembly by imprisonment for 1 year or more; such disqualification shall continue for 3 years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or if the sentence is suspended, for 3 years from the date of such condemnation unless the person has obtained a pardon;

**Election of the Education
Committee Members**

- f) not to have been convicted of an indictable offense punishable by imprisonment for 5 years or more after having previously been convicted of two indictable offenses so punishable; such disqualification shall continue for ten (10) years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or if the sentence is suspended, for 10 years from the date of such condemnation unless the person has obtained a pardon;
- g) not to be a full-time or part-time employee of the Kativik School Board. However, a member may act as an occasional substitute teacher when no one else is available;
- h) not be a student enrolled in the regular sector or a regular student in an Adult Education program offered by the Kativik School Board.

Opening of the Polls

If a poll is necessary (in the event there are more than *(number)* candidates), it will be held at the school on *(date)* , between 9 a.m. and 6 p.m.

The Centre Director of the school is the person in charge of the election locally.

Secretary General and Returning Officer

Annex 4-C

NOMINATION FORM

I, _____, elector duly qualified to vote in the Education
name of the nominator

Committee election of _____, nominated _____
name of school name of the candidate

for the office of Education Committee member.

This _____ day of ____ 20____.

signature of the nominator

Annex 4-D
ACCEPTANCE FORM

I, _____, solemnly swear (or declare) that:
name of the candidate

I have not **been convicted** in the last 3 years of an act punishable under a law of the Parliament of Canada or of the National Assembly by **imprisonment for 1 year or more**¹; (this also covers the case where only a fine was imposed or if the sentence was suspended).

I have not been convicted in the last 10 years of an act punishable under a law of the Parliament of Canada or of the National Assembly by imprisonment for 5 years or more; (this also covers the case where only a fine was imposed or if the sentence was suspended).

I am qualified for election as member of the Education Committee of _____, and I hereby accept the nomination for this position.
name of the school

I authorize the Kativik School Board to verify the above statement and get any relevant information concerning my eligibility.

This day of _____ 20____.

signature of the candidate

One practical example of this provision would be the case of a person convicted of drug trafficking.

By virtue of the Narcotics Control Act, this person would be liable to life imprisonment. However, depending on the case, for a first offence, the judge may decide to sentence this person to something like 30 days in jail and a one-year probation. In this case, this person would not be eligible to sit on the Education Committee for the 3 years following the date of completion of the jail term.

Annex 4-E

Second notice to voters

**NAMES OF THE CANDIDATES FOR
ELECTION AT _____ SCHOOL**

On (date), 20____, an election will be held to elect *(number)* members to the _____school's Education Committee.

Who is qualified to vote?

All Canadian citizens aged 18 years and over who have been residents of the community for at least 12 months and are duly registered on the electors list are entitled to vote. This list is available for reference at the school from 9 a.m. to 4 p.m. from Monday to Friday.

No elector may vote by proxy. An elector unable to be present on election day may vote in advance with the Centre Director.

Names of the candidates nominated

(by alphabetical order of family name)

Candidate 1

Candidate 2

Candidate 3

Candidate 4

...

Opening of the poll

Voting will take place at the school on (day), (date) between 9 a.m. and 6 p.m.

Centre Director

Annex 4-G

**ELECTION RETURN FOR
THE EDUCATION COMMITTEE OF
_____ SCHOOL**

Date of the election: _____

Number of seats to be filled: _____

Number of candidates: _____

Number of eligible voters: _____

Number of votes cast: _____

Number of spoiled ballots: _____

NAMES AND RESULTS FOR EACH CANDIDATE:

Elected candidates _____ Results

(Name of the candidate) _____

(Name of the candidate) _____

(Name of the candidate) _____

Defeated candidates

(Name of the candidate) _____

(Name of the candidate) _____

I certify the authenticity of the above results:

Centre Director

CHAPTER 5

COMPOSITION OF THE EDUCATION COMMITTEES AND FIRST MEETING

The following text is based on the rules adopted by the Council of Commissioners in 1996 and as amended since, concerning the composition and functioning of the Education Committees. These rules are set forth in Appendix 1.

5.1 Composition of the Education Committee

The number of members to be elected varies according to the size of the population in each municipality and the recommendations made to the Council of Commissioners by the Education Committee involved. This number of members is set by resolution of the Council of Commissioners.

In each municipality, the Commissioner and the members elected by the population constitute the core of the Committee, to which other members may be added if the Committee so decides by resolution. These “optional” members are:

- a. the Mayor of the municipality or his duly authorized representative (voting);
- b. a delegate of the local Municipal Council responsible for cultural affairs, or his duly authorized representative (voting);
- c. the school principal (non-voting);
- d. a teachers’ representative (non-voting).

The appointment of additional members is not mandatory and each Committee is free to decide whether or not they wish to add these members, after having consulted the Council of Commissioners. This decision shall however be clearly established in the by-laws of each Education Committee and in order to be modified afterwards, a new resolution will be required.

*Mandatory number
of members*

*addition of optional
members*

Chapter 5
**Composition of the Education
 Committees and first meeting**

<p><i>Two-year mandate</i></p> <p><i>Acceptable reasons to replace a member</i></p>	<p>5.2 Duration of the Committee's mandate</p> <p>Members of the Education Committee have a 2 year mandate at the end of which the population of each municipality has to elect a new Education Committee. This election is held on the last Tuesday of September.</p> <p>An elected member of the Education Committee cannot be removed before the end of his mandate, even if a decision to that effect has been taken by other Committee members, or even if the population in general would like to remove him.</p> <p>The only reasons for which an elected member could lose the right to sit on the Committee are the following:</p> <ul style="list-style-type: none"> a. he has missed 3 consecutive Education Committee meetings without justifiable cause, or b. he no longer meets with the initial criteria for eligibility as a candidate. <p>It is always up to the other Committee members to decide by a vote whether the cause of absence from a meeting is acceptable or not.</p> <p>The initial criteria are namely not to be an employee of the Board or not to have been convicted of a crime punishable by more than 1 year of imprisonment (see chapter 4).</p>
<p><i>Role of the President of the Education Committee</i></p> <p><i>Replacement of the President</i></p>	<p>5.3 First meeting</p> <p>A. Election of the President</p> <p>The President is the spokesperson of the Education Committee and acts as its official representative with the population, other organizations and stakeholders.</p> <p>The President is to serve an initial two-year mandate coinciding with that of the Education Committee. However, the Committee may replace its President and appoint another one simply by adopting a resolution to that effect. Contrary to the removal of an Education Committee member, there are no specific rules nor reasons needed to dismiss the President; it is up to a majority of the members to decide by adopting a resolution. The divested President retains his seat on the Education Committee.</p>

Each Education Committee elects its President within 14 days of the election. As returning officer, the Centre Director is responsible for the following rules being observed during the election: only elected voting members may be appointed to become President of the Education Committee. The Commissioner, the Mayor, the Principal and the teacher's representative cannot be elected President of the Committee.

*Who can be
appointed
President*

1. Opening of the nomination period

- a. The Centre Director opens the nomination period and asks voting members (including the Commissioner) to nominate candidates for President. This nomination does not require a seconder.
- b. Nominees accept or decline their nomination immediately.

*Procedure to elect
the President*

2. Closing of the nomination period

- a. When members have no other candidate to nominate, the Centre Director declares the nomination period closed.
- b. The Centre Director reads out the names of the candidates and proceeds with an election if more than one candidate have been nominated. If only one candidate has been nominated, he is elected by acclamation as President of the Education Committee.

3. Election

- a. Members hold a secret vote using the ballots distributed for that purpose.
- b. The Centre Director counts the ballots at once and reads out the name written on each ballot.
- c. The Centre Director declares elected the candidate who has obtained the highest number of votes.

<p><i>Role and election of the vice-president</i></p>	<p>d. In case of a tie, a second ballot is held. If there are more than 2 candidates, the candidate with the lowest number of votes is dropped from the list.</p> <p>e. In case of another tie, a draw is held to determine the winner.</p> <p>B. Election of the Vice-President</p> <p>Electing a Vice-President is not mandatory, but it can be useful to designate someone to replace the President in his absence. The Vice-President then has the same powers as the President.</p> <p>The election of the Vice-President takes place after that of the President, following the same procedure.</p>
<p><i>Mandatory adoption of by-laws</i></p>	<p>C. Adoption of the Education Committee by-laws</p> <p>As early as possible after the election, members of the Education Committee shall adopt a resolution similar to the one suggested in annex 5-A regarding its by-laws and internal management procedure. Annex 5-B suggests rules for the Committee to adopt after making appropriate changes and adaptations in asterisked sections. Other sections cannot be amended since they are required by law.</p> <p>It is useful to review each section of the by-laws with the Committee and explain its application. The following should be read in relation to Annex 5-B.</p> <p><u>1. Members</u></p> <p>Only the Commissioner and members elected by the population are necessarily and automatically members of the Committee.</p> <p>Others do not automatically sit on the Committee. It is up to each Committee to decide whether they do or not¹. These other possible members are:</p> <ul style="list-style-type: none">a. The Mayor of the municipality (voting);b. The municipality's delegate for cultural affairs or his representative (voting);c. The School's Principal (non-voting);d. A teachers' representative (non-voting).

In some cases, it may be more difficult to have a quorum if there are additional members since the minimum number of members required for a quorum would increase as a result. Giving member status, for example, to a Mayor whose busy schedule often takes him away from the municipality, could make it difficult to hold meetings.

Once the composition of the Committee has been determined, this decision may only be changed after consulting the Council of Commissioners.

If the Committee decides that these persons will not sit on the Committee, it may still invite them to attend a meeting as observers without however the right to vote.

2. Frequency of regular meetings

The Education Committee should meet at least once a month according to a fixed schedule. These are regular meetings, and setting the schedule in advance allows members to make arrangements to attend.

There is no limit to the number of regular meetings that may be held each month; however, there should not be too many regular meetings too often in order to not keep members away from their other activities.

It is also possible to hold special meetings between regular meetings, if required. However, these special meetings should be held only for urgent matters which cannot wait until the next regular meeting.

3. In camera meetings (behind closed doors)

The Committee may decide to hold its meetings *in camera* and refuse to let people other than Committee members and invited guests attend. It may also decide that meetings will be open and that anyone who wishes to attend may do so. This does not prevent it from declaring part of the meeting *in camera* while subjects of a confidential nature are discussed, for instance the recommendation for hiring teachers; in such case non-members may be asked to leave the room.

**Composition of the Education
Committees and first meeting**

*The only case where
the Committee has the
obligation to allow a
teacher to attend*

The only exception to this rule is provided in section 5-4.08 of the teachers' collective agreement. It allows a teacher who is subject to a possible transfer to be present when the Education Committee discusses his case.

4. Quorum

The quorum is based on the total number of voting members on the Committee. This includes elected Committee members, the Commissioner and, where applicable, the Mayor and delegate responsible for cultural affairs.

The other potential members of the Committee, such as the School Principal and the teachers' representative, are not voting members, thus are not considered in the calculation of the quorum purposes.

A quorum is always 50% of voting members plus one. If a quorum is not reached, the decisions taken in that meeting are not valid.

Consider this example: a Committee has 8 members elected by the population plus, according to the Committee's by-laws, the Mayor, the Principal and the teachers' representative. To constitute a quorum, 6 members are needed, that is: 8 elected members + the Commissioner + the Mayor = a total of 10 voting members. The "50%+1" rule sets at 6 the number of voting members whose presence is required for a meeting to be valid. The Principal and the teachers' representative are never considered in the calculation of the quorum.

5. Secretary of the meeting

The Centre Director acts as Secretary of the meetings and is responsible for the taking of minutes as well as their preservation for future reference.

6. Chairperson

The President of the Committee does not necessarily chair the meetings. Another person may be appointed to do so, even if the President of the Committee is present. The chairperson's role is described in Annex 5-B.

7. Right to speak

Even though the Committee is run democratically, meetings must follow certain rules, and interventions are conducted by the Chairperson.

8. Conflict of interest

Possible conflicts of interest are submitted to the decision of other Committee members.

A member of the Education Committee might be in a conflict of interest:

- a. when a decision may have financial implications for him;
- b. when he is aware that a member of his family has an interest in a decision;
- c. when he is a shareholder or director of a corporation with an interest in the decision.

A member found in a situation of conflict of interest shall not take part in the discussion and shall abstain from voting on the matter.

