

Herbert Spencer Parent Advisory Council

Constitution and Bylaws

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Table of Contents

PART I: CONSTITUTION	1
1. NAME	1
2. MISSION STATEMENT	2
3. ROLE	2
4. DISSOLUTION.....	3
PART II: BYLAWS.....	3
5. DEFINITIONS	3
6. MEMBERSHIP	3
7. ELECTED OFFICERS OF THE COUNCIL (COUNCIL EXECUTIVE)	4
8. COUNCIL EXECUTIVE PARTICIPATION.....	6
9. NOMINATIONS FOR COUNCIL EXECUTIVE POSITIONS	6
10. ELECTIONS FOR COUNCIL EXECUTIVE POSITIONS	7
11. COMMITTEES	7
12. GENERAL MEETINGS.....	7
13. COUNCIL EXECUTIVE MEETINGS.....	8
14. ANNUAL GENERAL MEETING.....	8
15. QUORUM.....	8
16. DECISION-MAKING AND VOTING PROCEDURES	8
17. FINANCES	9
18. EXECUTIVE INDEMNITY.....	9
19. AMENDMENT	9
20. CONFLICT OF INTEREST AND PERCEIVED BIAS POLICY	9
21. CODE OF CONDUCT	10
22. DISSOLUTION.....	10

PART I: CONSTITUTION

1. NAME

- 1.1 The name of the Association shall be the Herbert Spencer Parent Advisory Council (PAC) (School District No. 40) herein referred to as “the Council”. The Council will operate as a non-profit organization, pursuant to section 8 of the *School Act*, with no personal financial benefit.

2. MISSION STATEMENT

- 2.1 The Council is an organization dedicated to the education and well-being of the child and the parent and to the strengthening of the community.
- 2.2 The business of the Council shall be free of discrimination and stereotyping based on race, gender, sexuality, ethnicity, ability, age, or politics.

3. ROLE

3.1 The Council shall:

- 3.1.1 Support and enhance a cooperative working relationship between parents and staff.
- 3.1.2 Take an active advisory role in decisions that affect the school.
- 3.1.3 Encourage parents to participate in meaningful educational activities.
- 3.1.4 Promote effective communication between home and school.
- 3.1.5 Strengthen the role of families in education.
- 3.1.6 Foster a safe, caring and cohesive community within the school.

3.2 The Council will endeavour to achieve its mission by:

- 3.2.1 Reviewing, discussing and advising staff, in accordance with School Board regulations, on:
 - a. policy and procedures;
 - b. programs and services;
 - c. facilities and equipment;
 - d. parent and community education learning resources; and
 - e. other matters affecting students.
- 3.2.2 Promoting effective communication between parents, students, staff, and the community by informing them of school and district activities, programs and services.
- 3.2.3 Promoting a spirit of inclusion, understanding, acceptance and cooperation within the school community and the community at large.
- 3.2.4 Acting as liaison with other Parent Advisory Councils, the District Parent Advisory Council, and the community at large.
- 3.2.5 Providing opportunities to parents and students that promotes the education and well-being of the child, the parent, and the community.
- 3.2.6 Organizing events and activities that support the mission statement.
- 3.2.7 Promoting the involvement of parents and other community members in the education process.
- 3.2.8 Promoting service to the community by the students and the school.
- 3.2.9 Working with all concerned to provide a healthy, safe and supportive environment.

4. DISSOLUTION

- 4.1 Upon winding up or dissolution of the Council, the assets which remain after payment of all costs, charges and expenses which are properly incurred in the winding up shall be distributed to such charitable organization or organizations which have a similar charitable purpose. This provision shall be unalterable.

