



Governance and Policy Committee Meeting
September 27, 2021
6:00 - 8:00 p.m.
Virtual via Zoom

1. Call to Order
2. Land Acknowledgment
3. Declarations of Interest
4. Approval of Agenda
5. Approval of Minutes – June 14, 2021
6. Revision and Correction of Bylaws
7. Adjournment





Governance and Policy Committee Meeting Minutes

Monday, June 14, 2021 – 6:00 p.m., Virtual

Trustees: Linda Stone (Chair), Donna Edwards, Carolyn Morton, Christine Thatcher, Michael Barret, Scott Templeton, Niki Lundquist. Trustee Patrice Barnes entered at 6:25 p.m.

Regrets: Chris Braney, Paul Crawford and Darlene Forbes

Staff Present: Director of Education Norah Marsh, General Counsel Patrick Cotter, Executive Officer Robert Cerjanec

Minutes: Patrick Cotter and Robert Cerjanec

1. Call to Order

Trustee Linda Stone, Chair of the Committee, called the meeting to order at 6:00 p.m.

2. Land Acknowledgment

Trustee Linda Stone read out the land acknowledgement.

3. Declarations of Interest

There were no Declarations of Interest.

4. Approval of Agenda

Motion by Trustee Donna Edwards to approve Agenda

CARRIED

5. Approval of Minutes – May 10, 2021

NO CHANGES TO MINUTES. APPROVED AS DISTRIBUTED.

CARRIED

6. Election of Vice-Chair

Trustee Carolyn Morton nominated Trustee Patrice Barnes to be Vice-Chair of the Governance and Policy Committee. Trustee Linda Stone indicated that Trustee Patrice Barnes indicated to her she was interested in being Vice -Chair. Nominations were called three times. There were no other nominations named and Trustee Patrice Barnes was acclaimed.

CARRIED

7. Trustee Communication, Draft Code of Conduct

General Counsel Patrick Cotter provides an overview of the changes in Section 5.1 of the Code of Conduct.

Agreement among committee members in attendance to be broad in terms of those named so that the addition reads: "Trustees shall be mindful of this in all interactions with others and will not commit the Board, any Board committee or staff to any particular course of action."

A discussion also occurred over language around forwarding operational matters to the appropriate staff member. Wording was agreed that Trustees should not implicitly or expressly direct school administrators or teachers.

8. Review of Finalized Draft Consolidated By-Law. Issues raised at last meeting as to:

- i. Terms of reference for this committee added to Standing Committees (section 4.4.1);

Should say elect the Chair and Vice Chair.

4.4.1 Add "meet" so that it reads, "The Committee shall meet at least twice annually;"

4.5.2 Advisory Committees should say "and/or staff member".

5.9.4 Should say "presiding officer", not "pressing"

- ii. Monthly rotation of fourth Trustee for Agenda Setting (section 5.5.4);

Agreement with this addition.

- iii. Rules for Standing Committee to include a seconder for motions (5.12.21);

No changes to this part.

Governance Ad Hoc Committee Meeting
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iv. Conflict of Interest (section 5.12.11)

No changes to this part.

v. Trustee comments during public question period (section 5.13)

No changes to this part.

9. Date of Next Meeting:

Administrative Assistant Adrienne Farooqui will send out a poll to determine the next meeting date.

10. Adjournment

The meeting was adjourned at 7:30 p.m.

Comparison of Existing By-Laws and Sections of Draft Consolidated By-Laws [Existing By-Law language is in blue; Proposed new language is in black].

By-Law (un-numbered) By-Laws and Procedures - replaced by section 1.1.

The rules and regulations contained within these By-Laws and Procedures shall be the rules and regulations for the order and dispatch of business of The Durham District School Board and in the Committees thereof.

Any of the rules of procedure contained herein may be suspended by a vote of two-thirds of the Trustees of the Board present (physically or electronically) and voting.

Any reference in the By-Laws to a written request or a written notice shall be understood to include an electronic or a faxed notice or request.

In any case for which provision is not made herein, the procedure to be followed shall be, as near as may be, that followed according to Robert's Rules of Order.

By-Laws may be amended by a two-thirds vote of those members voting at any meeting of the Board, provided that notice of intention to introduce such amendment has been given in writing at the previous Regular Meeting of the Board and is referred to in the Notice of the Meeting, and provided that such proposed amendment is not in conflict with any statutory provision or regulation then in force.

1.1 Purpose and Application

- 1.1 These Bylaws are enacted by the Board of Trustees (the “Board” or the “Board of Trustees”) of the Durham District School Board (the “DDSB”) to govern meetings of the Board and Committees of the Board and to advance good governance practices at the Board in accordance with the governance structure for school boards established under the *Education Act*. These Bylaws advance democratic decision-making with rules that facilitate fair and respectful debate.
- 1.2 Committees of the Board are Committees with only trustees as voting members. Advisory Committees are not Committees of the Board and they are not governed by these Bylaws (except that certain Advisory Committees are established by the Bylaws and except that the Board is bound by these Bylaws in establishing or dissolving any such committee).
- 1.3 Subject to any applicable legislation or regulation, any procedural rule(s) in these Bylaws may be suspended by a two-thirds majority vote of the members present and voting.
- 1.4 Subject to any applicable legislation or regulation, any gap in these Bylaws shall be addressed by reference to the latest edition of *Robert’s Rules of Order, Newly Revised* (“RONR”).
- 1.5 Subject to any applicable legislation or regulation, these Bylaws may be amended, at any time, by a two-thirds majority vote of the members present and voting, provided that the matter is listed on the agenda prior to the commencement of a Board meeting and provided that written notice of any proposed amendment(s), and any supporting materials, shall have been delivered at the previous meeting of the Board.

By-Law (un-numbered) Definitions - deleted entirely

Director: "A board shall not appoint or employ a person as a director of education unless the person is a supervisory officer who qualified as such as a teacher." (Education Act s. **283(1)**).

"A director of education is the chief education officer and chief executive officer of the board by which he or she is employed." (Education Act s. 283(2))

Trustee: "A member of a board may be referred to as a trustee for any purpose related to this Act." (Education Act s.1(12)).

