
POLICY P.050.GOV

TITLE: BOARD MEMBER REMOVAL/RESIGNATION FROM OFFICE

Date issued: August 1998
Revised: 28 August 2012
Authorization: Board: 25 June 1998

1.0 OBJECTIVE

To provide for the removal or resignation of a Board member, and for the replacement of a member to fulfill an unexpired term.

2.0 POLICY

2.1 Resignation of a Member

- a) With the consent of the majority of the members at a meeting entered in the minutes, a member of the Board may resign, but must not vote on the resignation.
- b) A member may not resign if the resignation will reduce the members of the Board to less than a quorum.
- c) Notwithstanding the foregoing, if it is necessary for a member of the Board to resign to become a candidate for another office, the member may resign. The resignation must be filed with the Director of Education/Secretary of the Board and include a statement that the member is becoming a candidate for another office. The resignation will become effective on 30 November after it is filed, or the day preceding the day when the other term of office commences, whichever is earlier.

2.2 Removal of a Member from Office

- a) A person's membership on the Board will cease and his or her seat will become vacant if the member:
 - (i) is convicted of an indictable offence;
 - (ii) is absent from three consecutive regular meetings of the Board, without authorization by a resolution entered in the minutes;
 - (iii) becomes disqualified under subsection 219 (4) of the *Education Act* which precludes a person from being qualified if the person is an employee or spouse of an employee of the Board, the clerk, treasurer, deputy clerk or deputy treasurer of a county or municipality or regional municipality within

- the Board's jurisdiction, a member of the provincial Legislative Assembly, the Senate, or the House of Commons;
- (iv) ceases to hold the qualifications required to act as a member of the Board; and
 - (v) fails to meet the requirements of the *Education Act*, s. 229, which includes stipulations that:
 - (A) a member must be physically present in the meeting room of the Board for at least three regular meetings of the Board in each twelve-month period, beginning 1 December; and
 - (B) a member elected or appointed to fill a vacancy ending on the following November 30 must be physically present in the meeting room of the Board at least once in each period of four full calendar months that occurs during the period beginning with the election or appointment and ending on the following November 30.
- b) Notwithstanding 2.2 (a) (i) above, where a member of the Board is convicted of an indictable offence, the vacancy will not be filled until the time for an appeal has elapsed, or until the final ruling on any appeal has been determined. If the conviction is set aside, the seat will be considered not to have been vacated.

2.3 Unexpired Term Fulfillment

- a) Where a vacancy on the Board occurs:
 - (i) within one month before the next election, it will not be filled; or
 - (ii) after an election, but before the new Board is organized, it will be filled immediately after the new Board is organized as outlined in 2.3 (b) below.
- b) For all other vacancies, provided there is still quorum, a qualified person shall be appointed to fill the vacancy for the remainder of the term within 90 days after the vacancy occurs.
- c) While under subsection 221 (2) of the *Education Act* the Board may hold an election in accordance with the *Municipal Elections Act* to fill a vacancy which occurs in a non-election year or on or before 1 April of an election year, as a matter of policy, the Board will not take this optional action, and vacancies will be filled in accordance with 2.3 (b) above.
- d) To assist in making appointments under 2.3 (b), the Director of Education/ Secretary of the Board or designate shall provide trustees with the names and standing in the polls of the candidates who ran unsuccessfully in the previous election. **Note:** The Board may also advertise for interested applicants.
- e) If there is more than one nominee, the vacancy shall be filled by the person who receives more than one-half of the votes. Where there are more than two nominees and no majority vote, the person with the fewest votes shall be dropped from the next ballot, and so on until one of the nominees receives a majority.

- f) In the case of a tie, the vacancy shall be filled by lot as follows: the names of the nominees will be entered on identical pieces of paper, placed in a box, and drawn by the Secretary or designate.

3.0 REFERENCE DOCUMENTS

The Education Act, as amended, s. 220, 221, 228

Municipal Elections Act, 1996

Board Bylaws and Standing Rules