9. Confidentiality of the proceeding

When a meeting is held behind closed doors, to preserve the confidentiality of a matter such as hiring of teachers, Education Committee members should be careful when making comments outside the meeting on this particular subject. Although the *Education Act* does not provide for penalties against a member who discloses the contents of discussions held during an *in camera* meeting, other laws may apply in certain cases.

The *Act respecting access to documents held by public bodies and the protection of personal information* provides for penalties against anyone who discloses intentionally and in bad faith such information that was not supposed to be disclosed. In the event that a statement causes significant prejudice to a person, section 1457 of the *Civil Code* of Québec may also apply:

“Every person has the duty to abide by the rules of conduct which lie upon him, according to the circumstances, usage or law, so as not to cause injury to another...”

10. Remuneration of the Education Committee members

All elected members of the Education Committee² except the Commissioner and “optional” members are paid annual honoraria in the amount of \$1,100³. This amount is divided into 10 equal instalments to be paid at the end of each month except July and August. This helps to avoid situations such as a payment made early in the month to a member who resigns immediately after, thus leaving nothing to be paid to his replacement for that month.

End-of-month payments also allow for a reduction of the honorarium paid to a member who has missed a meeting without a valid reason. This extraordinary measure should be used with care by other members of the Committee who would have to decide whether the justification of the member at fault is valid or not. That decision does not rest with the centre director.

11. Surplus in the honorarium account

That a payment is reduced if a member is absent, or not paid altogether if a member has resigned, could generate a surplus in the Education Committee’s honorarium account. This surplus must never be divided among the other members.

The surplus may however be used for school or extra-curricular activities which directly benefit the students of the school. The Committee could make a request to the Secretary General of the Board, explaining the nature of the project to be financed and the Secretary General will decide whether to authorize it or not.

REFERENCES

1. The decision to include these members or not can only be taken after consulting the Council of Commissioners.
2. This excludes other members of the Committee such as the principal, a teachers’ representative, the Mayor and the delegate responsible for cultural affairs.
3. As of July 1st, 2006

Annex 5-A
Sample resolution for the adoption of by-laws

_____ School
Resolution No. 2014/2015-1

Regarding the by-laws for the meetings of the Education Committee

WHEREAS the Education Committee is empowered to adopt its own by-laws for the conduct of its meetings;

WHEREAS the Education Committee deems important to adopt these by-laws for the proper and equitable conduct of its meetings;

WHEREAS after informing the Council of Commissioners, the Committee is empowered to make decisions pertaining to the members' participation and to the addition of members to the Committee.

It is resolved that:

1. The by-laws are hereby adopted as written and appended hereto;
2. This resolution shall become effective on the day of its adoption.

Proposed by: _____

Seconded by: _____

In favour: 5
Against: 0
Abstentions: 0
Absent: 1

Certified copy of the resolution adopted October __, 20__, at a regular meeting of the Education Committee.

President's signature: _____

Secretary's signature: _____

Done in Attittuq Village, _____, 20__

Annex 5-B

Sample by-laws regarding internal rules

**By-laws respecting the meetings of the
_____ School Education Committee**

Note: Only asterisked sections may be amended by the Education Committee.

Members of the Committee and guests at the meeting shall comply with the law, by-laws and decisions of the Committee.

Participants should refrain from doing anything that could hinder the Committee and should show decorum and respect for others.

1. *Members²

- a. The following persons are voting members of the Education Committee: the Mayor of the municipality or his delegate.
- b. The following persons are non-voting members of the Education Committee: the school principal and the teachers' representative.

2. *Frequency of regular meetings

Meetings of the Education Committee shall be held on the first Monday of the month at 7:00 PM.

3. *In camera meetings

Meetings of the Education Committee shall be held *in camera*.

4. Quorum

The quorum of members required for a meeting to be valid shall be 50% of voting members + 1.

5. Secretary

- a. The Centre Director shall act as Secretary of the meeting. In his absence, the members present shall choose another Committee member or a third party to act as Secretary of the meeting.
- b. The Secretary shall assist the President in his duties.
- c. The Secretary shall take notes and keep the minutes of the meeting.

6. Chairperson of the meeting

The President of the Education Committee shall chair the meetings. In his absence, the members present shall choose another member to chair the meeting.

The Chairperson of the meeting shall assume the following duties:

- a. Direct the meeting and make sure it runs smoothly, and ensure compliance with the rules, having all the powers to do so;
- b. Verify the regularity of the convocations, the quorum and the right of all persons present to attend the meeting;
- c. In conformity with the adopted agenda, table items for discussion and provide, or ask that a participant provide, all necessary explanations;
- d. Make rules on the relevance of motions and procedural issues; he should have grounds for his decisions;
- e. Table motions for discussion, if required; call for a vote and declare the result;
- f. In case of disorder or extraordinary circumstances, suspend proceeding for specified time;
- g. Close the meeting.

7. Right to speak

The Chairperson must make sure that each member who has asked to speak can do so freely. The Chairperson however may call to order a member who digresses and may ask a member to come to a conclusion if his argumentation drags.

8. Conflict of interest

A member in a conflict of interest must report it and specify the nature and value of the rights or interests involved and this will be recorded in the minutes. The member in a conflict of interest shall abstain from voting on the matter at issue.

9. Honorarium

Every elected member of the Education Committee, except the Commissioner, receives an annual honorarium of \$1,100. This amount is divided into 10 equal installments paid at the end of each month. A payment may be withheld from a member who is absent from a meeting without a reason deemed valid by the Education Committee.

CHAPTER 6

**ROLES AND RESPONSIBILITIES
OF EDUCATION COMMITTEES**

6.1 Source of the jurisdiction

An Education Committee is established in each municipality where education is under the jurisdiction of the Kativik School Board. The Education Committee is responsible for specific matters related to the regular sector in the municipality.

*Jurisdiction over
the Regular sector*

6.2 Recommending and decisional powers

The *James Bay Agreement* states that the Education Committee is a consultative body with recommending powers only. However, the Council of Commissioners may, by ordinance, delegate responsibilities to the Committees with decisional powers in specific areas of activities. The Council of Commissioners may not delegate to the Education Committee any which one of its powers: Only activities related to these specific areas may be delegated.

*Foundation of the
power of
recommendation*

An ordinance was adopted by the Council of Commissioners, giving several responsibilities to the Education Committees with powers of decision on matters previously under the jurisdiction of the Council of Commissioners. Without this specific delegation by way of an ordinance, the Education Committees would have remained with powers of recommendation only.

Every recommendation of the Education Committee to the Council of Commissioners or to the Executive Committee must take into account the actual jurisdiction of the Board, available budgets and applicable laws. There is no other restriction within these limits to the recommending powers of the Education Committees: They can make recommendations on all types of subjects or matters falling under the School Board's jurisdiction. The Education Committees exercises this power of recommendation only by adopting resolutions, as described in chapter 8.

*Unlimited power of
recommendation*

*Way to exercise the
power of
recommendation*

The main roles and responsibilities of Education Committees are described below. Two types of possible actions are listed: The first one is a recommendation to the Council of Commissioners or Executive Committee, and the second is an active role which does not involve an obligation to make recommendations, but rather taking direct action at the local level as per the policies in effect.

6.3 Roles and responsibilities of Education Committees
Relations with the community

Actions taken directly by the Education Committee as per policies in effect, if any:

6.3.1 Providing information to and promoting consultation among all persons and parties concerning education in the community:

The Education Committee is responsible for providing information it has on all matters of interest to the population regarding education.

The consultation that was part of the Satuigiarniq project is an example of this type of responsibility.

6.3.2 Promoting the participation of the parents with respect to the quality and development of their children's schooling:

The main responsibilities of the Education Committee are to link the school, the parents and the community and to encourage the parents' involvement in education matters.

6.3.3 Promoting input from the parents and the community in the development of all school programs, helping the school Board to meet its objectives and providing recommendations and assistance to the Board in this respect:

Relations with the community (continued)

In the case of a pilot project such as the Social Studies program, the Education Committee is directly involved first in approving implementation of the project in the school, and then, in giving feedback on the project as it evolves. In such matters the Education Committee should strive to solicit and represent the parents' opinion.

- 6.3.4 promoting the role of the parents with respect to the and the children school attendance, discipline and to establish with the local school administration w rules regarding the conduct of the students within the school:

The Education Committee shall establish a policy and procedures respecting discipline in the school in accordance with the framework of the Board's policies.

- 6.3.5 Participating in the organization of parent-teacher meetings, namely, for report-card nights and open house events;
- 6.3.6 Promoting and maintaining relations with the local recreation committee and other community organizations.

Human resources management

Recommendations to the Board with respect to:

- 6.3.7 The, hiring of all employees, under the responsibility of the Principal or the Centre Director, including the Principal or the Coordinator of Community Education Services as well as hiring of the Principal and Coordinator of Community Education Services;

Human resources management (continued)

6.3.8 the transfer of a teacher to its community :

If for example there is a request to transfer a teacher from a community to theirs, the Education Committee members will make a recommendation whether this transfer should be approved or not.

Actions taken directly by the Education Committee in accordance with the policies in effect, if any :

6.3.9 Helping and assisting the school administration to familiarize new teachers with their school and community namely with the organization of orientation sessions:

It is important to communicate to new teachers the expectations and points of view of parents regarding education in their community in order to facilitate their integration.

Pedagogical and internal matters

Recommendations to the Board with respect to the following:

6.3.10 School calendars:

The Education Committee makes a recommendation on the proposed school calendar, subject to the approval of the Council of Commissioners.

6.3.11 School organization;

6.3.12 Staffing requirements (including creation of new positions);

6.3.13 Policy on the language of instruction;

Actions taken directly by the Education Committee in accordance with the policies in effect, if any:

6.3.14 Determining and approving cultural excursions according to the policies in effect:

The Education Committee is directly involved in the organization of cultural excursions, e.g. guide selection, itinerary, duration, participating, groups of students and program contents. The excursion has to follow the safety guidelines drawn up by the School Board and take into account the financial resources available.

6.3.15 Through its president and in his absence through Education Committee members, consult with school administration to determine school closures:

To shut down the school temporarily in case of a snowstorm, a death, etc.

6.3.16 Adopting rules regarding internal matters according to any other Policies adopted by the Board such as the Local code of conduct, school nutrition program and any other subject delegated by the Council of Commissioners through a policy or otherwise.

Material resources

Recommendations to the Board with respect to the following :

6.3.17 School facilities needed in the community:

Renovations and new facilities, including residences.

Actions taken directly by the Education Committee in accordance with the policies in effect, if any:

6.3.18 Determining the use and rental of school facilities (buildings and equipment) to persons or parties outside the Board according to the policy in effect.

Leasing the gymnasium to the Makivik Corporation or to the itinerant court are such instances. Residences however are excluded since their use is regulated exclusively by the Board's Material Resources Services.

6.3.19 Approving extra-curricular activities, such as school sports exchange and local fundraising programs for the benefit of the students and the community.

Others

6.3.20 Participate in Education Council meetings;

6.3.21 be informed of prevention programs on social matters when not already included in the curriculum;

6.3.22 Make recommendations to the Council of Commissioners on the number of elected members sitting on their Committee;

6.3.23 Give opinions and recommendations on all other matters related to their mandate such as the choice of teaching material or on any matter referred to them from time to time by the Board,

6.3.24 exercise any other functions delegated by the Board.

6.4 Roles and responsibilities of the centre director as secretary of the Education Committee

The centre director acts as Secretary of the Education Committee without being a member. This is a characteristic function of centre directors included in their job description.

Mandatory appointment as secretary of the Committee

The Secretary assists the President in his functions and acts as an organizer for the Committee. He plans for the meetings and makes sure that all participants have the documentation and information needed. During meetings, he takes all necessary notes for the minutes and is also responsible for issuing copies of resolutions. The Secretary sees to the various administrative tasks involved in running the Committee including the payment of honoraria, the updating of documents, etc.

Roles of the secretary of the Committee

6.5 Education Council

The Education Council is a special advisory body made up of 2 elected members from each Education Committee. The Education Council meets at least once a year with representatives from the Board. This joint meeting is a forum for discussion on the development of education in Nunavik, common concerns and policies. The general orientation to be adopted by the Board may also be discussed.

Definition of the Education Council

Members of the Education Council may adopt resolutions to make recommendations to the Council of Commissioners on issues discussed at this meeting.

Power of recommendations

The Council of Commissioners may delegate the Executive Committee to represent the Council of Commissioners at meetings of the Education Council. However, on some occasions, all the Commissioners could attend this meeting.