By-Law #1 - Regular Public Meetings [With respect to By-Laws #1 &2, Organizational meeting s.5 of By-Law #1 revised and moved to section 3; Meeting Procedures from By-Laws #1 &2 substantially revised and moved to section 5]

1.0 Regular Meetings

- 1.1 Unless otherwise ordered by special motion of the Board, Regular Meetings of the Board shall be held in camera on the third (3rd) Monday in each month, beginning at 6:00 p.m. Should the date of any meeting of the Board fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. The public session shall commence at 7:00 p.m.
- 1.2 A trustee who cannot attend a Board Meeting should so notify the Trustees' Office as early as possible and if it should appear that a quorum will be lacking, the Secretary shall so notify the Chairperson of the Board who will instruct the Secretary to notify the trustees of the postponement or cancellation of the meeting.
- 1.3 Notice of each regular meeting, accompanied by the agenda for the meeting, shall be delivered to each trustee at least 72 hours prior to the time the meeting is to take place. The Chairperson of the Board will publish an annual report of trustee attendance at Board Meetings and Standing Committee Meetings in December of each year.
- 1.4 Meetings of the Board shall not extend beyond the hour of 10:00 p.m. unless by majority consent of all the members present. If, at that time, there is no quorum, the meeting shall forthwith be adjourned. In the event that the meeting continues past the hour of 10:00 p.m. and no motion to extend has been put, all business conducted after 10:00 p.m. shall be deemed to be regular.
- 1.5 The in-camera portion of meetings of the board shall not extend past 11:00 p.m.

2.0 Public Attendance at Board Meetings

The public is welcome to attend meetings of the Board. The Education Act, 1998, outlines the conditions for access to meetings.

2.1 Excerpts from the Education Act, 1998:

a) Section 207 (1):

The meetings of a Board and, subject to subsection (2), meetings of a Committee of the Board, including a Committee of the Whole Board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

b) Section 207 (2):

A meeting of the Board, including a Committee of the Whole Board, may be closed to the public when the subject matter under consideration involves:

- i. the security of the property of the Board;
- ii. the disclosure of intimate, personal, or financial information in respect of a member of the Board or Committee, an employee or prospective employee of the Board, or a pupil or his parent or guardian;
- iii. the acquisition or disposal of a school site;
- iv. decisions in respect of negotiations with employees of the Board; or,
- v. litigation affecting the Board.

3.1 Special Meetings

- 3.2** Special meetings of the Board shall be at the call of the Chairperson, or on the written request of a simple majority of the Board. When special sessions are being scheduled, every attempt should be made to avoid conflicting with dates of other scheduled meetings of the Board or Committees. Written notice of an intended special meeting, accompanied by a statement of all the business intended to be transacted, must be delivered to the trustees 24 hours before the meeting is to take place. No other business shall be considered unless all members of the Board are present and unanimously agree. The 24-hour notification time limit may be waived by the Board Chairperson in the event of an emergency requiring Board action, and every attempt will be made to notify all trustees prior to the meeting. Special meetings shall not be considered "regular meetings" as described in the Education Act, 1998, Section 229.

4.0 Board Quorum

- 4.1** A quorum of the Board shall consist of a simple majority of the Board members elected or appointed to the Board under the statutes of Ontario.
- 4.2** Should there not be a quorum present within fifteen minutes after the time appointed for the meeting, the names of those present shall be recorded and the meeting shall stand adjourned until the next regular or special meeting unless the person presiding secures the unanimous consent of those present to delay adjournment for an additional fifteen minutes, in which event, unless a quorum then be present, the meeting shall be so adjourned.
- 4.3** In the event that the Chairperson does not attend within five minutes after the time appointed for the meeting, the Vice-Chairperson shall preside during the meeting or until the arrival of the Chairperson. In the absence of both, the members shall come to order and a chairperson of the meeting shall be chosen who shall preside during the meeting or until the arrival of the Chairperson or the Vice-chairperson.
- 4.4** In the absence of the Director of Education, the Chairperson of the meeting shall appoint a person to act as a secretary of the meeting.

5.0 Election of Chairperson and Vice-Chairperson

- 5.1** In accordance with the Education Act, 1998, Section 208, the election of the Board Chairperson shall take place at the first meeting of the Board in December of each year, designated as the Inaugural Meeting.
- 5.2** Written or oral nominations shall be received by the Secretary of the Board who is acting as Chairperson.
- 5.3** When two or more trustees are nominated and have agreed to stand, voting shall then begin by secret ballot.
- 5.4** When an election is held, the Secretary of the Board and other scrutineers so designated by the Secretary of the Board shall count the ballots.
- 5.5** The member receiving a clear majority (which shall mean at least 50% plus 1 of the total votes cast) shall be declared elected.
- 5.6** Should no member receive a clear majority of the votes cast, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chairperson is elected.
- 5.7** The Secretary presiding shall announce the result of the ballot by declaring the name of the member who has received a clear majority of the votes cast.
- 5.8** In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.
- 5.9** The same procedure as outlined in subsections 5.1 through 5.7 shall apply to the election of the Board Vice-Chairperson, except that the Board Chairperson shall preside over the election, in place of the Secretary of the Board.

- 5.10** Nominees for the position of Chairperson and Vice-Chairperson shall be present at the meeting in which the election is held or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.
- 5.11** The Chairperson shall then take the Chair and continue to serve until the next Inaugural Meeting. Resignation of the chairperson may take place upon one week's written notice or upon being removed from office on a two-thirds clear majority of the trustees voting at a meeting of the Board.
- 5.12** In the event that the Chairperson resigns the office or is removed from office, the Board Vice-Chairperson shall assume the role of chairperson until the next regularly scheduled meeting. At that meeting, the election of a new Chairperson shall be held and, if necessary, the election of a new Vice-Chairperson shall be held.

By – Law #2 Rules of Procedure - Board

1.0 Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern all matters of procedure, statutes, or regulations in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Durham District School Board may adopt or any statutes or regulations.

1.1 Notice of Motion

Notice must be provided to bring forward any substantive motion to the Board to amend a Board policy, or to request the establishment of a new policy. Such notice shall be a minimum of five (5) days (including holidays and weekends and the day the notice is sent, excluding the day of the meeting). The notice, along with any supporting materials, shall be included in the agenda package.

Under extenuating circumstances where Board action is immediately required, notice may be waived, by a two thirds vote, so long as every attempt has been made to notify all trustees prior to its consideration.

