

Approved by	Education Council
Approval Date	August 29, 2012
Amendment Date	March 20, 2023
Next Review Date	March 20, 2025

## **EDUCATION COUNCIL BYLAWS**

*All Education Council bylaws must adhere to or be in accordance with the current College and Institute Act*

### **ABOUT EDUCATION COUNCIL**

College of the Rockies has two governance bodies: The Board of Governors and Education Council.

The Board of Governors focuses on policy and strategic leadership. Education Council plays an advisory role to the Board and is responsible for curriculum content and policies as outlined in Articles 23, 24 and 25 of the College and Institute Act [RSBC 1996] Chapter 52.

Education Council’s roles and responsibilities are further outlined in The College and Institute Act and its amendments.

Education Council at the College of the Rockies is a governance body with representatives from four constituent groups: Students (4), Management (4), Faculty (10) and Support Staff (2).

Student representatives serve a one-year term. All other representatives serve a two-year term. The President of the College and the Registrar are non-voting members of the Education Council. The Board of Governors may appoint a non-voting representative to the Education Council.

### **DEFINITIONS**

**Ex Officio Member** – A member assigned by office without voting privilege. For example, College President, Registrar, or temporary Board Member.

**Voting Member** – An elected or appointed member with voting privilege in accordance with the College and Institutes Act.

**Voting Member Present** – An elected or appointed voting member in attendance at a meeting.

## **BYLAW 1 COMPOSITION AND ELECTION OF EDUCATION COUNCIL**

The Education Council shall be comprised in accordance with the most recent *College and Institute Act* [RSBC 1996] CHAPTER 52.

The Registrar shall conduct elections and by-elections in accordance with the *College and Institute Act*. A copy of the election guidelines will be available to Education Council members.

## **BYLAW 2 CODE OF CONDUCT**

### **2.1 Duties of Council Members**

Council members shall fulfill their roles and responsibilities with the highest standards of conduct. The following duties are expected of members of the Council:

- (a) ***Duty of Integrity*** – to act at all times honestly and in good faith and to strive for fairness and equality.
- (b) ***Duty of Loyalty*** – to give their loyalty to the institution when acting on behalf of the Council.
- (c) ***Duty of Care*** – to act in a prudent and diligent manner, keeping themselves informed as to the policies, business and affairs of the institution.
- (d) ***Duty of Confidentiality*** – notwithstanding the need of members to make an informed decision on an issue before the Council by obtaining input from internal and external communities, members are to ensure information normally considered confidential (i.e. financial and personnel issues) remains so.
- (e) ***Duty of Skill*** – to effectively use their level of knowledge and expertise to deal with the affairs of the Council.
- (f) ***Duty of Respect*** – to respect all members, both new and experienced, and their diverse views or opinions. Members are expected to treat each other with respect and dignity; be fair, reasonable and courteous in interactions with each other.
- (g) Members shall not engage in behavior counter to (a) through (f). Inappropriate conduct will be referred to College of the Rockies Policy 4.8.6, Discrimination and Harassment.

## **BYLAW 3 CONFLICT OF INTEREST GUIDELINES**

The Council will follow the conflict-of-interest guidelines attached to these bylaws as Schedule “A”.

#### **BYLAW 4 THE CHAIR AND VICE-CHAIR**

4.1 The Chair of the Education Council will be elected by and from the voting members of the Council. The term of office for the Chair is one year, from January to December, with elections occurring in October.

4.1 (a) In the event of a chair being unable to finish the term of office, a new chair may be elected for the remainder of the term should the vice chair decline the position.

4.2 Duties of the Chair

The Chair shall:

- a. Be a member of the Council and shall act as its official spokesperson.
- b. Be responsible for the preparation and distribution of the Council agenda and minutes and the official correspondence of the Council.
- c. The Chair shall submit a written report to the Board. At the following Education Council meeting, the Chair's written report will be presented for discussion.
- d. Attend regular meetings and functions of the Board.
- e. Prepare and present for approval at the October meeting of Council a schedule of meetings for the coming year.
- f. The Chair will ensure that copies of these bylaws are distributed to newly elected Council members.
- g. Relinquish the chair when participating in debate.
- h. Coordinate all business and operations of the Council.
- i. Ensure all Education Council bylaws are followed.
- j. Prepare an annual summary of motions and recommendations for submission to all Council members and for the first Board meeting following October 1.