Participants in the Education Council

Every Education Committee may delegate one person from the administrative staff of the school to attend the meeting as a participant. Although administrators are fully entitled to make representations and intervene during the meeting, they are not entitled to vote on resolutions. Only elected members of the Education Committees have the right to vote on resolutions tabled at the meeting.

Participants' right to vote

Annex 6-A

*Excerpt from the Education Act for Cree, Inuit
and Naskapis Native Persons*

Section 657

A parents' Committee shall be established in each municipality, under the name "Education Committee".

The Education Committee shall be composed of three to eight parents residing in the community, as determined by the School Board, elected every two years on the date and in accordance with the terms and conditions determined by the School Board.

The School Board may, with the approval of the Minister, amend the composition of Education Committees and the criteria for participating in the said Committee.

Furthermore, if after consulting the Council of Commissioners, the elected members of the Education Committee so decide, the Director of Education in the municipality, the teachers' representative, the Mayor of the municipality, the delegate of the local municipal council entrusted with cultural affairs or their duly authorized representatives, may be members of the Education Committee. However, the Director of Education and the teacher's representative or their representatives do not have the right to vote or to be appointed chairman thereof; the Mayor and the delegate entrusted with cultural affairs may vote but cannot be appointed chairman thereof.

The Education Committee shall be consultative bodies with advisory powers to the School Board except for responsibilities that may be delegated to them by ordinance of the School Board. ...

The Commissioner who represents the municipality shall be a member of the Education Committee with the right to vote.

CHAPTER 7

PREPARATION AND CONDUCT OF MEETINGS

Preparing the meetings

The efficiency of a meeting often depends on how well it is prepared. Prior to a meeting, it is important to provide as much information as possible on the items on the agenda so that members may prepare and contribute to the discussions. Members who come to a meeting without knowing what is on the agenda nor having read ahead of time the documents to be discussed can hardly be expected to contribute in a valuable and productive way. Discussions may then go on endlessly leading to incomplete if not inappropriate decisions.

Information to be distributed before the meeting

7.1 Types of meetings

There are two categories of meetings: regular and special.

a. Regular meetings:

These meetings must be held at least once a month, at regular and predetermined intervals. For example, regular meetings could be held on the first Monday of every month or every second Tuesday.

Definition of a regular meeting

b. Special meetings:

These meetings are not on the regular schedule and are often urgently needed to deal with a specific issue that cannot wait until the next regular meeting.

Definition of a special meeting

7.2 Notice of meeting

To inform or remind members of a meeting, the Secretary of the Committee draws up a notice specifying the location, date and time of the meeting (Annex 7-A).

Notice to be sent to members prior to the meeting

Chapter 7
**Preparation and
 Conduct of Meetings**

<i>Case where the notice of meeting is not mandatory</i>	The notice of meeting is not mandatory for regularly scheduled meetings, although it is preferable to remind members that a meeting will be held.
<i>Case where the notice of meeting is mandatory</i>	It is necessary, however, to send a notice of special meeting to inform all members that an unforeseen meeting will be held and to provide proof that sufficient notice was given to members who did not attend. This is all the more important since members may lose their eligibility after missing more than 3 regular or special meetings.
<i>Delay to be respected for sending the notice of meeting</i>	This notice may be printed with the agenda or sent separately. Preferably, it should be sent 5 days before the meeting or at least 1 day before, unless all voting members are present and accept to waive this obligation.
<i>Content of the agenda</i>	<p>7.3 Agenda</p> <p>The Secretary of the Committee prepares a draft agenda in cooperation with the President of the Committee and in consultation with the School Principal. Items are listed in decreasing order of importance, the first being the most important (Annex 7-A). For regular meetings, the draft agenda includes an item called “miscellaneous”, thus giving leeway to add items until the final agenda is adopted. The Secretary shall add items from the last meeting which were not dealt with at that time.</p>
<i>Admission of the public at the meetings of the Committee</i>	<p>7.4 Tabling documents and reports</p> <p>Documents and reports to be discussed or tabled at the meeting should be distributed to members sufficiently in advance to be studied adequately.</p> <p>Conducting meetings</p> <p>7.5 In camera meetings (behind closed doors)</p> <p>Meetings may be held in public or in camera, at the discretion of the Committee. Members should be careful however if they opt for in camera meetings, the School Board being a public organization, thus accountable to the population.</p> <p>It is preferable to state this choice clearly in the resolution setting for the by-laws of the Education Committee (see chapter 5).</p>

7.6 Chairperson of the meeting

The meeting is generally chaired by the President of the Education Committee, but another member may be designated as Chairperson.

Any elected member may chair the meeting

The role of the Chairperson is to conduct the meeting and to ensure that it runs smoothly. The Chairperson ensures that discussions remain focussed on the topics in the agenda and gives participants the right to speak.

Definition of quorum

The Chairperson applies rules of order, submits resolutions for debate, calls votes and states their results.

7.7 Quorum

The quorum is the minimum number of members in attendance required for a meeting to be valid. To obtain a quorum, at least half of the voting members plus one must be present. This number must be maintained throughout the meeting. If a member has to leave and the number of those remaining is insufficient to maintain the quorum, the meeting is adjourned.

Definition of quorum

However, a member who cannot be physically present at a regular meeting may participate by telephone if a majority of the other members are physically present and agree.

Participation by telephone in a regular meeting

7.8 Adoption of the agenda

At the opening of the meeting, the Chairperson tables the draft agenda for approval by the Committee. Prior to the adoption of the agenda, members may change the order of items listed, remove or add some items. However, for special meetings they can add new items only if all members are present.

Possible modifications to the agenda

7.9 Approval of the minutes

The approval of the minutes must be proposed and seconded by members who were present at the meeting at issue. Other members who were not present should abstain since they have no personal knowledge of what was discussed and therefore cannot validate the contents of the minutes.

Obligation to adopt officially the minutes of previous meetings

If there are errors or omissions, corrections must be brought.

Following approval of the minutes, the persons who are acting as Chairperson and Secretary of the meeting sign them.

It is not necessary for other Committee members to sign the minutes. The signatures of the Chairperson and Secretary are sufficient to prove the accuracy of the minutes.

7.10 Right to speak during the meeting

All members of the Education Committee have an equal right to express their point of view and opinion; the Chairperson must make sure that each member who has asked to speak can do so freely. The Chairperson however may call to order a member who digresses and may ask a member to come to a conclusion if his argumentation drags on.

7.11 Voting right

See chapter 8: "Minutes and resolutions".

Annex 7-A

*Sample Notice of meeting
including an agenda*

_____ **School Education Committee**
Regular meeting
Monday, November 4, 20___, at 7:00 PM

Notice of meeting

Mr. Mark Kamik:

Please be advised that the Education Committee of Attiitug School will meet on Monday, November 4, 20___, at 7:00 PM in the teachers' room. You will find below the draft agenda for the meeting and attached the minutes of the last meeting.

Draft Agenda

1. Opening of the meeting by the President
2. Approval of the agenda
3. Approval of the minutes of the October 7, 20___ meeting
4. Correspondence
5. Recommendation to hire an English teacher
6. Miscellaneous
7. Closing of the meeting

Secretary of the Committee
given on October 26, 20___

CHAPTER 8

MINUTES AND RESOLUTIONS

MINUTES

Minutes are a summary record of the proceedings of a meeting. They are not a verbatim transcript of all that is said, but provide an overview of the discussions, of the issues covered and of the decisions taken at the meeting.

The final drafting of the minutes is time-consuming for the Centre Director. Each Education Committee may decide however on how detailed the minutes should be. Some committees prefer detailed minutes while others are satisfied with succinct accounts. The minutes should be adapted to meet the expectations of the Education Committee.

The single most important part of the minutes is the proper wording of resolutions, to reflect clearly the intent of voting members. The words chosen to draw up a resolution may affect significantly the interpretation given to its content and the impact of a decision.

That is why a draft resolution should be prepared and distributed to all members before or at the time it is tabled to make sure that everybody has the same understanding of its contents. All changes deemed necessary may then be made to the resolution before it is adopted and recorded in the minutes (see section 8.5).

*Level of detail
necessary in
minutes*

*Importance of the
wording*

Draft resolution

<p><i>Information to be included in the minutes</i></p>	<p>8.1 Contents of the minutes</p> <p>The minutes must provide the following information:</p> <ol style="list-style-type: none">the date, time and place of the meeting;the names of those present (including guests), specifying who were the Chairperson and Secretary of the meeting;the names of those absent, indicating whether their absence was justified;the text of each resolution, with the names of the mover and seconder;the results of votes, including the number of abstentions, dissidences (objections) and absences. <p>The minutes should be written in the present tense for ease of reading and to avoid overloading the text with the use of a past tense.</p>
<p><i>Corrections to the minutes by the members</i></p>	<p>8.2 Adoption and amendment of the minutes</p> <p>As long as the minutes have not been adopted by resolution, members can amend them to reflect discussions more accurately. Once adopted, the minutes cannot be changed without the adoption of a new resolution to correct a significant error.</p> <p>Further to their adoption, the minutes are signed by the Chairperson and the Secretary of the meeting.</p>
<p><i>Relation between the minutes and the issuance of a resolution</i></p>	<p>8.3 Excerpts from the minutes</p> <p>Once adopted, the minutes become official and the Secretary of the Committee (the Centre Director) may then issue certified true copies of the resolutions adopted by the Committee. The Secretary must sign these copies to certify their authenticity.</p>
<p><i>Case where a resolution is necessary</i></p>	<p>RESOLUTIONS</p> <p>8.4 Nature of the resolution</p> <p>The Education Committee exercises its power of recommendation exclusively by means of resolutions. However, decisions without long-term impact or far-reaching consequences may be taken through a simple vote or consensus to be recorded in the minutes, with no need for a resolution. For example, the law allows members to participate in and vote at a meeting by telephone if the majority agrees.</p>

This consent may be obtained by a simple vote of members, with no need for a resolution. It is then sufficient to record the results of the vote in the minutes. There may also be agreement on actions to be taken, for example mandating the school principal to raise funds for an activity, without having to adopt a resolution, since this is not a decision that would last for a long time.

8.5 Draft resolution and proposed resolution

Before a resolution is officially proposed and seconded, it is known as a draft resolution. In most cases, this draft resolution is tabled by someone who is not a voting member of the Committee, such as the centre director, the School Principal or a member of the staff. Since they cannot move for the adoption of a resolution, they can only table a draft and see if a voting member will endorse it and propose its adoption.

*Draft resolution
tabled by a person
outside the
Education
Committee*

If not one member supports the draft resolution, it will simply be entered in the minutes as a discussion topic with no further development.

If a voting member supports the draft resolution, he may propose its adoption and the draft then becomes a proposed resolution which, if seconded by another voting member, will be submitted to the Committee's vote.

*Motion by a voting
member*

If the proposed resolution is adopted by a majority of members, it becomes a resolution. If it is rejected, it is entered in the minutes as a proposed resolution that has not been adopted. The names of the mover and the seconder are entered in the minutes, but not necessarily on the excerpt. See Annex 8-B for the steps to be followed for the adoption of a resolution.

*Motion rejected
by vote*

8.6 Resolution number

It is important to identify resolutions clearly with number to facilitate future reference and retrieval.

For example, "2014/2015-2": The school year during which the resolution is adopted makes up the first part of the number — "2014/2015"; the second part — "2" — refers to the order in which the resolution was adopted.