1.2 Rules of Debate

Each member may speak twice, up to four minutes on the first occasion, two minutes on the second occasion, on each debatable motion. The maker of the motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken.

1.3 Chairs Ruling and Appealing the Decision of the Chair

The Chairperson shall decide all questions of order stating the rule on which a decision is based. The decision of the Chairperson may be appealed. A majority or tie vote sustains the decision of the Chair. A motion to appeal the decision of the Chair is debatable unless:

- a) it relates to decorum or a breach in the rules of debate;
- b) relates to the priority order of business; or
- c) is moved when an undebatable motion is immediately pending or is involved in the appeal.

SECTION 3: ORGANIZATIONAL MEETING

3.1 Purpose of Organizational Meeting

- 3.1.1 An inaugural meeting of the Board shall take place at the first meeting of the Board in December of each year (the "Organizational Meeting") during which the Board shall:
- (a) Elect the Chair and Vice-Chair of the Board;
 - (b) Establish and review Committees of the Board;
 - (c) Appoint members to Committees of the Board;
 - (d) Elect the Chair and Vice-Chair of the Committee of Whole - Standing of the Board;
 - (e) Appoint members to represent the Board on external organizations; and
 - (f) Adopt an annual schedule of meetings (including meeting times) of the Board and its Committee of Whole - Standings.

3.2 Scheduling of Organizational Meeting

- 3.2.1 In an election year, the Organizational Meeting will be held immediately following the Municipal Election and no later than seven (7) days after the start of the term of the Board.
- 3.2.2 In all other years, the Board will hold the Organizational Meeting at the first meeting in December.

3.3 Presiding Officer

- 3.3.1 At the Organizational Meeting, the Chief Executive Officer shall preside until the election of the Chair or, in the absence of the Chief Executive Officer, the members present shall designate the person to preside until the election of the Chair and if a member of the Board is so designated, he or she may vote at the election of the Chair.

3.4 Election of Chair and Vice-Chair

- 3.4.1 Written or oral nominations, including any self-nominations, shall be received by the presiding officer. When two or more members are nominated and have agreed to stand, voting shall be by secret ballot.
- 3.4.2 Nominees for the position of Chair and Vice-Chair shall be present at the Organizational Meeting or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.
- 3.4.3 The presiding officer or designate and other scrutineers so designated by the presiding officer shall count the ballots.
- 3.4.4 The member receiving a majority vote of the members present shall be declared the Chair.
- 3.4.5 Should no member receive such a majority, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chair is elected.
- 3.4.6 In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.

- 3.4.7 The presiding officer shall announce the result by declaring the name of the member who has been elected Chair.
- 3.4.8 Once elected, the Chair shall then assume the role of Chair/presiding officer.
- 3.4.9 This same procedure in this (section 3.4) shall apply to the election of the Vice-Chair of the Board.
- 3.4.10 The Chair and Vice-Chair serve in these roles until the next Organizational Meeting but may resign from that role upon one week's written notice delivered to the Secretary of the Board. The Chair and/or Vice-Chair may be removed from the role on a two-thirds majority vote of the members present and voting.
- 3.4.11 If the Chair of the Board resigns the office or is removed from office, the Vice-Chair of the Board shall assume the role of Chair until the next regularly scheduled Board meeting. At that meeting, the election of a new Chair shall be held and, if the Vice-Chair is elected as the Chair, the election of a new Vice-Chair shall also be held.
- 3.4.12 If Chair and Vice-Chair of any Committees have not been elected at the Organizational Meeting, the Committee will elect a Chair and Vice-Chair from amongst themselves.
- 3.4.13 The term of office of a Committee Chair and Vice-Chair shall be one year.
- 3.4.14 A Committee Chair and Vice-Chair may be re-elected to a subsequent term(s) of office by the Committee, subject to any appointments made at Organizational Meeting each year.

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SECTION 5: BOARD AND COMMITTEE MEETINGS - RULES AND PROCEDURES

5.1 Purpose

- 5.1.1 The purpose of these rules and procedures, as supplemented by RONR, is to facilitate meaningful, respectful and orderly debate to advance the interests of the Board. All trustees will endeavor to comply with these rules and procedures but it is recognized that, in many circumstances, good judgment, co-operation and good faith will do more to advance the interests of the Board than strict adherence to procedural technicalities.

5.2 Quorum

- 5.2.1 Quorum of the Board shall consist of a majority of the Board members elected or appointed to the Board under the statutes of Ontario.
- 5.2.2 Quorum of a Board committee shall consist of a majority of the members of the committee.
- 5.2.3 Should there be no quorum present at a meeting within fifteen minutes after the time appointed for commencement of the meeting, the names of those present shall be recorded and the meeting shall stand adjourned until the next regular or special meeting unless there is unanimous consent of those present to delay adjournment for an additional fifteen minutes, in which event, unless a quorum be present, the meeting shall then be adjourned.

5.3 Public Sessions

- 5.3.1 Except as permitted under the *Education Act* and the regulations thereunder, all meetings of the Board and Committees of the Board shall be open to the public.
- 5.3.2 No person will engage in conduct that is negative, critical, or derogatory towards any other person, or engage in any behaviour that is disruptive to the meeting. Any such conduct may result in exclusion from a meeting.

5.4 Closed Sessions

- 5.4.1 Resolutions passed in closed session of a Committee are of no force or effect unless and until approved at a meeting of the Board. Any such approval will be done by adopting the resolution(s) of the Committee in a manner that maintains the confidentiality of the matter unless the Committee has pre-authorized making the resolution public.
- 5.4.2 Minutes of all committee closed sessions shall be provided to the Committee of Whole – Standing for consideration, except for Committee of the Whole – Standing whose minutes shall be provided to the Board for consideration, and shall remain confidential, unless the committee has pre-authorized the release of all or part of the information.
- 5.4.3 A staff recording secretary should be present for all closed session Committee meetings. In the absence of the recording secretary during a closed session, the presiding officer shall appoint any member or other staff person to act as secretary for that meeting.
- 5.4.4 Committee sessions closed to the public may have staff in attendance as may be determined appropriate by the Chair of the committee in consultation with the Director. The Chair of a Committee may require that the Director not attend all or part of a closed session when the Director's performance, employment contract or any related matter is under consideration by the committee.
- 5.4.5 Matters discussed in closed session of a Committee must not be communicated to any person not present at the closed session, unless: the person is a Trustee; or the disclosure is pre-approved by the Committee; or the disclosure is the Integrity Commissioner in relation to the Code of Conduct.
- 5.4.6 Trustees are expected to maintain strict confidentiality of any matter dealt with in closed sessions and are bound by the confidentiality and protection of privacy provisions under the *Education Act*, the *DDSB's Member Code of Conduct* and the *Municipal Freedom of Information and Protection of Privacy Act*.