PART II: BYLAWS

5. DEFINITIONS

5.1 In these bylaws, the following definitions shall apply, unless the context otherwise requires:

- a. “annual general meeting” means the last general meeting of the school year;
- b. “conflict of interest” refers to a situation in which an individual, or immediate family, could benefit monetarily from a decision of this Council which that individual can influence or vote upon;
- c. “Council” means the Herbert Spencer Parent Advisory Council (PAC) (School District No. 40);
- d. “Council Meetings” refer to a general meeting.
- e. “DPAC” refers to the New Westminster District Parent Advisory Council;
- f. “general meeting” refers to a meeting of the Council membership
- g. “immediate family” includes a person’s parent, parent’s spouse (if a parent has remarried), child (by blood, adoption or marriage), sibling, spouse, grandparent and grandchild;
- h. “notice” shall be interpreted as a “reasonable attempt to notify” meaning a good faith effort to contact a person or persons has been made;
- i. “parent” means, in respect of a child registered in a public school in the Province of British Columbia, as defined in the *School Act*;
- j. “school” means École Herbert Spencer Elementary School;
- k. “*School Act*” means the *School Act* of the Province of British Columbia from time to time in force and all amendments to it;
- l. “school year” refers to the period beginning on September 1 and ending on June 30 of the following calendar year; and
- m. “staff” is to be read as all paid persons working in the school.

6. MEMBERSHIP

6.1 All parents of students registered at the school shall be voting members of the Council.

6.2 The administration and staff of the school shall be non-voting members of the Council.

6.3 The administration and staff (teaching and non-teaching) of the school who are parents of students registered at the school shall be voting members of the Council.

6.4 Members of the school community who are not parents of students currently registered at the school, may be non-voting members of the Council.

7. ELECTED OFFICERS OF THE COUNCIL (COUNCIL EXECUTIVE)

7.1 The affairs of the Council shall be managed by a committee of elected officers herein referred to as the "Council Executive".

7.2 The Council Executive shall consist of the following:

- a. Chair
- b. Vice-Chair
- c. Secretary
- d. Treasurer
- e. DPAC Representative
- f. Past Chair
- g. Members at Large

7.3 The duties of the Chair of the Council Executive include:

- 7.3.1 preparing and present an agenda for each Council meeting;
- 7.3.2 chairing all Council meetings;
- 7.3.3 appointing committees as authorized by the Council Executive or the Council membership;
- 7.3.4 taking such action or ensure that others take such action as is necessary to achieve the mission statement;
- 7.3.5 liaising with the school administration; and
- 7.3.6 acting as signing officer.

7.4 The position of Chair may be held jointly by up to two persons (to be known as Co-Chairs) as long as this arrangement is mutually agreeable to both individuals and is agreed to be more than 50% of the voting members present when the Chair is elected.

7.5 The duties of the Vice-Chair of the Council Executive include:

- 7.5.1 assuming the duties of the Chair in the absence of the Chair;
- 7.5.2 assisting the Chair in the performance of their duties;
- 7.5.3 chairing the Constitution and Bylaws Review Committee;
- 7.5.4 acting as the main signing authority on Constitution and Bylaw matters; and
- 7.5.5 acting as signing officer.

7.6 The duties of the Secretary of the Council Executive include:

- 7.6.1 recording the minutes of all general, special and Council Executive meetings;
- 7.6.2 distributing the agenda and minutes to Council members;
- 7.6.3 issuing and receive correspondence;

