

## **MATTERS JUDICIAL**

### Statement of Policy

That the Peel District School Board delegate to the Director of Education, or designate, or the Chair of the Board, the authority to make decisions in those matters in which discretion can be applied and reserve Board authority on all matters requiring full Board resolution, in keeping with the administrative regulations.

This policy is aligned with and supports the principles and expectations of the Board's Human Rights policy ([Policy 51](#)) and the Equity and Inclusive Education policy ([Policy 54](#)). At all times, this policy should be interpreted to be consistent with the Board's policies and the *Human Rights Code*.

### Administrative Regulations

1. Matters of a legal nature affecting the Board as a result of its being a public body.
  - (a) Actions of mandamus or prohibition that require the Board to do something by Resolution or to refrain from doing something.

If matters of this nature arise between board meetings, authorization should be given to the Chair to provide preliminary instructions, such instructions to be considered by the Board at the first ensuing Board meeting.
  - (b) Powers of expropriation and procedures under the Statutory Powers and Procedures Act.

These legal powers are to be commenced only by resolution of the Board.
  - (c) Matters of a judicial or quasi-judicial nature.

Such matters as charges being laid against employees where representation is necessary on behalf of the Board, or inquests, or other legal inquiries that do not call for a change in Board policy, will be handled by the Director of Education or designate. Any matter that affects Board policy will be referred to the Board for specific direction.
  
2. Matters affecting the Board related to school construction.

These matters normally involve defending actions for Construction Liens. Authorization is given to the Associate Director – Operational Support Services or designate to give instructions related to these matters.

3. Matters involving allegations of negligence.
  - (a) Matters where the Board is covered by insurance: the Director of Education or designate will notify the Board's solicitor to take steps to immediately protect the Board's interest. The Board's solicitor has the responsibility of establishing connections with the insurers.
  - (b) Matters where the action will or is likely to exceed the Board's liability insurance: the procedure will be the same as in (a) with the exception that the Board as a whole will be advised through reports in the normal course of events.
  
4. Matters involving contracts
  - (a) Collective Agreements:
    - (i) Generally, decisions and interpretations will be made by the Administration.
    - (ii) Failing the ability of the Director of Education or designate to make a settlement, unusual procedures such as hearings will be brought to the attention of the Board by the Director of Education or designate; any decisions to be made by resolution of the Board.
  - (b) Contracts related to purchases of equipment, supplies, or services will be dealt with by the Associate Director - Operational Support Services or designate.
  - (c) Contracts with other government bodies such as municipalities, regions, other school boards and post-secondary institutions, or any resulting litigation will be decided by the resolution of the Board.

Approved May 25, 1976  
Revised February 26, 1985  
Revised October 8, 1996  
Revised January 1, 1998 (*to reflect change in Board name*)  
Reviewed January 2000  
Revised February 25, 2003  
Reviewed December 2005  
Revised February 25, 2014  
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