5.5 Scheduling and Agendas

- 5.5.1 Regular public meetings of the Board will be held on the third (3rd) Monday of each month commencing at 7:00 p.m. or, in any case where that Monday is a statutory holiday or other school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. As may be deemed appropriate by the Chair in consultation with the Director, the Board will convene into Committee of Whole, closed session, prior to the commencement of the public Board meeting, typically commencing at 6:00 p.m. and again, if necessary, following public session, in which case the meeting shall not extend past 11:00 p.m.

- 5.5.2 The Board may vary the schedule for regular board meetings at any time during the year on resolution of a two-thirds majority of the members present and voting.
- 5.5.3 Agendas for Board meetings shall be determined by the Chair in consultation with the Director. Agendas for Committee meetings shall be determined by the Committee Chair in consultation with the Director.
- 5.5.4 The Chair and the Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of Whole – Standing together with the Director of Education and such other staff as the Director may engage from time to time, shall hold at least one session per month (either in-person or electronically) to consider and discuss the agendas for upcoming Board and Committee of the Whole – Standing meetings. An additional Trustee shall be entitled to attend at each meeting. Attendance shall be scheduled annually following the Organizational Meeting with Trustees being scheduled in reverse alphabetical order.
- 5.5.5 All Trustees shall be provided with advance notice of the date of the meeting referenced in the preceding paragraph and may email the Chair and Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of the Whole-Standing to request that an item of business be added to the draft agenda for an upcoming meeting. The email shall disclose the rationale for the proposed addition to the agenda and any factors as to the appropriate timing for the matter to be addressed. If the matter is not added to the draft agenda, the Chair of the Board or the Chair of Committee of the Whole – Standing, as the case may be, shall advise by email of the reason it was not added to the draft agenda and shall copy all trustees.
- 5.5.6 The Director or designate shall deliver an e-mail notice of each regular Board meeting and Committee of the Whole – Standing accompanied by the agenda and any supporting materials for the meeting, to each Trustee no later than 3 days prior to the meeting (not counting the day of the meeting but counting the day of delivery). At the discretion of the Chair of the Board or Chair of the Committee of the Whole-Standing, as the case may be, supporting materials may be delivered within the 3-day notice period based on urgency or exceptional circumstances.
- 5.5.7 A matter not on the agenda or directly related to matters on the agenda cannot be introduced at a Board or Committee meeting unless approved by the presiding officer prior to the start of the meeting based on urgency or exceptional circumstances or, if during the meeting following the approval of the agenda, by a majority vote of the members present and voting. Notice of any change to an agenda made prior to the meeting shall be provided to Trustees as soon as possible.
- 5.5.8 The introduction of a new Board Policy or the amendment to an existing Board policy shall not be considered unless written notice is provided to Trustee no later than 5 days prior to the meeting (not counting the day of the meeting but counting the day of delivery) together with any supporting materials and provided that notice of the intention to introduce the new board policy or amendment, as the case may be, was given at the prior meeting of the Board. The initial notice to the Board of an intention to bring forward a new Policy or proposed amendment is only proper if the matter, together with any supporting material, was first brought to the Committee of Whole – Standing.
- 5.5.9 In addition to regularly scheduled meetings, a special meeting of the Board may be called by the Chair or by a majority of the members. In either case, email notice of the call for a special meeting shall be sent to the Secretary of the Board or designate. Reasonable efforts should be made to schedule any such meeting to avoid a scheduling conflict with other scheduled Committee meetings. A special meeting is not a “regular meeting” under the *Education Act* or the regulations thereunder.
- 5.5.10 The Director or designate shall deliver an e-mail notice of a special meeting to the members, accompanied by the agenda and any supporting materials for the meeting no later than 24 hours

prior to the meeting. At the discretion of the Chair, the 24-hour notice period may be waived based on urgency or exceptional circumstances but notice, the agenda and any supporting materials should be delivered as early as possible prior to the commencement of the meeting.

- 5.5.11 A matter that is not on the agenda for a special meeting cannot be considered at the special meeting, unless all members are present and consent to amend the agenda to consider the matter.

5.6 Record of Decisions

- 5.6.1 At all Board and Committee meetings, the Director or designate (typically the recording secretary) shall maintain the minutes of the meeting to make a record of the recommendations made to, and resolutions passed by the Board or Committee, as the case may be, including any recorded votes and any declarations of a conflict of interest.
- 5.6.2 At each regular Board meeting, draft minutes from the prior regular Board meeting, together with any special Board meeting that may have occurred since the prior Board meeting, shall be presented to the Board for approval.

5.7 Attendance at Meetings

- 5.7.1 Trustee attendance at regular Board meetings is governed by the *Education Act* and the regulations thereunder.
- 5.7.2 A Trustee who cannot attend a Board Meeting should notify the Secretary of the Board or designate as soon as possible. If it appears that there will be no quorum for a meeting, the Secretary shall notify the Chair and, at the Chair's discretion, the meeting may be postponed or cancelled and notice therefore shall be delivered to the Trustees as soon as possible.
- 5.7.3 In accordance with section 228 (1) of the *Education Act*, a Trustee vacates their seat if they are absent (electronically or physically), as recorded in the minutes, from three (3) consecutive regular Board meetings, unless authorized by resolution of the Board or if one of the exemptions in the *Education Act* is engaged.
- 5.7.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, and subject to any accommodation as to attendance provided under the Board's *Attendance Accommodation Policy*, Trustees must be physically present for at least three (3) regular Board meeting annually.
- 5.7.5 When a seat becomes vacant, the provisions of the *Education Act*, and any relevant provision(s) of these Bylaws, shall govern the filling of the vacancy.
- 5.7.6 At the Organization Meeting each year, the Chair will deliver to the Board an annual report of Trustee attendance at meetings of the Board and Committee of the Whole - Standing since the last Organizational Meeting.