4.3 The Vice-Chair will be elected by and from the voting members of the Education Council. The term of office for the Vice-Chair is one year from January to December.

4.4 Duties of the Vice-Chair

The Vice-Chair shall:

- a. Assume the Chair when the Chair is participating in debate.
- b. Carry out the duties of the Chair in that person's absence.
- c. Assume the office of the Chair on an interim basis if the position should become vacant.

- d. Replace the Chair at regular meetings and functions of the Board if the Chair is unable to attend.

#### **BYLAW 5 MEETINGS**

- 5.1 Regular meetings of the Council shall be called in accordance with a schedule established by the Council (Bylaw 4.2.e).
- 5.2 Regular meetings will normally be held once a month, except in July and August.
- 5.3 Regular meetings will normally be held on weekdays within the hours of 8:30 am to 4:30 pm. Meeting times may be scheduled outside of this time based on Council members' availability.
- 5.4 Regular meetings can be virtual or face-to-face, at the Chair's discretion.
- 5.5 Members of the College of the Rockies community and the public may attend the public sessions of the regular meetings of the Education Council.
- 5.6 As the need arises, special meetings will be called with as much advance notice as possible.
- 5.7 At the Chair's discretion, a meeting can be called to deal with time-sensitive matters when a regularly scheduled meeting is not available in the necessary timeframe or circumstances. Voting resulting from such a meeting may be conducted online or by email.

#### **BYLAW 6 ATTENDANCE AT EDUCATION COUNCIL MEETINGS**

- 6.1 Members are expected to attend all regular meetings in person or digitally. The seat of any member who fails to attend three (3) regular meetings per appointment year may be declared vacant by a motion of the council, which passes with a two-thirds majority.
- 6.2 When a seat is declared vacant for insufficient attendance pursuant to bylaw 6.1, the Chair shall request the Registrar to fill the vacant seat in accordance with the *Act*.

#### **BYLAW 7 MEETING AGENDA**

- 7.1 Education Council-related agenda items submitted in writing by Council members will be placed on the agenda.
- 7.2 Agenda items and supporting documentation *should* be submitted to the Chair by 12:00 p.m. seven calendar days prior to the scheduled meeting date.
- 7.3 Meeting agendas and supporting documentation shall be emailed or mailed to Council members not less than five calendar days prior to the scheduled Council meeting.
- 7.4 In exceptional circumstances late additions may be added to the agenda upon approval by the Education Council.

- 7.5 The meeting agenda and supporting documentation shall be subject to the approval of the Council.

#### **BYLAW 8 QUORUM**

- 8.1 A majority of the members of the Council constitutes a quorum at meetings of the Council except for the period May to August. A quorum of the Council shall consist of 50% + 1 of the regular voting members. If any Council seats are vacant, a Quorum of the Council shall consist of 50% + 1 of the current members.
- 8.2 A majority at which a quorum is present is sufficient to pass a resolution of the Council.
- 8.3 Unless otherwise specified in the bylaws of the Council, a simple majority of voting members present shall prevail.

#### **BYLAW 9 CONDUCT OF MEETINGS**

- 9.1 All proceedings of the Council shall be guided by the most recent edition of *Robert's Rules of Order*.
- 9.2 In the case of conflict between Council bylaws and *Robert's Rules of Order*, Council bylaws will prevail.

#### **BYLAW 10 VOTING PROCEDURES**

- 10.1 Voting shall be by a show of hands unless, upon motion, a secret ballot is directed to be taken. In any vote, a simple majority of a quorum shall be required to carry a motion, except as otherwise provided herein.
- 10.2 When a motion is presented at a meeting and quorum is not met or more discussion is required on the motion prior to the next scheduled meeting, the Chair, at his/her discretion can hold an online forum to facilitate discussion and formal voting via electronic/virtual means. The votes will be counted, and the results disseminated to members via email. The discussion and the outcome of the vote will be recorded in the next scheduled meeting minutes.
- 10.3 Only those members present at a meeting may vote. Voting in absentia or by proxy is not allowed (with the exception of matters pertaining to those listed in 10.2).
- 10.4 Members are required to vote YES, NO or ABSTAIN on all formal motions put to the Council. Numbers of YES, NO and ABSTENTION votes will be recorded in the minutes.
- 10.5 The Chair shall also vote on all matters.
- 10.6 Resolutions receiving a tie vote shall be lost.