	<p>At the beginning of every new school year (on July 1st), a new chronological sequence is started so that the first resolution adopted at the first meeting after July 1, 2014 shall be numbered “2014/2015-1” (see annex 8-C).</p>
<p><i>Easy retrieval of resolutions by title</i></p>	<p>8.7 Title of the resolution The title must refer to the main topic dealt with in the resolution, also to facilitate its retrieval. For example, a resolution recommending that a teacher be hired may simply be titled “On the hiring of an English teacher”. This describes sufficiently the contents of this resolution.</p>
<p><i>Simple and explicit wording of the resolution</i></p>	<p>8.8 Drafting of a resolution When drafting a resolution, one must keep in mind the following: Would a person reading this resolution several years later understand the pith and substance of the decision without having been present at the discussions?</p> <p>The contents should be brief, precise and complete, while avoiding subjective phrases that add nothing. For example, a resolution recommending that a teacher be hired should make no mention of the fact that the previous teacher was very much appreciated and that the whole community is sad to see him go, etc. This sort of non-administrative comment may be recorded in the minutes, but not in a resolution.</p>
<p><i>First section of the resolution</i></p>	<p>The first section of a resolution the “Whereas” part is an introduction to or an explanation of the context in which the resolution was adopted. It often provides useful information on the reason why a resolution was adopted. For example, hiring a teacher halfway through the school year may seem strange to a reader, but is easily explained by specifying that this was made necessary by the resignation of the previous teacher.</p>
<p><i>Second section of the resolution</i></p>	<p>Although the first section with the “Whereas” is an integral part of the resolution, the second section is often considered the body of the resolution. Its contents must reflect exactly the nature and conditions of the decision made.</p> <p>In our example, the resolution would identify the position to be filled, the name of the candidate recommended, the duration of the mandate and all other information needed to avoid any ambiguity. The limits to the Education Committee’s powers should be clearly reflected in the resolution, as in the case of a hiring of teachers, where the Committee may only make recommendations to the Executive Committee and not proceed with the hiring as such.</p>

8.9 Date of adoption

The resolution takes effect on the day it is adopted, unless otherwise specified. Therefore, it is important to indicate clearly the date on which a resolution comes into effect. Without specific mention, the resolution is deemed to come into effect on the dates of its adoption.

8.10 Right to abstain from voting

While members cannot be forced to vote on a motion, they should remember that they were elected to make decisions that may be difficult at times, and that they should strive always to exercise their right to vote. Members could refrain from voting in the following cases:

- a. They were not present when the proposal was discussed and are not sufficiently informed of the facts.
- b. They do not understand fully the issue at stake nor its impact.
- c. They find themselves in a conflict of interest, and their decision may not be objective.

Committee members always have the privilege and the right to ask for additional information or more detailed explanations on any subject before they vote.

8.11 Result of the vote

A resolution must be adopted by a majority (50% plus one) of members who effectively exercise their right to vote. Thus, if 3 out of 4 members abstain and the fourth votes in favor of the resolution, the resolution is adopted since the former, even though present, did not exercise their right to vote. To abstain is not to dissent, it is merely a refusal to vote upon the motion, not a rejection of the motion itself.

It is therefore important for members to express their disagreement clearly by voting against a resolution rather than refraining from voting since an abstention could have an undesirable effect.

Only situations where members should abstain from voting

Impact of an abstention on the vote

The abstaining member is presumed in agreement with the majority decision.

It is important to report clearly on the resolution the result of the vote and number of members absent, this authenticating the resolution by proving that a quorum was present.

8.12 Signing of the resolution

Further to its adoption, it may be necessary to publish a resolution. It must then be edited into its final format as we know it. This format is an excerpt from the minutes. The resolution as we know, has no legal value in itself unless the minutes from which it was excerpted were properly and correctly drawn in order to authenticate its adoption. The minutes with the actual text as it was passed is the only official reference to prove the adoption of the resolution.

Signatures needed to authenticate a resolution

The excerpt must be signed by the Secretary of the Committee, in order to authenticate it. It is not necessary, nor even useful, for the other members to sign it since the Secretary's signature is sufficient to prove the authenticity of the resolution.

Resolution must bear the adoption date and issue date

By virtue of the Civil Code of Québec, the issue date and place must appear on the excerpt, although the place where the document was issued may be different from the place where the meeting was held, the adoption date does not change. The issue date, i.e. the day on which the Secretary makes a true copy of the minutes, will most of the time be different since an excerpt may be issued at any time and as often as necessary after a resolution was adopted in the course of a meeting. For example, at the bottom of a resolution adopted at a meeting of the Council of Commissioners in Inukjuak in 2015, it will be written that the resolution was adopted in 2015 but that the copy was for example issued and signed in 2017 in Montréal. This information may appear below the Secretary's signature.

Modification of a resolution after its adoption

8.13 Amendment or repeal of a resolution

A resolution can always be modified, or even repealed, after its adoption, provided that no legal obligation was created towards a third party. For instance, the hiring of a teacher by way of a resolution establishes between the teacher and the School Board a legal link that may not be broken without consequences.

On the other hand, a resolution establishing a strategy or a procedure without direct involvement of a third party may be amended or even repealed through another resolution. For example, an Education Committee that has adopted a resolution establishing its internal by-laws could amend these by-laws simply by adopting a new resolution.

The only way to render a resolution null and void is to adopt another resolution that officially reverses the first resolution. A resolution validly adopted cannot simply be dismissed and assumed to no longer have effect.

8.14 Index of resolutions

At the beginning of the minutes book, an index of resolutions will make it easier to retrieve a resolution and to see if amendments were made since its adoption through other resolutions. This list gives the number of the resolution, its title, the date of its adoption and a column in which to write the number of the resolutions that will amend this resolution in the future, if any. See Annex 8-D for a sample index of resolutions.

Index of resolutions

Annex 8-A
Sample minutes

**Attiitug School Education Committee
Minutes of the regular meeting
held on November 4, 201x at 7:00 PM
at Attiitug School**

Present: Mark Kamik, president
Paul Nassak, member
Martha Leclerc, member
Mary Arsaniq, member
Dave Lumick, mayor

Absent: Johnny Munick, member (attending another meeting in
Kuujuuaq)

Also present: Jimmy White, centre director
Sandra Saunders, principal

Mark Kamik chairs the meeting and Jimmy White acts as secretary.

1. Opening of the meeting by the Chairperson

With a quorum of the members being present at 7:00 PM, the Chairperson declares the meeting open.

2. Adoption of the agenda

The agenda is adopted with changes and is appended hereto.

3. Adoption of the minutes of the previous meeting

The minutes of the Education Committee meeting held on October 7, 201x are read and modifications are made. On a motion by Mary Arsaniq, seconded by Dave Lumick, it is unanimously resolved to adopt resolution #2011/2012-1:

IT IS RESOLVED THAT the minutes of the Education
Committee meeting held on October 7, 2011 are adopted as
appended hereto.

4. Correspondence

The Secretary reads a letter from the President of the School Board informing the Committee that the Executive Committee will visit the communities in the first week of December. During its visit, it will provide information to and seek input from the public on the reform of the educational system. On this occasion, the Executive Committee wishes to meet with all members of the Education Committee.

5. Recommendation respecting the hiring of an English teacher

Mark Kamik informs the Committee of the applications received for the full-time position of grade 5 English teacher. He explains the Selection Committee's criteria and its recommendation to hire Ms. Clara Jones to fill this position.

On a motion by Paul Nassak, seconded by Martha Leclerc, resolution No. 2011/2012-2 below is adopted unanimously:

WHEREAS Mark Brown has resigned as English teacher, such resignation taking effect on November 15, 2011;

WHEREAS this job offer was posted and the Selection Committee has interviewed several applicants;

WHEREAS Clara Jones is considered the best candidate for this position:

It is resolved that:

1. Clara Jones be recommended to fill the full-time position of English teacher in grade 5 at Attiitug School;
2. This recommendation be immediately forwarded to the Executive Committee of the School Board.

6. Closing of the meeting

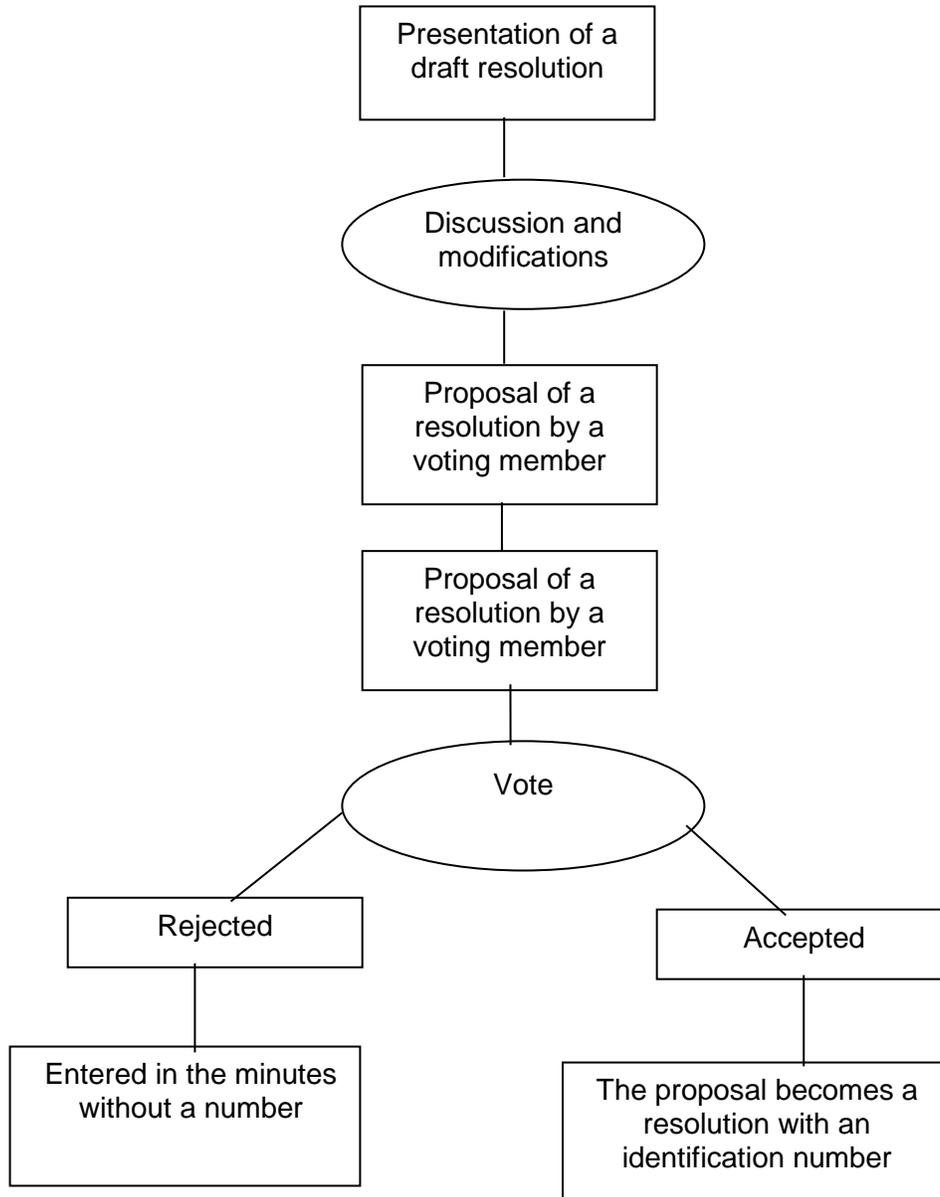
The meeting closed at 9:10 PM.

President

Secretary

Annex 8-B

Steps to follow for the adoption of a resolution



Annex 8-C
Sample resolution
Excerpt from the minutes

Attituuq School
Resolution #2014/2015-2

On a recommendation respecting the hiring of an English teacher

WHEREAS Mark Brown has resigned as English teacher, such resignation taking effect on November 15, 2014;

WHEREAS this job offer was posted and the Education Committee has interviewed several applicants;

WHEREAS Clara Jones is considered the best candidate for this position.

It is resolved that

1. Clara Jones be recommended to fill the full-time position of English teacher in grade 5 at Attituuq School;
2. She be employed from November 15, 2014 to June 30, 2015;
3. This recommendation be immediately forwarded to the Executive Committee of the School Board.

Proposed by:

Seconded by:

For: 5

Against 0

Abstention: 0

Absent: 1

Certified true copy of the resolution adopted on November 4, 2014 at a regular meeting of the Education Committee.

Signature of the Secretary:

Done in Attituuq Village, February 3, 2015

Annex 8-D
*Sample index
of resolutions*

Index of resolutions

Number	Title	Date	Modifications
2014/15-1	Rules regarding by-laws of the Education committee	Nov. 19/2014	Amending #2010/2011-3
2014/15-2	Hiring of an English teacher	Nov. 4/2011	
2014/15-3	Composition of the Education Committee	Dec. 7/2011	Amends Res. #2011/2012-1

**PART III
HUMAN RESOURCES MANAGEMENT**

CHAPTER 9

COLLECTIVE AGREEMENTS

9.1 Definition and field of application of collective agreements

A collective agreement is a contract between the School Board and a specific group of employees. It sets the working conditions of unionized employees, such as the number of hours worked, social leave, salaries in each employment class, and even the procedure for disciplinary measures.