- 7.6.4 having custody of all records of the Council except those required to be kept by the Treasurer; and
- 7.6.5 acting as a signing officer.
- 7.7 The duties of the Treasurer of the Council Executive include:
 - 7.7.1 managing and reporting on the financial accounts of the Council;
 - 7.7.2 preparing an annual financial report and making it available to Council members;
 - 7.7.3 chairing the Budget Committee;
 - 7.7.4 having custody of the financial records of the Council;
 - 7.7.5 presenting a provisional budget for the upcoming fiscal year at the annual general meeting; and
 - 7.7.6 acting as a signing officer.
- 7.8 The duties of the DPAC Representative on the Council Executive include:
 - 7.8.1 attending DPAC meetings;
 - 7.8.2 reporting back to the Council on matters discussed at DPAC meetings; and
 - 7.8.3 seeking input from the Council on topics to be discussed at upcoming DPAC meetings and/or collective stances to take on issues of importance to the school.
- 7.9 To aid in succession planning, the Past Chair role will be filled by an individual who has previously held the Chair or Vice-Chair position on the Council.
- 7.10 If all individuals who have previously held the Chair or Vice-Chair position on the Council are no longer voting members of the Council or are unwilling to take on the role of Past Chair, then this position may remain vacant until the next annual general meeting.
- 7.11 The Past Chair will act as an advisor and consultant to the Council Executive.
- 7.12 There shall be up to 15 Members at Large elected to the Council Executive.
- 7.13 The Members at Large shall serve in a capacity to be determined by the Council Executive at the time of their election, and at other times throughout their tenure as the needs of the Council might require.
- 7.14 Subject to section 7.13, the roles for the Members at Large may include:
 - a. Canadian Parents for French (CPF) Representative;
 - b. Parent Education Coordinator;
 - c. Fun Lunch Coordinators (2);
 - d. Fundraising Committee;
 - e. Events Committee; and
 - f. Members Communication/Social Media and Yearbook Committee.
- 7.15 The term of office for the Council Executive shall be for one school year commencing on August 1st and concluding on June 30th of the following year.
- 7.16 Elected members of the Council Executive may serve for as many years as they are elected, but no person may hold any one position for more than two consecutive years.
- 7.17 Notwithstanding 7.16, under exceptional circumstances, one additional consecutive term may be allowed, for a total of three consecutive terms.

8. COUNCIL EXECUTIVE PARTICIPATION

- 8.1 Council Executive members are expected to participate in the business of the Council and the Council Executive, including attending Council general meetings and Council Executive Meetings.
- 8.2 Council Executive members are expected to give advance notice of absence from meetings.
- 8.3 When a Council Executive member is absent without notice from three consecutive Council general meetings and Council Executive meetings, or does not otherwise participate in the business of the Council Executive for a period of three months, it is appropriate for the Chair to approach the Council Executive member to confirm their desire to resign in recognition of their inability to fulfill their role on the Council Executive, or they may choose to reconfirm their intent to continue their term by attending meetings and participating in the business of the Council Executive.
- 8.4 An inactive Council Executive member who has verbally confirmed their intent to continue their term, but who does not undertake or resume attendance at meetings or participate in Council Executive business within one month, may be removed from office by a majority vote of the Council Executive and will be notified of this removal by a letter to their home address.
- 8.5 If a vacancy should occur on the Council Executive, the Council Executive may appoint an interim officer until the next Council general meeting when an officer may be elected by the membership.

9. NOMINATIONS FOR COUNCIL EXECUTIVE POSITIONS

- 9.1 The Council Executive will establish a Nominations Committee at the March Council meeting that is responsible for:
 - 9.1.1 developing a call for nominations document;
 - 9.1.2 ensuring that Council membership is aware that nominations are open for Council Executive positions;
 - 9.1.3 encouraging parents to seek nominations for Council Executive positions;
 - 9.1.4 trying to ensure that all elected positions have at least one candidate; and
 - 9.1.5 encouraging diversity on the Council Executive.
- 9.2 The Nominations Committee should consist of no more than three members, including a Chair, who will not be seeking a position on the Council Executive.
- 9.3 A call for nominations shall be made at the Council meeting in April.
- 9.4 Written notice to members of the call for nominations must be sent out at least 30 days prior to the annual general meeting.
- 9.5 Nominations for Council Executive positions will be sent, via email, directly to the Chair of the Nominations Committee, or individuals may choose to nominate themselves in-person at the annual general meeting.

9.6 Nominations will be accepted until declared closed by the Chair of the Nominations Committee at the annual general meeting.

