



BRANDON SCHOOL DIVISION

Policy Review Committee Minutes

Monday, June 17, 2013, 1:30 p.m.
Board Room, Administration Office

Present: G. Kruck (Chairperson), P. Bartlette, M. Sefton, P. Bowslaugh
(exited at 2:00 p.m.) Dr. D. Michaels, Mr. K. Zabowski
Guest: Mr. D. Swayze, Division Solicitor (entered at 2:00 p.m., exited at
2:30 p.m.)

CALL TO ORDER:

The Policy Review Committee Meeting was called to order at 1:30 p.m. by the Committee Chairperson, Mr. Glen Kruck.

2. APPROVAL OF AGENDA

The Committee agenda was approved as circulated.

3. PREVIOUS COMMITTEE MINUTES FOR INFORMATION PURPOSES ONLY

The Minutes of the May 15, 2013 Board Meeting were received as information.

4. COMMITTEE GOVERNANCE GOAL ITEMS

NIL

5. OTHER COMMITTEE GOVERNANCE MATTERS.

a) Policy 5045 – “Commercial and Personal Interests” (Timed Event – 2:00 p.m.)

Mr. David Swayze, Solicitor, Meighen, Haddad LLP, joined the meeting at 2:00 p.m. to participate in Committee discussions regarding Policy 5045. Trustee Sefton provided background information regarding this matter, citing examples of how the policy has been applied inconsistently across the Division. He expressed concern about possible “silent partners” in other businesses the Division may use and not be aware of staff involvement. He inquired about the possibility of amending the policy to make it clearer with respect to personal interest.

Mr. Swayze noted all decisions with respect to this policy rests solely with the Board of Trustees. He could not find anything under the Public Schools Act which spoke to this matter. He confirmed the Public Schools Act references conflict of interest with respect to Trustees, but nothing with respect to teaching staff. He suggested the Trustees starting point needed to be philosophical. Trustees needed to determine the answer to “What crosses the line?” Discussions were held regarding promotion of a business vs. using the business; the definition of the “economic unit” which includes teacher and spouse; the need for transparency; and the need for procedures which would include a vetting system. Key questions which Mr. Swayze suggested Trustees consider would include: Is the teacher using his/her position to benefit from

the sale of product or promotion of business? What if the recommendation to use the business comes from another staff member? What if the business is unique and the only one of its kind to offer the services required?

Trustees agreed to amend Policy 5045 – “Commercial and Personal Interests” (Appendix “A”) by adding the following to the end of the last sentence in the policy: “which the employee and/or his/her spouse has a personal financial interest.” Trustees also directed Senior Administration to begin drafting procedures for this policy to be brought back to the Committee during the 2013-2014 school year.

Recommendation:

That Policy 5045 – “Commercial and Personal Interests” be amended by adding the following to the end of the last sentence in the policy: “which the employee and/or his/her spouse has a personal financial interest”.

Mr. Swayze excused himself from the meeting at 2:30 p.m.

b) Lunch Program Follow-up

This item was discussed at the beginning of the Committee meeting. Trustees reviewed the discussions which had taken place at the Regular Meeting of the Board of Trustees on June 10, 2013 regarding this item. It was noted that the motion which had been brought forward by the Committee had been allowed to “die on the table”, in order for the Committee to review the matter further and collect more information. The Committee reviewed the feedback received from the school principals.

Discussions were held regarding liability, supervision and the possible budget impacts which may result. Trustee Kruck questioned the proposed ratios and need for increases in budget. The Superintendent encouraged Trustees to visit various schools during the noon hour to see what is taking place in the schools with the limited amount of supervision currently provided. Mr. Kruck asked the Division Solicitor, Mr. Swayze, for his opinion regarding ratio, noting a “wise and judicial parent does not always watch” their children during meal hours. Mr. Swayze noted the courts would consider the question “what would a reasonable person think”. He confirmed that the ratio would depend on a number of variables, including the age of the students, whether or not there are students with special needs, students with allergies, and other factors which may impact the ratio.

It was agreed that the Committee would like to meet with school principals to discuss the matter further at a future meeting to be held in the new school year.

c) Bed Bug Guide for Schools

This item had been referred to the Committee from the Regular Board meeting held May 13, 2013. Superintendent, Dr. Michaels, confirmed the information provided by the Education Minister and Healthy Living, Seniors and Consumer Affairs Minister had been circulated to schools and drawn to the attention of school principals during a recent LSS meeting.

6. OPERATIONS INFORMATION

- Auditor General of Manitoba letter and recommendations.

This item had been referred to the Committee from the Regular Board meeting held May 13, 2013. Secretary-Treasurer, Mr. Zabowski, spoke to the matter. He noted the Division has several policies currently in place which comply with the report. The

Committee requested Mr. Zabowski prepare a report for the next regular meeting of the Committee which would include a summary of where the Division needs to take further action with respect to policy development, as well as a list of suggested recommendations from the Auditor General which are not relevant to the Division.

NEXT MEETING: TBA

The meeting adjourned at 2:35 p.m.

Respectfully submitted,

G. Kruck, Chair

P. Bartlette

M. Sefton

K. Sumner (Alternate)



BRANDON SCHOOL DIVISION POLICY

Appendix "A"

POLICY 5045

COMMERCIAL AND PERSONAL INTERESTS

Adopted: 73.03.31

Reaffirmed: Motion 126/2009; June 22, 2009

Amended:

All personnel in the employ of the Board of Trustees shall exercise the greatest care that neither their influence with students nor their position on the staff shall be used for personal advantage or to promote the commercial or partisan interests of any person, business or institution which the employee and/or his/her spouse has a personal financial interest.