3 different collective agreements are currently in effect at the School Board, each one applying to different category of employees. A person working in a category of employment covered by a collective agreement cannot refuse to be represented by a union and is bound by law to abide by the rules of the collective agreement and to pay dues to the union that represents him.

All teachers employed by the Kativik School Board are unionized. Their collective agreement, separate from that of teachers in the rest of Québec, defines their relationship with the School Board¹.

Support staff is also unionized and covered by a different collective agreement than the teachers'. Technicians, secretaries and maintenance workers, among others, are part of the support staff.

Finally, non-teaching professionals also have their own collective agreement with the KSB. This class of employees includes but is not limited to pedagogical counsellors, student counsellors and teacher training counsellors.

*3 different
collective
agreements apply
to the School Board*

*Teachers' collective
agreement*

*Support staff's
collective
agreement*

*Non-teaching
professionals'
collective
agreement*

Collective Agreements

<p><i>Employees covered by other agreements</i></p>	<p>Senior staff such as principals and centre directors, are not covered by a collective agreement. However, their working conditions are defined by other rules established under School Board regulations.</p>
<p><i>Obligation to respect each collective agreement</i></p>	<p>9.2 Effects of collective agreements Each section of a collective agreement has been agreed to by the School Board and the union representing employees. Each clause was negotiated to the satisfaction of both parties, which means that regardless whether one agrees or not with the procedures to be followed in certain situations, the rules in the collective agreement have to be applied at all times as agreed to by the Board and the employees' union. There is no leeway or flexibility in this area; the contents of collective agreements are to be complied with in all circumstances. The rules therein are not to be waived or circumvented.</p>
<p><i>Consequences of non-compliance with collective agreement</i></p>	<p>9.3 Grievances The employee who claims to be adversely affected by the manner the Education Committee, the school administrators or the School Board either apply or interpret the collective agreement, may file a complaint — a “grievance”. The union representing the employee first forwards the grievance to the School Board, and may subsequently file it before an arbitrator (judge) specialized in labour law. The School Board will then incur often significant expenses to argue the merits of its implementation of the collective agreement.</p>
<p><i>The Council is made up exclusively of teachers</i></p>	<p>9.4 School Council a. Nature of the School Council The teachers' collective agreement provides for the creation in each school of a School Council made up exclusively of teachers from that school. Members of the School Council are elected each year during a general assembly of teachers in that community. Neither teachers from the Adult Education sector nor school administrators may sit on the Council.</p>

b. Relations between the Education Committee and the School Council

Relations between the Education Committee and the School Council are based essentially on the obligation for the Education Committee to consult the School Council before adopting policies or procedures regarding specific matters listed in clause 4-4.06 of the teachers' collective agreement.

If the Education Committee has not already adopted policies or procedures on such matters, it must consult teachers every time it will wish to make a decision on one of the issues listed in clause 4-4.06. It is therefore recommended to adopt clear policies and procedures as early as possible in order to avoid having to consult teachers constantly before taking action.

For example, the Education Committee could consult teachers early in the school year to decide on a policy regarding parent-teacher meetings specifying the time, the type of meetings (open house or other) and frequency. In this way, the Education Committee would not have to consult teachers again in the course of the year since the rules would be known in advance. However, the Committee would have to consult teachers should it decide to change the contents of the adopted policy.

Consequently, the Education Committee must consult the School Council before making any decision regarding a change in the organization of the school, a change in policy or activities under the jurisdiction of the local Education Committee in the following areas²:

- a. the distribution, maintenance and repair of housing units;
- b. the supervision of housing units and the storage of personal effects during the teachers' absences;
- c. local transportation of teachers;
- d. the distribution of the teachers' duties in the school;
- e. the organization of educational plans, programs or workshops;
- f. the local application of the rules of assignment;
- g. the formulation and implementation of school regulations for students and teachers;
- h. the organization of parent-teacher meetings;

Obligations of the Education Committee towards the Council

Obligations to consult the Council according to the collective agreement

CHAPTER 10

DISCIPLINARY MEASURES

Although this section defines general rules similar for the entire staff, we shall focus on disciplinary actions against teachers only. The procedure applicable to other categories of employment might differ significantly under certain circumstances. All of the rules discussed here are laid down in the teachers' collective agreement.

10.1 Rationale for disciplinary measures

The main purpose of disciplinary measures is to rectify a teacher's unacceptable behaviour or actions in order to allow him to continue to teach and to better serve the education system's interests.

Disciplinary measures should not be viewed as an opportunity and a means to "get rid" of an employee without first giving him a chance to rectify an unacceptable or undesirable behaviour.

If the employee at fault refuses to rectify his behaviour even after management has taken several disciplinary measures against him, dismissal may then be contemplated.

An employee cannot be suspended or dismissed for minor faults without first trying to correct the situation with him, except in case of serious misconduct such as theft, dealing drugs in the workplace or sexual abuses on students, for which dismissal could be considered.

One should always proceed gradually in case of a minor offence, taking disciplinary action by progressive stages. First, a minor penalty is imposed on the employee, then increasingly harsher ones. Normal procedure provides for starting with a verbal warning and gradually moving on to more severe actions such as a written reprimand to be entered in the employee's file and suspension of 1, 3 or 5 days for example. If these measures are unsuccessful, dismissal may be considered as a last recourse.

Purpose of disciplinary measures

What must be avoided in disciplinary measures

Mandatory steps before a dismissal

Cases where dismissal could be immediate

Disciplinary measures

Graduated penalties

This incremental approach to sanctions is essential, especially in the case of a dismissal challenged by the employee. The burden of proof is then on the administrators who have to demonstrate that the employee had enough opportunities to rectify his unacceptable behaviour and that all means had been provided within a reasonable time to allow him to do so. All necessary evidence would have to be in the file to demonstrate that dismissal was the only alternative.

Management must provide all necessary support

However, proof of incremental sanctions is not sufficient in itself to show that the employee was given every opportunity. If, for example, a disciplinary measure is taken for the sole reason that an employee does not perform his duties competently, administrators must make sure to provide him with all the necessary support in order for him to understand clearly the objectives and results expected from him and the shortcomings to be rectified. Without proof of such support and cooperation from the employer, it would be very risky to dismiss anyone.

Quick action from the administrators

10.2 Rules

Rule #1

Never let a situation worsen - Act quickly

Do not over-react, by deciding to deal severely with an employee who, for the first time in years, makes a mistake such as coming to work late or forgetting to perform a task required by his supervisor. An unacceptable act cannot be judged on its own. The surrounding circumstances and facts must always be taken into consideration.

Moreover, it may be difficult to justify a first, severe disciplinary measure after a situation has been tolerated for several months or years.

Necessary communication between the management and the teacher

Rule #2

Inform the teacher clearly of the problems to be solved

A court will not accept that a harsh measure such as a dismissal be taken against a teacher for a minor fault if administrators never clearly informed the teacher that he should change an incorrect behaviour and cannot prove that all necessary support was provided.

Rule #3**Apply discipline equally to all**

Taking action against a teacher for a fault must reflect similar treatment to all other employees who might commit a similar fault. All employees without distinction must be treated equally. Also, one employee's supervisor may be very strict and apply rules to the letter, whereas another employee with the same flawed behaviour benefits from the fact that his supervisor does not apply disciplinary measures.

If this were proven in court, it could jeopardize the efforts of a careful supervisor to apply disciplinary measures that could well be rejected, because deemed inequitable in comparison with the way other employees are treated. An unacceptable behaviour from one employee must be considered as such from all employees, and similar measures must be taken equally against all of them.

Rule #4**Document the teacher's file**

Proof that several verbal notices were given is very difficult to establish in court whereas copies of written notices handed to the employee speak for themselves and cannot be challenged. Without written evidence of the actions and efforts of management, there is a real possibility that the court may quash the disciplinary measure (dismissal) and order that the employee be reinstated and compensated for lost salary and/ or personal damages.

10.3 Types of disciplinary measures**a. Verbal warning**

This is not considered as a disciplinary measure as such. However, it does show management's good faith in trying to find an informal solution to a problem. It is recommended however for background purposes only to put in writing in the employee's file the date and reason of the verbal warning, as well as the content of the conversation.

A second verbal warning is possible, but a third could be interpreted as wavering, and administrators could lose credibility.

*Preliminary step:
verbal warning*

Disciplinary measures

<i>First step: written warning</i>	<p>The Union does not have to be informed that a verbal warning was given since it is not considered as such as a disciplinary measure.</p> <p>b. Written warning This is the first level of disciplinary measure and launches the formal disciplinary process since the Union must be informed.</p>
<i>Second step: written reprimand</i>	<p>c. Written reprimand Following a written warning, a reprimand is similar in content and provides a last chance for the teacher to rectify the situation.</p>
<i>Suspension for a definite period</i>	<p>d. Suspension for a definite period (without pay) This action may be taken at any time, depending on the severity of the act. It deprives the employee of his salary for a definite period, the duration of which depends on the seriousness of the offence the employee's seniority and repetition of the act. The suspension normally varies from 1 to 5 days. In more severe cases where a dismissal is possible but where the employer still believe that the situation could be resolved , a period of 30 to 60 days could be considered, for example in the case of an incident with verbal violence.</p>
<i>Suspension for an indefinite period</i>	<p>e. Suspension for an indefinite period (with or without pay) This extraordinary measure may be used when the employer needs more time and information before imposing a sanction following a reprehensible act such as awaiting the results of a police investigation such as for fraud, theft or sexual harassment, in order to remove the employee from the workplace until the investigation is complete.</p>
<i>Last resort : dismissal</i>	<p>f. Dismissal Dismissal is a sanction often compared to capital punishment in criminal law. It should not be used rashly. It results from several repeated minor offences despite warnings given by the administrators or from a major offence on the employee's part.</p>
<p>10.4 Steps in the application of disciplinary measures Under Article 5-6.00 of the teachers' collective agreement, the steps to be followed in the application of disciplinary measures are described in Annex 10-A. The procedure must be strictly followed and this is a condition for a court to uphold any type of disciplinary measure.</p>	

Annex 10-A

Steps to be followed in the application of disciplinary measures

First incident

Verbal warning

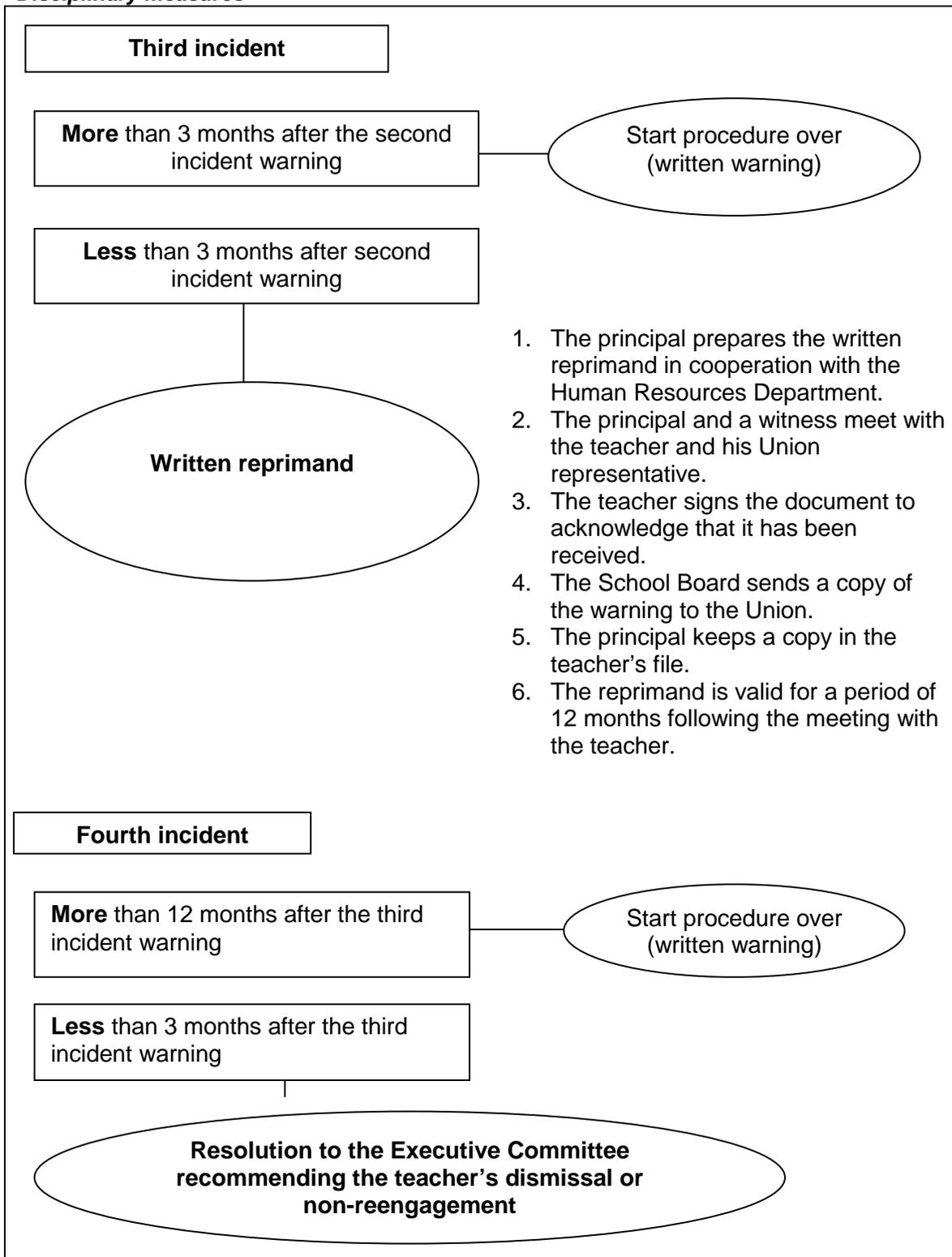
This procedure is not required as such under the collective agreement, but is recommended as evidence of management's good faith and its desire to solve a problem informally.