10. ELECTIONS FOR COUNCIL EXECUTIVE POSITIONS

- 10.1 Elections for Council Executive positions will take place annually at the annual general meeting.
- 10.2 The Chair of the Nominations Committee will conduct the elections for Council Executive positions.
- 10.3 If there are more candidates than available positions, an election will be conducted for those positions by secret ballot, whereby the Chair of the Nominations Committee shall:
 - 10.3.1 distribute ballots to those members in attendance at the annual general meeting;
 - 10.3.2 collect all complete and incomplete ballots;
 - 10.3.3 count the votes for each candidate; and
 - 10.3.4 announce the successful candidate.
- 10.4 If the election results in a tie, additional ballots will be held until a candidate wins a majority.
- 10.5 All successful candidates for Council Executive positions will be confirmed by a Council motion.

11. COMMITTEES

- 11.1 As deemed necessary, special committees shall be established by the Council Executive or upon recommendation of the general membership for specific purposes.
- 11.2 Standing committees including, but not limited to: Budget Committee, Nominations Committee, Fundraising Committee, Events Committee, and Members Communication and Yearbook Committee, should be established at the first Council general meeting of the school year.

12. GENERAL MEETINGS

- 12.1 The Council will hold no less than five (5) general meetings each school year.
- 12.2 The date and time of regular general meetings shall be decided by the Council Executive at the first Council Executive Meeting of the school year, and Council will then inform the membership.
- 12.3 Special general meetings may be called for the purpose of conducting Council business between regular general meetings and require seven (7) days' notice.
- 12.4 General meetings and special general meetings shall be held in the evening so as not to prevent members from attending due to employment obligations.
- 12.5 General meetings may be cancelled by giving seven (7) days' notice to membership.
- 12.6 If requested to do so, in writing, by a member giving at least 10 days' notice, the Chair is obligated to place an item on the agenda of the next general meeting. If requested by the member, the membership must be given notice of such an agenda item.

13. COUNCIL EXECUTIVE MEETINGS

- 13.1 The Council Executive may choose to hold Council Executive meetings in addition to Council general meetings.
- 13.2 Council Executive meetings shall be called by the Chair, or by a minimum of five (5) members of the Council Executive.
- 13.3 A Council Executive meeting may be called by giving a minimum of 10 days' notice to all members of the Council Executive.
- 13.4 Any resolutions passed at a Council Executive meeting must be approved at the next general meeting.

14. ANNUAL GENERAL MEETING

- 14.1 The annual general meeting will take place during the last Council Meeting of the school year.
- 14.2 Provisions around quorum, decision-making, voting, and notice for general meetings shall apply to annual general meetings.
- 14.3 At the annual general meeting:
 - 14.3.1 the provisional budget for the upcoming school year shall be presented; and
 - 14.3.2 the Council Executive shall be elected.

15. QUORUM

- 15.1 Quorum for any duly called Council Executive meetings or general meetings shall be not less than five (5) voting members present.

16. DECISION-MAKING AND VOTING PROCEDURES

- 16.1 Council and Council Executive decisions shall be made by way of motions that are then voted on by those in attendance who are allowed to vote.
- 16.2 Regardless of the number of children a family has in the school, each family shall have one vote.
- 16.3 Voting will normally be by show of hands but, if requested by a simple majority of those present at the meeting, a vote may be taken by secret ballot.
- 16.4 Any procedural conflicts shall be resolved by applying Robert's Rules of Order unless they are in conflict with these Constitution and Bylaws.
- 16.5 Voting by proxy is not permitted.
- 16.6 In the case of a tie vote, the motion will be lost.
- 16.7 For clarity, the Chair is permitted to vote on motions.
- 16.8 If a voting member finds themselves to be in a conflict of interest, or a perceived conflict of interest, where they, or someone in their immediate family, could benefit from a decision of the

Council or Council Executive, then that voting member shall recuse themselves from voting on that matter.