**BYLAW 11          RECORD OF MEETINGS**

- 11.1      If deemed necessary, the College shall assign a recording secretary for the Council.
- 11.2      Detailed minutes of the meetings of the Council shall be kept by the recording secretary.
- 11.3      The approved minutes of the meetings of the Council will be posted on the current College of the Rockies website by the recording secretary.
- 11.4      As per bylaw 10.2, when a discussion or vote continues on a motion electronically, the outcome will be recorded in the next scheduled meeting minutes.

**BYLAW 12          COMMITTEES**

The following committees shall function under the Terms of Reference approved by Education Council:

- 12.1.      Academic & Student Affairs Policy Committee (ASAP) (Standing Committee)
- 12.2      Awards Committee (Standing Committee)
- 12.3      Curriculum Standing Committee (CSC)
- 12.4      Education Council Representatives on College committees may be required to submit written or verbal reports at Education Council meetings

**BYLAW 13          AD HOC COMMITTEES**

- 13.1      Council may establish ad hoc committees with the understanding these committees do not make decisions for Education Council and the Council does not relinquish its power to these committees.
- 13.2      Membership and responsibilities of the ad hoc committee shall be approved by Council.

**BYLAW 14          AMENDMENTS OF BYLAWS**

- 14.1      Any amendment of the bylaws of the Education Council shall require one month's notice of motion.
- 14.2      The Council may amend its bylaws by a vote of at least two-thirds of the voting members of the Council.
- 14.3      The Education Council bylaws will be reviewed every twenty-four (24) months or sooner if a new bylaw or change is required.

SCHEDULE "A"

**College of the Rockies**  
**Education Council**  
**Conflict of Interest Guidelines**

1. A conflict of interest arises when Council members' private interests supersede or compete with their dedication to the interests of the College. This could arise from Real, Potential or Perceived Conflict of Interest for a Council member or related persons and may be financial or otherwise. In general, voting on matters which have an effect on a broad group by a member of that group is not considered a conflict of interest.
  - a) A "Real Conflict of Interest" occurs when a Council member exercises an official power or performs an official duty or function and at the same time knows that in the performance of this duty or function or in the exercise of power there is the opportunity to further a private interest;
  - b) A "Potential Conflict of Interest" occurs when there exists some private interest that could influence the performance of member's duty or function or in the exercise of power provided that they have not yet exercised that duty or function;
  - c) A "Perceived Conflict of Interest" exists when there is a reasonable apprehension, which reasonably well-informed persons could properly have, that a Real Conflict of Interest exists on the part of the member.
2. Members of the Education Council shall take reasonable steps to avoid a conflict of interest between the members, their friends, families, business or personal interests and members' duty to the College.
3. In cases where conflict cannot be avoided, Council members have an obligation to declare a conflict of interest prior to discussion or decision of an issue. Upon declaration of a conflict, the person recording the events of the meeting should duly note the declaration and the Council members must:
  - a) In an *in camera* session or committee meeting, absent themselves from the discussion or voting on that particular matter, contract or arrangement.
  - b) In a public session, refrain from discussion or voting on that particular matter, contract or arrangement.

4. Where Council members are unsure of whether they are in conflict, those members should raise the conflict with the Council, and the Council should determine by a two-thirds majority vote whether or not a conflict of interest exists. Members perceived to be in a conflict should refrain from voting on the issue.
5. The Educational Council shall have the power to take action directed toward Council members deemed to have failed to declare a conflict.
  - In the event Council finds a member has failed to declare a conflict, it may undertake one or more of the following:
    - Issue a letter of reprimand;
    - Suspend the member from Council;
    - Accept the member's resignation from Council; and
    - In the case of appointed members, recommend that the appointment be rescinded.
6. If a conflict is disclosed or discovered about a decision the Council has already made, the Council will decide whether or not members' involvement influenced the decision. If the Council decides that the members' involvement with the conflict influenced the decision, the Council will reconsider the decision and confirm it, rescind it, or vary it.
7. At its discretion, Education Council may invite members in conflict to state their position on the issue in question prior to absenting themselves.
8. This guideline applies to all proceedings of committees of the Education Council and applies to other persons who are considered by the Chair of the committee to be either members of the committee or resource members or staff of the committee.
9. Any decision by Council as to whether or not a conflict of interest exists with respect to any person, or as to the interpretation of application of these guidelines, is final and binding.