Second incident

Written warning

1. The principal prepares the warning in cooperation with the Human Resources Department.
2. The principal and a witness meet with the teacher and his Union representative.
3. The teacher signs the document to acknowledge that it has been received.
4. The School Board sends a copy of the warning to the Union.
5. The principal keeps a copy in the teacher's file.
6. The warning is valid for a period of 3 months following the meeting with the teacher.

Chapter 10
Disciplinary measures



CHAPTER 11

ENGAGEMENT OF AN EMPLOYEE
(Teacher, support staff, professional)

11.1 Exclusive jurisdiction of the Executive Committee and powers of the Education Committee

Members of the Education Committee are responsible for making the necessary recommendations for the engagement of an employee to fill an available position in their school and after the selection process has been followed. Only the Executive Committee may hire teachers and professionals and only the Director General has the authority to hire support staff for a period exceeding the limits indicated hereinafter. Consequently, in the following cases, an employee's services may not be retained without prior approval of the Executive Committee or the Director General:

- a. if the employee is engaged in a support position for a period of 6 months or more;
- b. if a teacher is engaged in a by-the-lesson position for a period of 2 months or more;
- c. if a non-teaching professional is engaged for a period of 1 month or more.

In all of these cases, before the hiring is made official, the Education Committee shall forward its recommendation to HR by means of a resolution.

Conversely, the Executive Committee's or Director General's approval is not required in all cases not listed above; however, the approval of the department concerned is required if the position to be filled is not an existing one. For example, if a school wants additional help for maintenance work, it will seek the approval of the Material Resources Services because additional workers are to be hired.

Only the Executive Committee and DG have the power to hire employees

The Education Committee must always make a recommendation

Special cases where the School may directly hire an employee

However, to replace a secretary on leave for less than six months without salary, someone may be hired locally without consulting the Department involved, since the position already exists and is already provided for within the budget.

Therefore, in cases where the position is an existing one and is recognized as such, the Education Committee simply adopts a resolution. The approval of the Executive Committee or of the Department involved is not mandatory in the following cases:

- a. if the employee is engaged in a support position for a period of less than 3 months;
- b. if a teacher is engaged in a by-the-lesson position for a period of less than 2 months;
- c. if a non-teaching professional is engaged for a period of less than 1 month.

Provided that these employees are hired as replacements or to take up existing positions or to handle additional workload.

11.2 Selection

a) Job requirements

Duties have been clearly defined and minimal hiring criteria established for each existing position at the School Board. There is a job description for each position, for which the type of qualifications required and a corresponding salary have been determined. Thus, if applicants to a position should hold a Secondary V diploma, applications that do not meet this requirement shall be rejected. If criteria are too strict so that all applications have to be rejected, the school shall contact the Human Resources Department for alternatives.

b) Selection committee

A selection committee should be set up to help in making a decision on the applications received. This committee is established as follows:

- For local hirings (applicants recruited from less than 50 km). The Committee could be made up, for example, of the centre director, the Principal and a member of the Education Committee, who would select applicants on the basis of the established criteria and requirements. The school principal is responsible when for pedagogical positions for the selection process and establishment of the Committee and the Centre Director has this responsibility for non pedagogical positions.

Minimum selection criteria

- For hiring of school principals and non local applicants, the Human Resources Services is responsible of the pre-selection process.
- This selection committee will report to the Education Committee and explain the reasons behind its recommendations. The Education Committee will then make its recommendation.

c) Selection criteria

The Canadian Charter of Rights and Freedoms, the Québec Charter and other legislation adopted by the governments have clearly defined reasons which cannot be used to refuse to hire an applicant with the required qualifications. Therefore, an applicant who meets all the required criteria and conditions for employment should not be at disadvantage with respect to another, on the following bases:

- a. union activities (current or past);
- b. age (except for a required minimum number of years of experience);
- c. religion;
- d. ethnic origins;
- e. gender (it is prohibited, for example, to reject systematically male applicants to a secretarial position or female applicants to positions as drivers);
- f. sexual orientation;
- g. political ideas;
- h. pregnancy;
- i. marital status or kinship with a staff member (it is prohibited, for instance, to favour an applicant without dependents in order to cut down on the cost of fringe benefits);
- j. social condition (it is prohibited, for instance, to favour an unqualified applicant for the sole reason that he is going through a difficult time and needs a job);
- k. handicap (physical or mental, unless proven that he cannot do the work);

Reasons which cannot be raised

- i. criminal record (except if directly related to the type of employment applied for or if the nature of the crime was such that the hiring of this person would cause prejudice to the Board or present a risk to the students or staff).

The selection committee cannot raise these reasons at any time during the selection process, nor even mention them during the interview. An applicant meeting all selection criteria whose application would be rejected for any one of these reasons in favour of a less qualified applicant could file a complaint and sue the School Board for compensation.

Preparing the interviews

11.3 Interviews

An interview should always be well prepared, and there are standard questions to assess properly an applicant's skills. The Human Resources Services can assist the selection committee in this process.

Recommendation of the Selection Committee

11.4 Recommendation

The selection committee will report to the Education Committee and provide explanations in support of its recommendation.

Recommendation of the Education Committee

11.5 Hiring

The Education Committee must adopt a resolution to recommend that the selected applicant be hired by the Executive Committee or the Director General.

In certain circumstances, the Executive Committee or Director General may refuse to proceed to hire the candidate further to a review of the file and the Education Committee's recommendation.

CHAPTER 12

NON-REENGAGEMENT OF TEACHERS

There are different conditions and approaches to respect in cases of non-reengagement or non-renewal of contract of teachers and it shall be dealt with on a case by case basis in collaboration with Human Resources. However, it shall always be based on solid grounds and the main recognized reasons are the followings:

Procedure for a valid non-reengagement:

a. Reasons set forth in the collective agreement

1. Incapacity

Teaching a subject with difficulty or being unable to control one's class may suggest an incapacity, which constitutes a reason for dismissal or non reengagement. It may be more difficult to justify however if the teacher has been employed by the School Board for several years. The Board would then have to demonstrate how an employee "suddenly" became incompetent after the school had kept employing him year after year.

It would have to be shown also that the teacher knew the objectives and results expected of him and that management provided all the required support and assistance.

2. Negligence in the performance of his duties

The teacher who often leaves his class without supervision, lets students handle hazardous objects or always hands in late the reports required by management is negligent in the performance of his duties.

Habitual lateness may also be included in this category.

3. Insubordination

For a teacher not to implement management policies, not to carry out assigned tasks or not to show up at meetings may constitute insubordination.

4. Misconduct

A verbal or physical altercation between a teacher and another person in the presence of students is an example of misconduct.

Incapacity

Negligence in the performance of his duties

Insubordination

Misconduct

<p><i>Immoral behavior</i></p>	<p>5. Immoral behavior A teacher's racist comments or with comments with a sexual connotation could constitute immoral behavior.</p>
<p><i>Surplus of personnel</i></p>	<p>6. Surplus of personnel If the school and the School Board need a smaller number of teachers, there are grounds not to reengage because of a surplus of personnel.</p>
<p><i>Written proof in the teacher's file in support of the reason for non-reengagement</i></p>	<p>b. Presence in teacher's file of elements providing that the non-reengagement is justified If the non-reengagement is challenged, proof that this decision is justified must be solid and verifiable. It is necessary to have documents in support of the reasons given for the non-reengagement.</p>
<p><i>Support from management</i></p>	<p>c. Proof that the teacher received from management all the support required to rectify the situation A teacher who was never informed of his shortcomings or never received support from management in his attempt to rectify a problem will have a clear advantage before the court. All meetings with or memos sent to this teacher to try to help him should be documented.</p>
<p><i>Deadline of March 15 for non-reengagement</i></p>	<p>d. Forwarding of the recommendation not to reengage a teacher to the Human Resources Department at least 40 days before March 15 This date is very important since all the deadlines to be met are set forth in the collective agreement. A late recommendation could be rejected and the teacher would be automatically reengaged.</p>

PART IV
STUDENTS, TEACHERS AND THE SCHOOL SYSTEM

CHAPTER 13

STUDENTS' RIGHTS AND OBLIGATIONS

13.1 Obligation to attend school

All children have the right to attend school from kindergarten, provided they are at least five years old as of September 30. A child is also entitled to attend pre-kindergarten where provided, if he is 4 years old on September 30.

This is left for parents to decide, but every child has to attend school from the school year beginning after he or she turns 6 until the end of the school year during which he turns 15¹. This rule which is applicable to the territory under the Kativik School Board's jurisdiction is different from that in the rest of Québec, where the minimum age is set at 16.²

13.2 Obligation to admit a child to school

The Kativik School Board is required to admit in its schools any school-age child residing on its territory.³ Residence in one of the Nunavik communities constitutes the basic condition for the application of this rule. A child residing on the School Board's territory, for instance in Inukjuak, who would go to live with his grandparents in Salluit for two weeks or more could ask to be admitted to school in Salluit during this period.

It would be different if this child were a resident of Chisasibi instead of Inukjuak, because he would then not be considered a resident on the School Board's territory. The Kativik School Board would not be required to admit this child to the school in Salluit, whether for a short or for a long period. Although it may seem somewhat unfair, this practice results from another provision in the *Education Act for the Cree, Inuit and Naskapi Native persons* which requires the child

Minimum age to attend kindergarten and pre-kindergarten

Students must attend school up to age 15

Child residing on the School Board's territory

Exceptions where a child may leave school

to attend at all times the school in his community of residence and states that he may not leave school except for the following reasons stated in Sections 257 and 258 of the Act:

1. He is prevented from attending school by illness or infirmity.
2. He has been expelled from school by the Council of Commissioners.
3. He receives effective instruction at home.
4. He supports a family.

Exception to the residency obligation

Thus, going to the grandparents' home or receiving care from them are not valid grounds under the law for being absent from school, and the School Board with jurisdiction over the territory where that child usually resides — in the case mentioned above, the Cree School Board — should enforce these rules. However, the School Board is required to admit a school-age child placed under the provisions of the Youth Protection Act or of the Act Respecting Health Services and Social Services, even if this child does not reside on its territory.

Application of the Charter of the French Language and other laws

13.3 Obligation to provide instruction in the child's mother tongue? ⁵

The Charter of the French Language grants certain exemptions to the Nunavik education system with regards to the application of the rules pertaining to mandatory instruction in French⁶. It allows for Inuktitut to be the language of instruction in kindergarten and at the elementary and secondary levels.

It is provided however that the Commissioners, in consultation with the Education Committees, shall set the rate of introduction of French and English as languages of instruction⁷. This rate varies depending on the needs of each community.

The Kativik School Board is under no obligation to provide instruction in French or in English if the number of children concerned does not justify the provision of publicly-funded instruction⁸. The School Board will try however to implement all necessary measures to provide a student with instruction in his mother tongue through other means.

Student whose mother tongue is not Inuktitut

When either French or English, or both, are introduced in a school, parents who are JBNQA beneficiaries may choose to enroll their children in either the French or the English sector, regardless of the language in which they received their instruction.