5.8 Electronic Participation

- 5.8.1 Members attending a meeting electronically must advise the Chair when they join the meeting to be deemed present at the meeting.
- 5.8.2 Members who leave the meeting before adjournment, whether temporary or permanent, shall advise the Chair.

5.8.3 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every Board or Committee of the Whole meeting, the following persons must be physically present:

- (a) The Board Chair or designate;
- (b) At least one additional member of the Board; and
- (c) The Director of Education or designate.

5.8.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every Committee meeting, the following persons must be physically present:

- (a) The Committee Chair or designate; and
- (b) The Director of Education or designate.

5.8.5 Notwithstanding the foregoing, the Chair is able to preside over a meeting electronically when:

- (a) Weather conditions do not allow the Chair to travel to the meeting location safely; or
- (b) The Chair cannot be physically present at the meeting for health reasons.

5.8.6 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, no more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with Ontario Regulation 463/97.

5.8.7 All members participating via audio or video conference who are not speaking must use the mute function on their device. Members will make every effort to avoid disrupting a meeting by turning personal and electronic devices to a non-audible function, reducing all background noise (including audible sounds transmitted from placing a call on hold), and refraining from private conversations.

5.9 Presiding Officer

5.9.1 Unless specified otherwise in these Bylaws, the Chair of the Board (or Vice-Chair in the Chair's absence) and the Chair of a Committee (or Vice-Chair in the Chair's absence) will be the presiding officer for meetings of the respective Board or Committee. If a meeting of a Committee moves into closed session, the Vice-Chair will be the presiding officer.

5.9.2 If the Chair does not attend within five minutes after the time appointed for the meeting, the Vice-Chair shall preside during the meeting or until the arrival of the Chair. In the absence of both, the members shall come to order and a presiding officer shall be chosen by a majority of the members present and voting who shall preside during the meeting or until the arrival of the Chair or the Vice-Chair.

5.9.3 No member of the Board or Committee will preside at a meeting during the consideration of a motion when that member has declared a conflict of interest.

5.9.4 In the absence of the Director of Education, the presiding officer shall appoint a person to act as a secretary of the meeting.

5.10 Quorum

5.10.1 A quorum is the minimum number of members necessary to conduct a meeting which represents a majority of the members.

5.10.2 Where a member is participating electronically, their attendance will be included for quorum as long

as they remain electronically connected to the meeting.

- 5.10.3 If a quorum is present, a meeting shall commence within fifteen (15) minutes of the meeting start time as shown in the agenda.
- 5.10.4 If a quorum is not present within fifteen (15) minutes after the scheduled start time shown in the meeting agenda, the names of the members present will be recorded and the meeting will be cancelled.
- 5.10.5 At a Board meeting, if a quorum is lost during the course of the meeting, the Board will stand in recess. If quorum cannot be re-established within fifteen (15) minutes of the Board recessing due to a loss of quorum, the Board will stand adjourned.
- 5.10.6 At a Committee meeting, if a quorum is lost during the course of the meeting, and the remaining members of the Committee determine that quorum cannot be re-established, the Committee will stand adjourned.

5.11 Acknowledgement of Traditional Lands

- 5.11.1 All Board and Committee meetings will include an acknowledgement of the Traditional Territories/Ancestral Lands of Aboriginal peoples recited by presiding officer or as the presiding officer may suggest.

5.12 Debate/Voting

- 5.12.1 Members and participants in a meeting will address their comments through the Chair of the meeting.
- 5.12.2 Members shall not interrupt another member who has the floor, except as permitted hereunder or under Robert's Rules of Order (for example, to raise a point of order or question of personal privilege).
- 5.12.3 Members shall confine their comments to the merits of the motion being considered.
- 5.12.4 The Chair is entitled to move or second a motion, but only once they have passed the role of presiding officer to another member for the duration of the matter under consideration. The Chair will resume the role of presiding officer once the motion has been dealt with.
- 5.12.5 At any time before a motion is put to a vote, a member may request that the motion be read aloud.
- 5.12.6 The mover of a motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken.
- 5.12.7 A member who has not spoken to a motion may move that debate on the motion be closed and that the pending motion be put to a vote. Such a motion is not debatable.
- 5.12.8 If a motion to end debate is supported by majority, no further debate can take place and the Chair shall put the pending motion to a vote.
- 5.12.9 Trustees who are not members of a Committee may attend any Committee meetings but are not entitled to debate or vote. Only Committee members may debate and vote at Committee meetings.

- 5.12.10 A member, who is present and fails to vote on a motion, will be deemed to have abstained from voting.
- 5.12.11 It is for members to declare their own conflict of interest and no other member may declare a conflict of another member. A member who declares a conflict of interest must abstain from voting, and will be recorded as abstaining due to a conflict of interest. When a member abstains due to a conflict of interest, their vote will be recorded neither for nor against the motion, and the number of members required to pass a vote will be reduced by the number of members with a declared conflict.
- 5.12.12 Before a motion is voted on, a member may request that a motion containing divisible parts be voted on separately.
- 5.12.13 When a motion is put to a vote, the Chair will first call votes in favour and then votes against. The Chair is entitled to vote on any motion but it is expected that typically the Chair will only vote on a motion once all other votes have been counted and only if the Chair's vote would be determinative of the result of the motion.
- 5.12.14 After a vote is taken, the Chair shall declare whether the motion was carried or defeated.
- 5.12.15 A tie vote means the motion is defeated.
- 5.12.16 Votes taken at Board meetings, but not at Committee meetings, may be recorded.
- 5.12.17 A student trustee is not a member of the board and is not entitled to exercise a binding vote on any matter before the board or any of its committees.
- 5.12.18 A student trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter at a meeting of the Board or of one of its committees on which the student trustee sits, and if no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion.
- 5.12.19 A student trustee is entitled to require that a matter before the board or one of its committees on which the student trustee sits be put to a recorded vote, and in that case, there shall be a recorded non-binding vote that includes the student trustee's vote and a recorded binding vote that does not include the student trustee's vote.
- 5.12.20 Subject to the notice requirements as to a new Policy or an amendment to an existing Policy or to these Bylaws, any member present at a Board meeting, or at a Committee meeting on which the member sits, may move or second a motion related to an item on the Agenda, unless disqualified from participating due to a conflict of interest.
- 5.12.21 A motion that has been moved and seconded is considered to be on the floor and will be decided by a vote, unless withdrawn. A motion need not be seconded during a committee meeting, except during meetings of Committee of the Whole and Committee of the Whole – Standing.
- 5.12.22 A member who moved a motion may only withdraw it from consideration before the vote is taken on the motion if no other member present objects to the withdrawal.

