



**Brant Haldimand Norfolk
Catholic District School Board**

Policy: Access to Legal Counsel

		Policy Number:	100.09
Adopted:	October 26, 2004	Former Policy Number:	n/a
Revised:	December 10, 2013	Policy Category:	Board Governance
Subsequent Review Dates:	n/a	Pages:	1

Policy Statement:

It is the policy of the Board to seek the advice of legal counsel from time to time on complex matters in a prudent and cost-efficient manner. Advice should be obtained from legal counsel on matters of probable litigation. Legal counsel must be consulted on all real estate transactions. Access to legal counsel must be approved by the Director of Education, the Superintendent of Business, the Chair of the Board, or the Board of Trustees. Matters involving litigation must be reported to the Board.

Glossary of Key Policy Terms: N/A

References: N/A



Access to Legal Counsel AP 100.09

Procedure for: Director of Education, Superintendent of Business
Chair of the Board, Board of Trustees

Adopted: October 26, 2004

Submitted by: Director of Education

Revised: December 10, 2013; April 25, 2017

Category: Board Governance

Purpose

The purpose of this Administrative Procedure is to provide direction to the Director of Education, the Superintendent of Business, the Chair of the Board and the Board of Trustees in relation to accessing legal counsel.

Responsibilities

This Administrative Procedure applies to the Director of Education, the Superintendent of Business, the Chair of the Board and the Board of Trustees.

Procedures

1.0 Matters on which legal services should be sought include, but are not limited to:

- Probable or pending litigation
- Labour relations or other human resources issues
- Preparation of certain contracts and agreements
- Real estate transactions
- Other issues involving complex legislation.

2.0 The use of legal counsel is restricted to matters involving the corporate issues of the Board, or trustees and employees in the performance of their corporate duties. Approval to seek legal counsel is required as follows:

- Matters involving the interests of the Trustees must be approved by the Board of Trustees, but can be initiated at any time at the discretion of the Chair of the Board;
- The Chair of the Board shall have the right to retain independent legal counsel at his/her discretion on all matters related to the Brant Haldimand Norfolk Catholic District School Board, and must inform trustees at the next meeting of the Board.
- School issues, such as attendance, custody, possible litigation involving school personnel, or other matters involving students, must be approved by the Director of Education.
- Real estate, construction, contracts, labour relations and human resources issues must be approved by the Superintendent of Business or by the Director of Education.
- All other matters must be approved by the Director of Education or the Board of Trustees.

3.0 The Director of Education or the Chair of the Board will determine the appropriate legal counsel to consult depending on the matter(s) involved.

4.0 Invoices from law firms will be approved by the Director of Education, the Superintendent of Business, or the Chair of the Board, as appropriate.



- 5.0** Copies of invoices for legal services submitted to the Accounting Department for payment shall not contain personal or confidential information. Employee or labour relations information to support invoices shall be kept in a confidential file by the Manager of Human Resources. Confidential information regarding contracts, real estate transactions and other business issues shall be maintained by the Superintendent of Business. All other confidential information submitted to support invoices shall be maintained in a confidential file by the Director of Education.
- 6.0** The Board will not accept responsibility for legal services obtained by staff who have not obtained approval as required herein. The Superintendent of Business & Treasurer may advise law firms to refrain from undertaking legal services that have not been properly authorized.
- 7.0** The Board will be kept apprised of matters that require the Chair to seek legal advice. The Board will receive bi-annual updates on legal matters and related costs.

Definitions – N/A

References – N/A