Beneficiaries choose between French and English instruction

Admission to the English sector, however, of children whose parents are not beneficiaries, are governed by the rules of the Charter of the French Language. A non-beneficiary student who wishes to study in English is not automatically entitled to do so; a specific authorization must be obtained from the Government before he can be enrolled in the English sector. It must be shown that the child is eligible for that authorization under the following conditions set forth in the Charter of the French Language:

Application of the Charter of French Language to non-beneficiary student

Art. 73 "The following children, at the request of their father or mother, may receive their instruction in English:

Rules applicable to non-beneficiary student who wishes to study in English

- (a) a child whose father or mother is a Canadian citizen and received elementary instruction in English in Canada, provided that this instruction constitutes the major part of the elementary instruction received in Canada;
- (b) a child whose father or mother is a Canadian citizen and who received elementary or secondary instruction in English in Canada, as well as his brothers and sisters, provided that this instruction constitutes the major part of the elementary or secondary instruction received in Canada."

Here are a few examples pursuant to this Act:

- A child moving to Nunavik whose parents are Canadian citizens and have received most of their primary or secondary instruction in English in Canada, is eligible to be admitted to the English sector.

- A child whose parents have received their education in English outside Canada is not eligible and must be admitted to the French sector, except if the parents were residents of Québec as of August 26, 1977.

- A non-beneficiary child whose parents have received instruction in French and who resides in a community where only instruction in English is available must enroll in the English sector even if, theoretically, he is not eligible under the Charter. It is the only case where he may do so since as soon as French instruction is available, he or she is required to enroll in that sector.

Since each case is specific, and since there are a few exceptions to these rules, do not hesitate to call the School Board's head office before making a decision in the matter.

References

- 1 The school year extends from July 1 of a year to June 30 of the next.
- 2 Section 256 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.
- 3 The residence of a person is the place of his main establishment (Section 75 of the *Québec Civil Code*).
- 4 Section 274 of the *Education Act for the Cree, Inuit and Naskapi Native persons*.
- 5 Section 33 (*idem*)
- 6 Section 88 of the *Charter of the French Language*.
- 7 *Idem*
- 8 Section 23 of the *Canadian Charter of Rights and Freedoms* (regarding the right to instruction in the minority language).

CHAPTER 14

***DISCIPLINE, CIVIL RESPONSIBILITY
OF THE SCHOOL BOARD AND
YOUTH PROTECTION***

14.1 Discipline

Under section 189 of the *Education Act for the Cree, Inuit and Naskapi Native persons*, commissioners have a duty to make regulations for the management of their schools. This responsibility has been delegated in part by ordinance to the local level, and it is now up to each Education Committee to adopt more detailed rules within certain parameters. For instance, it is still exclusively up to the Council of Commissioners to decide whether or not to expel a student from school, and even though the Principal may suspend a student, he cannot expel him from school definitely.

*Expelling or
suspension*

While corporal punishment is prohibited in schools, a teacher may use reasonable force to control a student, to protect him or to protect other persons from him. A teacher may therefore physically hold back a violent student using his own strength and do all that he can to avoid causing that student injury.

The *Criminal Code* applies in these circumstances:

Section. 43 “Every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.”

*Use of force by a
teacher*

This provision obviously allows a degree of subjectivity since every individual has his or her interpretation of what constitutes a reasonable measure. It is for this reason that previous decisions rendered by the courts often seem contradictory with regards to this section, and it is risky to formulate a definition of reasonable force or measures. We shall look however at some decisions issued by courts in an attempt to discern trends:

- “There must be a cause justifying the use of physical force such as the need to punish a student, to restore order or to counter a threat against the physical safety of the teacher or other students. It has already been established that a personal insult or impoliteness does not justify the use of physical force.” S.A. 5446, 1991
- Section 43 of the Criminal Code is used not only to sustain the defence of a teacher accused of assault, but also to legitimize the use of force that would otherwise be criminal, by protecting the teacher and taking away from the student the protection of criminal law and the benefit of self-defence. A student has indeed been accused of assault causing bodily harm to a teacher. The claim of self-defence was rejected since there had been no initial illegal attack; the teacher was justified in using force. Protection de la jeunesse- 633, (1993) R.J.Q. 1972, J.E. 93-1303 (C.Q.)
- The driver of a school bus, who holds a position of authority, is a person replacing the teacher or the parent in his vehicle. He has full responsibility for the students entrusted to his care. R. c. Lepage, (1983) R.L. 246 (C.M.).

A misconception has developed over the last few years whereby the teacher shall never intervene nor physically restrain a student to avoid being charged with assault. However, this may have far reaching implications for the teacher, since he is responsible for his class and must see that no one be injured through a student’s actions. Hence, in the case where one student attacks another physically, the teacher must intervene to end the altercation. If he does not, he may be charged with negligence in the performance of his duties, and in some cases he could even be held liable for the injuries caused by the student who was under his responsibility.

The Québec Charter of Rights and Freedoms generally obliges all citizens to provide assistance to a person in danger, which adds to the duty to intervene in this type of situation. This intervention may take various forms. For instance, a frail teacher could hardly intervene in an altercation between two husky students, but by seeking assistance, he would be accomplishing his duty.

*Obligation for a
teacher to provide
assistance*

Each case is a matter of exercising judgement and observing the reasonable man standard in all circumstances.

14.2 Civil responsibility of the teacher and School Board

Under the Civil Code, persons who have been entrusted with the custody or care of a child are presumed at fault. The victim only has to prove the child's fault or deed, his minority and the teacher's quality as custodian for the teacher to be found responsible.

In the case where a student is the victim of an accident during school hours, the teacher or the school are presumed responsible, but this presumption is not automatic. The teacher must be found to have committed a fault which caused the accident. This fault may be negligence or an act perpetrated by the teacher, but if the latter has taken all necessary precautions and did not act unreasonably, he may be exonerated from blame. Here are some reasons for which the teacher's responsibility may be rejected:

- a. Supervision was adequate.
- b. The student's action could not be foreseen.
- c. The risks were inherent to the games played or sport practiced.

*Means to revert the
presumption of
liability*

The school is required to maintain adequate supervision, not only on school grounds but also during outings it may organize.

The school administration must ensure that the school's indoor and outdoor facilities are not defective or poorly maintained, in which case it could be held liable for negligence.

Under the Civil Code, if parents were to file a lawsuit against the school, the School Board would be liable as employer for any damage caused by the teacher's negligence in the performance of his duties. The teachers' collective agreement states that the School Board shall undertake to assume the teacher's defense¹.

*Obligation to report
cases where a child is
abused*

However, if the events take place outside the parameters of the teacher's duties, the School Board assumes no responsibility. Also, if a complaint of a criminal nature were filed against the teacher, the School Board would not be involved in the case and the teacher would be required to account for his negligence on his own

14.3 Youth protection

Obligation to report a case to the Direction de la protection de la jeunesse

The Youth Protection Act contains a series of provisions dealing with several cases in which stakeholders may be required to report a situation where the security and development of a child may be jeopardized.

Articles 38 and 39 of the Youth Protection Act oblige any professional providing children with assistance or care to report immediately a situation where the security or development of a child is considered to be in danger if the child is abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioural disturbances such as :

- a. The child's parents are dead or fail to ensure proper hygiene and upkeep and to see to his education.
- b. The child's mental or affective development is threatened by a lack of appropriate care, by the isolation in which he is maintained or by serious and continuous emotional rejection by his parents.
- c. The child's physical health is threatened by a lack of appropriate care.
- d. The child is deprived of the material conditions of life appropriate to his needs and to the resources of his parents or of the persons having custody of him.
- e. The child is in the custody of a person whose behaviour or way of life is likely to endanger the child morally or physically.

- g. The child is a victim of sexual or physical abuse through violence or neglect.

- h. The child has serious behavioural problems and his parents fail to take action to correct the situation which jeopardizes their child's safety or development or cannot manage to do so.

The obligation to report these situations applies not only to teachers but also to other stakeholders such as police officers and employees of health and social services institutions.

The case of a child who is the victim of sexual or physical abuse as per clause g) is a special case dealt with differently by law since all persons must report to the Director of Youth Protection a situation where a child is a victim of abuse. This obligation is imposed not only on direct stakeholders such as teachers, but extends to the entire population, be it a member of the Education Committee, a member of the child's family or an ordinary citizen.

A situation covered by the law is to be reported as soon as possible after one becomes aware of it. Formal proof is not necessary; a presumption is sufficient.

Section 44 of the Act protects the person who reports the situation. No one may reveal the identity of this person without his approval.

A person required to report one of the situations listed above and who fails to do so may be fined anywhere from \$250 to \$2,500. Anyone who encourages another person not to report a case of abuse of which he is aware may also be penalized².

Therefore, a person is required by law to report this type of situation. Failure to do so is a criminal offence.

References

- 1 Clause 5-12.01 of the teachers' collective agreement.
- 2 Article 134 of the *Youth Protection Act*.

Rules on the composition and functioning of the Education Committees

These rules are adopted in accordance with the powers granted to the Kativik School Board in section 657 of the *Education Act for the Cree, Inuit and Naskapi Native Persons*.

1) Composition

- 1.1 A parents' committee is established, under the name "Education Committee", in each municipality erected under the *Act respecting Northern villages and the Kativik Regional Government*.
- 1.2 The Education Committee shall be composed of the school Commissioner, of three to eight members elected by the community and, subject to the decision of these elected members as indicated in article 1.5 below, of various representatives of the school and the municipality.

The Commissioner

- 1.3 The school Commissioner who represents the community is automatically a member of the Education Committee with the right to vote.

The Elected Members

- 1.4 The Education Committee shall be composed of three to eight elected members, based on the size of the community, to be determined as follows:
 - a) for a population of 300 inhabitants and less:
three to five elected members
 - b) for a population between 301 and 600 inhabitants:
three to six elected members
 - c) for a population between 601 and 900 inhabitants:
three to seven elected members
 - d) for a population over 901 inhabitants:
three to eight elected members

The Council of Commissioners sets the number of elected members in compliance with the above conditions and after consultation with the community to consider its specific needs.

Appendix A

The number of elected members per community is as follows:

Kangiqsualujjuaq	7
Kuujjuaq	8
Tasiujaq	5
Aupaluk	5
Kangirsuk	6
Quaqtaq	5
Kangiqsujuaq	6
Salluit	7
Ivujivik	5
Akulivik	6
Puvirnituaq	8
Inukjuak	8
Umiujaq	5
Kuujjuaraapik	7

Other members - (School and municipal representatives)

- 1.5 If, after consulting the Council of Commissioners, the elected members of the Education Committee so decide, the school principal, the teachers' representative, the mayor of the municipality, and a delegate of the local municipal council responsible for cultural affairs, or their duly authorized representatives, may be members of the Education Committee.
- 1.6 The mayor and the delegate responsible for cultural affairs may vote but cannot be appointed president of the committee.
- 1.7 The school principal and the teachers' representative, or their representatives, do not have the right to vote nor to be appointed president of the committee.
- 1.8 The decision to have an enlarged Education Committee as mentioned above shall be taken by the elected members of the Education Committee and the Commissioner at their first meeting following their election and shall stand for the entire two-year term of office of the committee.

However, notwithstanding the foregoing, the Education Committee may ask the above-mentioned persons to attend a meeting from time to time if it is deemed necessary.

2) President and secretary of the committee

- 2.1 Within 14 days following their election, the elected members and the commissioner of the Education Committee shall hold their first meeting to choose their president.
- 2.2 Within 7 days of this first meeting, the Centre Director must send a report on the appointment of the new President to the Secretary General of the School Board. This report may also be attached to the report on the election referred to in article 6.11.
- 2.3 In case of absence or inability to act of the president of the Education Committee, the elected members and the Commissioner may choose a replacement from among themselves.
- 2.4 The Centre Director acts as secretary of the Committee, and is responsible for recording the resolutions and minutes of the Committee meetings and for their transmission to the secretary general. The Centre Director is not a member of the Committee and does not have the right to participate in the debates except if requested by the president of the meeting.
- 2.5 The Centre Director is responsible for the administration of the Education Committee budget. On this matter, the Centre Director reports to the Education Committee and to the Finance department of the Board.