Motions - Order of Precedence

- 5.12.23 When a motion is being considered, no other motion will be considered except a motion of precedence, as set out in RONR.
- 5.12.24 A motion of precedence may be introduced and will take precedence over any current motion under consideration. A chart outlining the precedence of common motions as stipulated in RONR is attached as Appendix "B". The chart is included for convenience and in the event of any conflict between the chart and the terms of RONR, the terms of RONR will govern.
- 5.12.25 If a motion of precedence is defeated, another motion of precedence to the same effect cannot be made until some other business has been taken up and decided.

Chair Ruling on Motion

- 5.12.26 The Chair may rule a motion out of order, including if it is not within the jurisdiction of the Board, is contrary to the *Education Act* or regulations thereunder, is contrary to these Bylaws, is dilatory, frivolous, vexatious or contains no rational proposition.
- 5.12.27 If a Chair rules a motion out of order, the Chair shall state the rationale for the ruling.
- 5.12.28 A ruling by the Chair that a motion is out of order is subject to appeal and will be reversed on a majority vote of the members present and voting.

Amendments to a Motion

- 5.12.29 A motion on the floor may be amended, except those motions that are not debatable or motions that are not amendable. Motions that are not amendable include:
- (a) Appeal the ruling of Chair or presiding officer;
 - (b) End debate;
 - (c) Postpone consideration of a motion indefinitely;
 - (d) Reconsider a previous decision of the Board;
 - (e) Temporarily suspend a provision of the Bylaws;
 - (f) Lay a motion on the table;
 - (g) Take a motion from the table; or
 - (h) Withdraw a motion.
- 5.12.30 To be in order, an amendment must:
- (a) Directly relate to the motion it proposes to amend;
 - (b) Propose some change in the substance or form of the motion; and,
 - (c) Not be contrary to the main concept of the motion it proposes to amend.
- 5.12.31 The vote on the motion, an amendment and any amendment(s) to the amendment(s) will be taken separately and in the reverse order of that in which they were moved.

Motion to Refer

- 5.12.32 A matter may be referred to:
- (a) The Board;
 - (b) Any Committee of the Board; or
 - (c) The Chair of the Board; or

- (d) The Director of Education or designate.

Extending Meeting Time

- 5.12.33 Unless provided for otherwise in these Bylaws, no Board or Committee meeting will continue in session beyond 10 p.m., unless upon the consent of the majority of members present and voting, the meeting is extended for a defined period of time to finish debate on matters currently on the floor or to address any matter on the agenda that may be of an urgent or time sensitive nature. Additional motions to further extend the meeting time are in order.

Motion to Reconsider

- 5.12.34 Subject to the limits prescribed in RONR:
- (a) a decision of the Board made earlier in an ongoing (current) meeting may be reconsidered on a motion without notice. A reconsideration motion may only be brought by a member who voted on the prevailing side of the previous motion.
 - (b) a previous decision of the Board cannot be reconsidered for at least twelve (12) months after the decision was made unless by resolution approved by a two-thirds (2/3) majority of the members present and voting and provided notice of the proposed reconsideration shall have been provided at the prior Board meeting.

Point of Order

- 5.12.35 A member may advise the Chair when they believe that a departure from the Bylaws, as supplemented by RONR, has taken place by raising a point of order.
- 5.12.36 Subject to certain exceptions as stipulated in RONR, a point of order must be raised promptly at the time of the alleged breach. A member may interrupt another member to raise a point of order.
- 5.12.37 The point of order in question must be clearly stated by the member.
- 5.12.38 The Chair shall decide on the point of order without debate.
- 5.12.39 The Chair may consult with the General Counsel and may declare a recess in order to consider the point of order.
- 5.12.40 A member may interrupt the meeting to introduce a motion to appeal the ruling of a Chair. A majority of members present and voting will overturn a ruling of the Chair.
- 5.12.41 If the appeal from the decision of the Chair results in a tie vote, the Chair's decision on the point of order will be upheld.

Questions of Privilege

- 5.12.42 Any member may raise a question of privilege, either a question of privilege affecting the Board, or a question of personal privilege.
- 5.12.43 Questions of privilege affecting Board include matters such as noise, comfort or safety. Questions of personal privilege affecting a member include the reputation or treatment of the member or staff, as well as any member of the public and the member's ability to exercise rights and privileges.

- 5.12.44 A question of privilege must be stated clearly and should include the remedy or resolution requested by the member.
- 5.12.45 A question of privilege will not be in order if the remedy or resolution requested exceeds the power or ability of the Chair, Committee or Board.
- 5.12.46 The Chair will decide on the question of privilege without debate.
- 5.12.47 The Chair may consult with the General Counsel and may declare a recess in order to consider a question of privilege in order to make a decision.
- 5.12.48 A member may appeal the ruling of a Chair on a point of privilege. A majority vote of members present and voting will overturn a decision of the Chair.
- 5.12.49 If the appeal from the Chair's decision results in a tie vote, the Chair's decision on the question of privilege will be upheld.

Parliamentary Inquiry

- 5.12.50 A member may ask a question about the rules of procedure relevant to any matter or issue before the Board. The Chair will answer the question if it would assist the member to make an appropriate motion, raise a proper point of order or understand the effect of a motion or ruling. The Chair is not obliged to answer hypotheticals. The Chair may consult with the General Counsel in providing an answer.
- 5.12.51 The answer provided by the Chair is an opinion and is not subject to appeal. The member may act contrary to opinion and may then appeal any adverse ruling by the Chair.

Point of Information

- 5.12.52 A member may ask a question directed to the Chair, or through the Chair to another member, for information relevant to the matter at hand but unrelated to parliamentary procedure.

