



Access to Legal Counsel

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Memo To: Executive Council
From: Director of Education

ACCESSIBILITY:

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PURPOSE:

Legal advice and services are required on an on-going basis due to the complexity of educational operations and the growing dependence on litigation by individuals. It is in the interests of the school system to limit access to the Board's Legal Counsel to avoid unnecessary use of legal counsel and to maintain fiscal responsibility

REFERENCES:

- *Education Act*: Appoint Employees, Officers and Servants; Legal Costs

FORMS:

- N/A.

REPORTS:

- N/A.

APPENDICES:

- N/A.

COMMENTS AND GUIDELINES:

Staff members are expected to consult with the appropriate Supervisory Officer to discuss details and seek advice about legal matters.

Where possible staff should work through their professional associations and networks to navigate through complex issues. Further, reviewing the practices, policies, and procedures of other school boards may be helpful in decision-making.

The use of legal counsel should be related to matters involving the corporate interest of the Board including employees and officials who are performing their legal duties.



A legal expense insurance policy exists to cover the costs of legal representation associated with human rights claims, non-union employee disputes, property disputes, and contract disputes. To ensure budgets are not adversely affected, it is important that the approval list below be followed.

- Circumstances involving the interests of the Board of Trustees – approved by the Chairperson of the Board in consultation with the Director of Education.
- School issues, such as those involving attendance, custody cases, subpoenas issued to school staff, and other routine matters involving staff and students will be handled by Family of Schools Superintendents after receiving approval from Director of Education.
- Human resource and labour relations issues – approved by the Superintendent of Human Resource Services.
- Real estate transactions, property matters, contractual agreements, legal claims, cyber and privacy incidents, general legislation, human rights, and other business matters are approved by the Executive Superintendent of Corporate Services.
- The Director of Education can access legal support as required to protect the interests of the school board.