3) Eligibility to hold office

- 3.1 The qualification for office as an elected member of the Education Committee is as follows:
 - a) to have reached the age of majority;
 - b) not to be affected by any legal incapacity (mental disorder, etc.);
 - c) to be a Canadian citizen;
 - d) to have resided in the municipality for 12 months;
 - e) to not have been convicted of an act punishable under a law of the Parliament of Canada or of the National Assembly by imprisonment for 1 year or more; such disqualification shall continue for 3 years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or if the sentence is suspended, for 3 years from the date of such condemnation unless the person has obtained a pardon;

Appendix A

- f) to not have been convicted of an indictable offence punishable by imprisonment for 5 years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for 10 years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or if the sentence is suspended, for 10 years from the date of such condemnation unless the person has obtained a pardon;
- g) not to be a full time or part-time employee of the School Board. However, a member may act as an occasional substitute teacher when no one else is available;

In exceptional circumstances, the Executive Committee may approve the hiring of a member to work on a special project providing the following conditions are met:

- i) the project is of a limited scope and period time;
- ii) payment is by time sheet;
- iii) no one else meeting the requirements is available;
- iv) there is no situation of conflict of interest.

- h) not to be a student enrolled in the regular sector or not to be a regular student in an Adult Education program offered by the Kativik School Board.

4) Term of office

- 4.1 The elected members of the Education Committee shall hold office for 2 years.
- 4.2 A newly elected Education Committee member takes office immediately.

5) Vacancy among the elected members

- 5.1 A person shall cease to be a member of the Education Committee upon his death or if he ceases to be qualified, is affected by a mental or physical incapacity rendering him unable to perform the duties of an Education Committee member, refuses to hold office, resigns in writing, or does not attend 3 consecutive regular or special meetings of the Education Committee without valid reasons.
- 5.2 If more than 6 months remain before the end of a member's term, a new member should be appointed within 30 days after the office becomes vacant. This replacement shall be the person who obtained the next highest number of votes in the last election; if there is none, an election is held.

- 5.3 If six months or less remain before the end of a member's term, the remaining members of the Education Committee shall appoint a new member within 30 days after the office becomes vacant. This replacement shall be the person who had the next highest number of votes during the last election. If there is none, the Education Committee may appoint a member who has the necessary qualifications or may hold an election to fill this position or may keep this position vacant.

6) Elections

- 6.1 The Education Committee elections shall be held every 2 years in all the communities on the last Tuesday of September. An Education Committee member shall remain in office until his replacement is elected or appointed.
- 6.2 The Secretary General of the Board is the person overall responsible for these elections at the regional level.
- 6.3 The Centre Director shall be the election officer at the local level.
- 6.4 To have the right to vote a person must :
- a) have reached the age of majority;
 - b) have resided in the municipality for at least 12 months;
 - c) be a Canadian citizen;
 - d) have his name included in the electoral list.
- 6.5 Ten days before the elections, the Centre Director shall give official notice that elections are to take place for the Education Committee.
- 6.6 The Centre Director shall determine a date for nominations, deemed to be most appropriate for the community, between seven and three days before the elections.
- 6.7 Candidates may be nominated in writing or through a broadcast on the local radio. The Centre Director shall record every nomination in an election report.
- 6.8 Only a person who has the right to vote as defined in article 6.4 may nominate a candidate. No other requirement or exclusion applies.
- 6.9 If the number of candidates exceeds the number of seats available, a vote shall be held by secret ballot from 9 a.m. to 6 p.m. on the last Tuesday of September. No elector may vote by proxy. An elector unable to be present on the day of the election may vote in advance with the centre director.

Appendix A

- 6.10 Each elector may vote for as many candidates as there are seats to fill.
- 6.10.1 The Centre Director may make arrangements to ensure that voters who are unable to vote at the school for reason of illness, physical incapacity, or old age, can do so at home.
- 6.11 The Centre Director shall declare elected the candidates who have obtained the greatest number of votes. In case of a tie between two candidates, the election shall be decided by a drawing of lots.
- 6.12 Within 15 days of this election, the Centre Director shall send to the Secretary General of the board a report indicating the names of the candidates and the results of the poll.
- 6.13 Elections held beyond the time limits set out in the rules shall be deemed to have been validly held if all the other formalities have been respected.

7) Meetings of the Education Committee

- 7.1 The Education Committee determines the date and time of its regular meetings as well as the methods and procedures of communication with the parents. Meetings shall be held regularly at least once a month and shall be held in the school or in any other place in the municipality determined by the Education Committee.
- 7.2 Members of the Education Committee may take part in a meeting and vote by any means enabling all participants to communicate among themselves orally, such as the telephone.
- 7.3 Meetings of Education Committees are not public. However, a Committee may decide in its internal rules that its meetings are public. Should this be the case, private meetings may still be held, particularly for the study of complaints made against students or local employees of the Board, of applications for positions in the school and any other subject of a confidential nature.
- 7.4 The quorum for meetings of the Education Committee shall be an absolute majority (50% + 1) of all its members qualified to vote.
- 7.5 No member of the Education Committee may vote upon a question in which he has personal interest distinct from the general interest of the other members. The Education Committee, in case of objection, decides, at the time of the vote, whether such member has or has not a personal interest and such member is not entitled to vote upon the question as to whether he has an interest.

8) Special meetings

- 8.1 The president of the Education Committee, one third (1/3) of its elected members, the local school principal, the Director General, the President of the Board, the local Commissioner or the local Centre Director may call special meetings of the Education Committee.
- 8.2 Notice of such special meeting shall be given verbally or in writing to every member present in the community. A member who was not notified that a special meeting would take place, and who was not present at such meeting, is not deemed to have missed this meeting within the meaning of article 6.1 of these present rules.

9) Functions of the Education Committee

- 9.1 Education Committees are consultative bodies with advisory powers to the School Board except for responsibilities that may be delegated to them by ordinance of the School Board.

Appendix B

**Ordinance No 2011/12-08
DELEGATION OF RESPONSIBILITIES TO
EDUCATION COMMITTEES**

Sections 17.0.57 of the James Bay and Northern Quebec Agreement and 657 of the *Education Act for Cree, Inuit and Naskapis Native Persons*, stipulate that the Education Committees shall be consultative bodies with advisory powers to the school board except for responsibilities that may be delegated to them by ordinance of the school board.

The Council of Commissioners deems it necessary to delegate the following responsibilities to the Education Committees. These responsibilities are to be applied within the limits of the laws applicable, the policies, directives and guidelines in effect.

The Education Committee is responsible to:

1. provide information and promote consultation among all persons and parties concerning education in the community;
2. promote the participation of the parents with respect to the quality and development of their children's schooling;
3. promote input from the parents and the community in the development of all school programs and to provide recommendations and assistance to the Board in this respect;
4. promote the role of the parents with respect to the children's school attendance, discipline and to establish with the local school administration rules regarding the conduct of the students within the school;
5. participate in the organization of parent-teacher meetings;
6. promote and maintain relations with the local recreation committee and other community organizations;
7. help and assist the school administration in making arrangements to familiarize new teachers with their school and community namely with the organization of orientation sessions;

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8. determine and approve cultural excursions;
9. through its President or in his absence through Education Committee members, consult with school administration to determine school closures;
10. adopt rules regarding internal matters;
11. determine the use and rentals of school facilities to persons or parties outside the Board;
12. approve extra-curricular activities, such as school sports exchanges and local fund raising programs for the benefit of the students and the community.

**Policy on honoraria to
Education Committee members**

1) Purpose

- 1.1 To set the rules pertaining to the honoraria paid to Education Committee members and the use of any surplus encountered at the end of the school year in this respect.

2) General principle

- 2.1 This policy applies to all Education Committees and their members.

Eligibility

- 2.2 Only members elected or appointed to sit on Education Committees are entitled to this remuneration. Other optional members such as the Mayor, the principal or the Centre Director are not entitled to this remuneration.

Amount

- 2.3 The total amount allotted to each Education Committee every school year is \$1,100 per elected member sitting on the Committee. The total number of members is based on the size of the community, as set forth in the Rules on the composition and functioning of the Education Committees.
- 2.4 The maximum amount paid by each Education Committee to each of its members is \$100 per month, up to a maximum of \$1,100) per school year.

Installments and payments

- 2.5 The total remuneration is divided for payment into 2 installments forwarded by the Board to each Committee twice in the school year, that is in August and in January.
- 2.6 Members shall receive their honoraria in 10 equal payments made at the end of each month, except July and August where no payments are made.

Administration of the honorarium account

- 2.7 The Center Director is responsible for the administration of these funds and shall deposit the total amount received in an identified account at the bank, at the Coop or at another recognized establishment.
- 2.8 The Center Director must send, before June 30, to the Secretary General of the School Board a report indicating the names of Education Committee members, the amount received by each and the cheque numbers.

Appendix C

Reduction of the honorarium

- 2.9 End-of-month payments allow for a reduction of the honorarium paid to a member who has missed a meeting without good cause, as decided by the other members of the Education Committee.

Use of surplus

- 2.10 Any surplus at the end of the year in the honorarium account should not be the consequence of negligence by the Education Committee to fill a vacancy, nor the result of a member deliberately missing more than 3 consecutive meetings without good cause and without being replaced.

Should this be the case, the Secretary General must bring the matter before the Council of Commissioners, who may decide to recover this surplus and use it as it deems appropriate.

- 2.11 Should there be a surplus in the honorarium account, the Education Committee shall decide how it should be spent and make a request to the Secretary General of the Board to that effect.
- 2.12 The Secretary General shall authorize the expense only if it benefits directly the students through school or extracurricular activities such as prizes, rewards, excursions or other related matters.
- 2.13 In no case, may a surplus be used for the sole benefit of the Education Committee or its members.

3. Application of this policy

- 3.1 The Secretary General of the School Board is responsible for the application of this policy.

POWERS OF RECOMMENDATION OF THE EDUCATION COMMITTEES TO THE SCHOOL BOARD

The Education Committees have a power of recommendation on all subjects they deem appropriate and related to their mandate, but more particularly, the Education Committees should make recommendations to the School Board regarding the following subjects:

- 1) hiring of all employees under the responsibility of the Principal or the Coordinator of Community Education Services , as well as hiring of the Principal and Coordinator of Community Education Services;
- 2) for teachers who wish to transfer to their community:
 - for request submitted before March 1: the Education Committee's approval is necessary¹
 - for request submitted during the school year: the Education Committee must be consulted²
- 3) school calendar;
- 4) school organization;
- 5) staffing requirements;
- 6) policy on language of instruction;
- 7) school facilities needed in the community;

Moreover, the Education Committee should:

- 8) participate in education council meetings;
- 9) be informed of prevention programs on social matters when not already included in the curriculum;
- 10) make recommendations to the Council of Commissioners on the number of elected members sitting on their committee;
- 11) give opinions and recommendations on all other matters related to their mandate such as the choice of teaching material or on any matter referred to them by the Board;
- 12) exercise any other functions delegated to them by the Board.

¹ Clause 5-4.03 of the Teachers' collective agreement

² Clause 5-4.07 Idem

Appendix E

Guidelines concerning the purpose and the functioning of the Education Council

- 1) The Education Council is a special advisory group composed of 2 **elected members** from each Education Committee who meet with the Board representatives at least once a year. This joint meeting is a forum to discuss the development of Education in Nunavik, to discuss common concerns and policies or to discuss the general direction the Board should take. The Education Council may adopt resolutions to make recommendations to the Board on issues discussed at this meeting.
- 2) "Member" means an elected representative of an education committee, but does not mean a commissioner of the Kativik School Board or the administrative staff of a school.

"Participant" means all the representatives of each Education Committee, including the administrative staff delegated by a school and the Council of Commissioners or their representatives.
- 3) The Council of Commissioners may delegate the executive committee to represent the Council of Commissioners to the Education Council meeting.
- 4) Each Education committee may delegate one of their administrative staff to attend the meeting as a participant.
- 5) Only members of the Education Council have a right to vote on resolutions adopted during the meeting.
- 6) At the beginning of each Education Council meeting, the members elect a chairperson and a co-chairperson among the participants.
- 7) The Secretary-General of the Board act as the Secretary of the Education Council and is therefore responsible of finalizing the agenda three to five days prior to the meeting. The Secretary-General is also responsible to take the minutes during the Education Council meeting.
- 8) No item submitted after the delay set by the Secretary-General should be added to the agenda unless it is a urgent matter.
- 9) Other organizations may make presentations during the meeting, upon invitation by the Education Council.
- 10) The quorum necessary for a valid sitting of the Education Council meeting is 50%+1 of the members present and allowed to vote*.

*with 2 elected members from each of the 14 communities, the quorum is set at 15 members