17. FINANCES

- 17.1 All Council funds will be on deposit in a Chartered Bank or Credit Union of Financial Establishment registered under the *Bank Act* or the *Credit Union Incorporation Act*.
- 17.2 All expenses shall be met by the Treasurer for the general running and operation of the Council.
- 17.3 The Chair may approve expenditures not exceeding \$400.00.
- 17.4 All extraordinary expenses exceeding \$400.00 must be approved by the membership at a general meeting.
- 17.5 All financial transactions shall require at least two signatures.
- 17.6 If requested by the membership, an independent review of the books by a bookkeeper or accountant will be arranged by the Chair.
- 17.7 A final budget shall be prepared by the Treasurer, in consultation with the Budget Committee, and presented at a general meeting not later than the second general meeting of the school year.

18. EXECUTIVE INDEMNITY

- 18.1 Except for such costs, charges or expenses as are occasioned by their willful neglect or default, each Council Executive member shall be indemnified and saved harmless out of the funds of the Council from and against all expenses incurred or lawsuits brought against them in their capacity as a Council Executive member of the Council.

19. AMENDMENT

- 19.1 Amendments to the Constitution and Bylaws may be made at any regular general meeting by vote of 75% majority of those eligible voting members present at the general meeting voting in favour of the amendments.
- 19.2 Notice of specific proposed Constitution and Bylaw amendments must be made available to the membership not less than 30 days prior to the meeting at which they will be voted on.
- 19.3 Accepted amendments to the Constitution and Bylaws shall be submitted to the Board of Education for School District 40.

20. CONFLICT OF INTEREST AND PERCEIVED BIAS POLICY

- 20.1 To avoid a conflict of interest, members of the Council shall refrain from discussing, influencing and voting upon any matter before the Council in which they, or their immediate family, have a pecuniary interest.
- 20.2 Council Executive members who are also employees or elected officials of any school district shall refrain from acting as Council spokesperson to external organizations and the general public in situations where there may be a perception that they are not speaking solely in the interest of the Council.

21. CODE OF CONDUCT

- 21.1 The Council is not a forum for the discussion of individual school personnel, students, parents, or other individual members of the school community.
- 21.2 A Council Executive member who is approached by a parent with a concern related to an individual is in a privileged position and must treat such discussion with discretion, protecting the confidentiality of the people involved.
- 21.3 A parent who accepts a position as a Council Executive member:
 - 21.3.1 Upholds the Constitution and Bylaws, and policies and procedures of the Council.
 - 21.3.2 Performs their duties with honesty and integrity.
 - 21.3.3 Works to ensure that the well-being of students is the primary focus of all decisions.
 - 21.3.4 Respects the rights of all individuals.
 - 21.3.5 Takes direction from the members, ensuring that representation processes are in place.
 - 21.3.6 Encourages and supports parents and students who have individual concerns to act on their own behalf and provides them with information on the process for taking forward concerns.
 - 21.3.7 Works to ensure that issues are resolved through due process.
 - 21.3.8 Strives to be informed and only passes on information that is reliable and correct.
 - 21.3.9 Respects all confidential information.
 - 21.3.10 Supports public education.
- 21.4 A Council Executive member may be removed from their position on the Council Executive, by a vote of 75% majority of those eligible voting members present at a general meeting voting in favour of the removal if that Council Executive member breaches the Code of Conduct or fails to uphold their responsibilities under the Constitution and Bylaws.

22. DISSOLUTION

- 22.1 The Council shall be dissolved in the event that the school is permanently closed or there are insufficient parents willing to serve in at least four (4) Council Executive positions – two of which must include Chair and Treasurer.
- 22.2 Disbursement of any remaining funds following payment of all debts will be decided by simple majority vote at the last general meeting of the Council.
- 22.3 If a quorum cannot be established for the last general meeting of the Council, then all funds will revert to the DPAC.
- 22.4 The records of the Council will become the property of the DPAC on dissolution.