By-Law #3 - Public Presentations to Board and Committee Meetings [no substantial changes - now found in section 5.13]

1.0 Introduction

- 1.1 In keeping with Durham District School Board Policy #1200 - Public Consultation, the Durham District School Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance with the Standing Committee.
- 1.2 The following procedure shall apply in all cases:

2.0 Approval to Present

- 2.1 Each presenter must apply to present (see 3.1) at least eight working days before the next scheduled meeting of the Standing committee (except as in 2.3 below).
- 2.2 Application may be made to the Office of the Director. Any application submitted to the Office of the Director shall be sent to the Chairperson of the Standing Committee.
- 2.3 Any application to present at the Standing Committee shall be approved at the discretion of the Chairperson of the Standing Committee who shall:
 - determine if the opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given for presentation in the Boardroom;
 - determine the date on which the presentation shall take place. Notwithstanding 2.1, the Standing Committee Chairperson may waive the notice of eight working days in certain situations;
 - limit the number of presentations at any meeting to allow the Standing Committee sufficient time to conduct its business.
- 2.4 Approval to present at a Board meeting is at the discretion of the Chairperson of the Board.

3.0 Submission

- 3.1 Any application to present to the Standing Committee shall state in detail:
 - the matter to be discussed;
 - materials intended to be distributed to trustees;
 - the name of any organization or interested party to be represented;
 - the authority of the spokesperson.
- 3.2 Presenters should use the appropriate format and protocol for presentations, available from the Director's Office.
- 3.3 The Chairperson of the Board or Standing Committee shall delay the distribution of any materials which may not be acceptable under Freedom of Information legislation or any other legislation.
- 3.4 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Standing Committee of the Board prior to her or his opportunity to present.

4.0 Presentations

- 4.1 Presentations shall be heard at all Standing Committee meetings commencing at 7:00 p.m. or as soon thereafter as is practicable.
- 4.2 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chairperson, this may be extended for a specific amount of time or deferred to a later point in the meeting.
- 4.3 Presenters shall be restricted to topics outlined in the application.

5.0 Decisions

- 5.1 One or more presentations on a topic do not necessarily lead to a Standing Committee or Board decision. The Standing Committee Chairperson shall direct presenters to any added sources of information if appropriate.
- 5.2 If a presentation raises one or more issues that require decision, the Standing Committee shall deal with the issue(s) at the Board Meeting following the presentation. Any exceptions to this rule shall be at the majority vote of the Standing Committee.
- 5.3 When a decision is required on the topic raised by a presentation, presenters shall be notified in writing of the meeting at which the decision is to be made or a staff report is to be considered.
- 5.4 If a presentation is approved by the Chairperson of the Board and placed on a Board Meeting agenda, issues raised by the presenters that require decision may be referred to a committee or placed on a future Board agenda.
- 5.5 If items are referred by the Board, the Standing Committee shall deal with each item as soon as possible after such referral.

6.0 Public Question Period

- 6.1 In addition to appearing before the Board as a delegation, members of the public are invited to pose questions of a general nature or regarding Board processes to the Board at all Regular Meetings.
- 6.2 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chairperson shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.
- 6.3 Questions shall not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).
- 6.4 The following procedure applies to public question period:
 - Each person shall be allowed to ask one question and one supplementary question.
 - Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Manager of Communications;
 - The Questioner shall be called to the podium;
 - The Questioner or, if the Questioner prefers, the Chairperson, shall read the question;
 - The question shall be addressed by the Chairperson who may direct staff to answer;
 - The Questioner may ask a supplementary question for clarification;
 - Questions to individual trustees will not be addressed at public question period.

5.13 Public Participation in Meetings

- 5.13.1 In keeping with Board's Policy on Public Consultation, the Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole - Standing.
- 5.13.2 In Order to obtain permission to make a presentation to the Committee of Whole - Standing, a person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole - Standing. A presenter to the Committee of Whole - Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.
- 5.13.3 Any application submitted to the Director shall be forward to the Chair of the Committee of Whole

- Standing.

- 5.13.4 An email requesting permission to present to the Committee of Whole - Standing shall:
- State the matter to be discussed;
 - Include materials intended to be distributed to trustees;
 - Provide the name of any organization or interested party to be represented;
 - Confirm the authority of the spokesperson.
- 5.13.5 Any application to present to the Committee of Whole - Standing may be approved at the discretion of the Chair of the Committee of Whole - Standing who shall:
- determine if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
 - determine the date on which any approved presentation shall take place;
 - limit the number of presentations at any meeting to allow the Committee of Whole - Standing sufficient time to conduct its business;
- 5.13.6 The Chair may waive the eight working days' notice period.
- 5.13.7 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.
- 5.13.8 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing of the Board prior to their opportunity to present.
- 5.13.9 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole - Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.
- 5.13.10 Presenters shall be restricted to topics outlined in the application.
- 5.13.11 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.
- 5.13.12 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.
- 5.13.13 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.
- 5.13.14 Questions shall not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).
- 5.13.15 The following procedure applies to public question period:
- Each person shall be allowed to ask one question and one supplementary question.
 - Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Executive Officer of Communications;
 - The Questioner shall be called to the podium;
 - The Questioner or, if the Questioner prefers, the Chair, shall read the question;
 - The question shall be addressed by the Chair who may direct staff to answer;
 - The Questioner may ask a supplementary question for clarification;
 - Questions to individual trustees will not be addressed at public question period;

- Individual Trustees will not respond or comment on questions posed.

By- Law #4 - Standing Committee [Substantial changes to By-Laws 4-7 dealing with Committees – now found in section 4]

- 1.0** The Board shall meet as a Standing Committee on the first (1st) Monday of the month. Should the date of a Standing Committee meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. All Trustees shall sit on the Standing Committee.
- 1.1** A Chairperson and Vice-Chairperson of the Standing Committee shall be elected at the Inaugural Meeting of the Board.
- 1.2** There will be a quorum for Standing Committee meetings. A trustee who cannot attend a meeting should so notify the Trustees' Office Administrative Assistant as early as possible.
- 1.3** The Standing Committee shall have access to all board information and the assistance of appropriate staff. The allocation of staff resources is the responsibility of the Director and is monitored by the Director. Where the service required by the Standing Committee necessitates more staff time than can be made available, this situation is to be referred by the Standing Committee Chairperson to the attention of the Board Chairperson for consultation with the Director.
- 1.4** The Standing Committee of the Board shall be dissolved as the Board directs.
- 1.5** Tasks assigned to the Standing Committee, if incomplete on the dissolution of the Committee, shall be completed in the succeeding year by the Standing Committee.

