



<b>BOARD GOVERNANCE POLICY NO. GOV-04</b>	
Date Adopted	October 24, 2018
Last Revised	
Board Motion	5598-10-18

## **DELEGATION OF AUTHORITY**

### **1. PURPOSE**

This governance policy has been developed to define how the James Bay Lowlands Secondary School Board retains its authority while also delegating responsibility. This policy describes limitations on the role of the supervisory officer, while delegating authority to enable the supervisory officer to provide system leadership.

### **2. GUIDING PRINCIPLES**

- 2.1 The supervisory officer is the chief education officer and chief executive officer who leads, executes, and monitors activities on behalf of the Board of Trustees.
- 2.2 To support the James Bay Lowlands Secondary School Board in its role, the Board of Trustees delegates certain responsibilities and powers to the supervisory officer, and defines any limitations on the executive role.
- 2.3 It is understood that the supervisory officer will delegate authority and responsibility to staff members for specific organizational duties, but retains ultimate responsibility for their work. References to the supervisory officer in this policy include references to such a designated individual.

## **POLICY**

### **3. DELEGATION OF AUTHORITY**

- 3.1 The James Bay Lowlands Secondary School Board delegates authority to enable the supervisory officer to provide leadership as the chief education officer and chief executive officer of the Board. The Board entrusts the day-to-day management of the school system to its staff under the leadership of the supervisory officer.
- 3.2 The Board delegates to the supervisory officer the right to do any act or exercise any power that the Board may or is required to do or exercise except those matters, which in accordance with the legislation cannot be delegated, or upon which the Board has placed limitations.

- 3.3 Matters that cannot be delegated include, but are not limited to, policy development and review; selection of the supervisory officer; the supervisory officer's performance appraisal; decisions regarding appeals of student suspension; student expulsion; and decisions related to a recommendation from senior staff to terminate the employment of a teacher with respect to unsatisfactory performance, pursuant to the *Education Act*.
- 3.4 The supervisory officer is authorized to develop a process to hire staff in accordance with the *Education Act*, the *Human Rights Code*, requirements for a criminal record check under the *Criminal Code (Canada)*, and within the staff complements and salary ranges approved in collective agreements and the annual Board budget. The Board retains final authority for hiring as set out in Section 5 below.
- 3.5 The Board delegates authority to the supervisory officer to develop a process to hire staff using a fair selection process based on qualifications, experience, and merit, and that supports the creation of a bias-free workplace.
- 3.6 The supervisory officer is authorized to establish human resource procedures, including performance appraisals, job expectations and responsibilities, job authority for the staff, professional development of all staff, the effective handling of grievances, and protection against wrongful conditions.
- 3.7 The Board delegates authority to the supervisory officer to make decisions during the summer months with regard to emergent business matters as required to avoid negative impact on the system. The supervisory officer will report to the Board on any decisions made through delegated authority at the earliest opportunity.

#### 4. DELEGATION: ADMINISTRATIVE PROCEDURES

- 4.1 The Board delegates to the supervisory officer the right to develop administrative procedures to implement Board policy and to address all issues not governed by Board policy.
- 4.2 The administrative procedures must comply with legislated requirements; be consistent with Board policies, goals and priorities; provide system direction; and ensure the reasonably uniform application of the procedures by those staff members responsible for their implementation.
- 4.3 The development of separate and distinct policy and procedural documents reinforces the distinction between the Board's responsibility to govern and the supervisory officer's executive or administrative duties.
- 4.4 The Board delegates to the supervisory officer the authority to develop administrative procedures in the following major categories: general administration, educational programs and materials, students, human resources, and business administration.
- 4.5 New or revised administrative procedures will be presented to the Board for information.

- 4.6 It shall be the policy of the James Bay Lowlands Secondary School Board that in the absence of Board policy or administrative procedure, the supervisory officer shall be responsible to take action that best meets the legal requirements of a given situation and/or appear to be the most appropriate for the Board. Following this action, the supervisory officer will present the issue to the Board if he or she determines that there is a need for a Board policy or an administrative procedure on this matter.

## **5. LIMITATIONS ON AUTHORITY**

- 5.1 Board delegation of authority is within certain executive limitations, including but not limited to the following:
- a) The supervisory officer shall comply with all legal, Ministerial, and Board mandates.
  - b) Budgeting for any fiscal year or part of any fiscal year shall comply with legislative requirements and Board multi-year planning.
  - c) The supervisory officer will obtain clear parameters for settlement from the Board before undertaking negotiations with any employee bargaining unit, and will abide by the terms of collective agreements.
  - d) The supervisory officer will ensure that student accommodation and capital planning does not deviate materially from the approved Capital Plan.
  - e) The supervisory officer will ensure that Board assets are protected from unnecessary risk and are insured against theft and casualty losses to at least replacement value.
  - f) The supervisory officer will ensure that Board buildings and equipment are maintained in a state that meets health and safety standards.
  - g) The supervisory officer will protect the organization, the Board, and staff from unnecessary exposure to claims of liability or loss.
- 5.2 As set out in Board Governance Policy GOV-08 Staff Recruitment and Selection, the James Bay Lowlands Secondary School Board requires that all staff positions, other than occasional, be authorized by the Board either by direct Board motion or through the budget approval process.
- 5.3 Board Policy GOV-08 also notes that the hiring and appointment of teaching and non-teaching staff shall be made by the Board, with at least one trustee included in the interview committee. With regard to the hiring of the school principal or vice-principal, a committee of the whole board will be included in the hiring process.

## **6. BOARD EXPECTATIONS**

- 6.1 The Board reserves to itself the authority to make decisions on specific matters. The Board will instruct the supervisory officer through written policies and decisions of the Board in public session.
- 6.2 The Board requires that any new provincial legislation or major initiatives must be initially brought to the Board for discussion and determination of decision-making authority.

## REFERENCE DOCUMENTS

### **Legal:**

*Education Act and Regulations*

*Education Act: Section 169.1 Duties and Powers of Boards*

*Education Act: Section 170 Duties of Boards*

*Education Act: Section 171 Powers of Boards*

*Education Act, Paragraph 218.1 (f): Day to Day Management: Chief Executive Officer*

*Education Act: Subsection 283 (2) Chief Executive Officer: Develop and maintain an effective organization*

*Education Act: Section 283.1 Additional Duties of Supervisory Officer*

*Education Act: Section 284: Supervisory Officers: School Authorities*

*Policy/Program Memoranda*

*Ontario Ministry of Education Curriculum Documents*

*Education Quality and Accountability Office Act*

*Ontario College of Teachers Act*

*Child and Family Services Act*

*Human Rights Code*

*Criminal Code (Canada)*

*Employment Standards Act*

*Labour Relations Act*

*Municipal Freedom of Information and Protection of Privacy Act*

*Occupational Health and Safety Act*

*Ontarians with Disabilities Act*

*Pay Equity Act*

### **Board References:**

Board Governance Policies

Administrative Procedures