2.0 Terms of Reference – Standing Committee

- 2.1** It is the function of the Standing Committee to provide to the Board, in concise form, relevant information and recommendations. Presentations to the Standing Committee are welcomed. The individual or group shall follow the guidelines for "Public Presentation to Board and Standing Committee Meetings" as outlined in By-Law #3. It is necessary that the functions of the Standing Committee to be complementary to the work of the Board and Administration.

3.0 Responsibilities of Standing Committee

- 3.1** Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same.
- 3.2** Conduct, from time to time, studies of existing or proposed educational programs of this or other Boards and report to the Board thereon.
- 3.3** Receive and seek representations and opinions from staff, area residents, and others, with respect to the educational programs of the Board, both specific and general, to assist in its responsibilities.
- 3.4** Receive reports regarding curriculum development, implementation, and assessment projects.
- 3.5** Receive and consider communications regarding curriculum issues from agencies, councils, commissions, associations, and societies.
- 3.6** Consider other matters involving the Board, including, but not limited to, curriculum, facilities and Employee Relations, and make recommendations to the Board as required.

By-Law #5 - statutory Committees

1.0 Obligation to Establish and Maintain

Statutory Committees are those committees that the Board must establish and maintain in accordance with the Education Act and the Regulations made thereunder.

2.0 Special Education Advisory Committee

The Durham District School Board shall establish and maintain a Special Education Advisory Committee in accordance with Regulation 464/97 - Special Education Advisory Committees.

3.0 Supervised Alternative Learning Committee

The Durham District School Board shall establish and maintain a Supervised Alternative Learning Committee in accordance with Regulation #374/10 - Supervised Alternative Learning.

4.0 Accommodation Review Committees

The Durham District School Board shall establish (when necessary) an Accommodation Review Committee in accordance with the Ministry Pupil Accommodation Review Guidelines.

5.0 Parent Involvement Committee

The Durham District School Board shall establish a Parental Involvement Committee in accordance with Student Achievement and School Board Governance Act, and Regulations.

6.0 Audit Committee

The Durham District School Board shall establish an Audit Committee in accordance with Ontario Regulations.

By-Law #6 - Non-Statutory Committees

1.0 Non-Statutory Committees shall be established as necessary by the Board.

1.1 The function, membership tenure, mandate, and reporting relationship of each committee shall be established as appropriate.

2.0 Education Finance

2.1 The Chairperson of the Education Finance Committee shall be elected at the Inaugural Meeting of the Board.

2.2 The Chair of the Education Finance Committee will be responsible for communicating with the Superintendent of Education/Business and Treasurer, facilitating the introduction of issues to the Standing Committee as the issues relate to Section 4.0 of this By-Law.

2.3 Develop and maintain the procedures by which the Board establishes budget objectives and audits the budget expenditures.

2.4 When deemed necessary by the Board, study and recommend to the Board desirable changes in the Board's financial system.

2.5 Recommend to the Board expenditures other than those within the Budget.

2.6 Considers and recommends to the Board the annual Budget.

2.7 Review the annual financial statement and all expenditures, revenues, trust, capital account reserves, and investment reports.

2.8 Consider the annual transportation budget.

By-Law #7 - Ad Hoc Committees

1.0 Name and Origin

1.1 This By-Law is implemented by the Durham District School Board to regularize the structures and practices of the ad hoc committees created by the Board.

2.0 Chairperson of Committee

The Chairperson may be designated by the Board or the Chairperson of the Board. If the Chairperson has not been designated by the Board or the Chairperson of the Board, the Chairperson of each ad hoc committee shall be chosen by the members of the ad hoc committee.

3.0 Membership, Structure, and Tenure

3.1 Membership

Members of an ad hoc committee shall be trustees. The Director shall assign a senior staff person to every ad hoc committee and any other staff needed would be seconded by the senior staff person assigned. The ad hoc committee may seek additional input from other resource people.

3.2 Tenure

Trustees shall remain members of the ad hoc committee until the specified task is completed. The Committee, by resolution, may add members to the committee as the need arises. At the completion of the specified task, which would normally be the presentation of its final report, the committee would automatically cease to exist.

4.0 Mandate

The mandate of any ad hoc committee is to carry out a specified task as charged by the Board through resolution.

5.0 Reporting on Ad Hoc Committees

5.1 Reporting Relationship

An ad hoc committee reports to the Standing Committee through the chair of the ad hoc committee

5.2 Board Agenda

A list of ad hoc committees currently at work shall be included in the regular Board agenda.

SECTION 4: COMMITTEE STRUCTURE AND COMPOSITION

4.1 Approval of Committees

- 4.1.1 The Board shall consider and approve the Board's Committee structure and composition on an annual basis at the Organizational Meeting and as otherwise may be deemed appropriate by the Board.

4.2 Committee of the Whole and Committee of the Whole - Standing

- 4.2.1 The Committee of the Whole will be composed of all Trustees with full participation and voting privileges.
- 4.2.2 The term of the Committee of the Whole will coincide with the term of the Board.
- 4.2.3 During a Board meeting, the Board may convene into Committee of the Whole by majority vote of members present and voting to consider matters in closed session, as permitted under section 207 of the *Education Act*, or for any other reason the Board may deem appropriate. In any such case, the presiding officer for the Committee of the Whole will be the Vice-Chair of the Board.
- 4.2.4 The Committee of the Whole shall also meet regularly on the first (1st) Monday of the month (which shall be referred to as "The Committee of Whole – Standing"). Should the date of such a meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week.
- 4.2.5 A Chair and Vice-Chair of the Committee of Whole - Standing shall be elected at the Organizational Meeting of the Board. The presiding officer for any closed session of the Committee of the Whole – Standing will be the Vice-Chair of the committee.
- 4.2.6 There will be a quorum for Committee of the Whole – Standing. A trustee who cannot attend a meeting should so notify the Trustees' Office Administrative Assistant as early as possible.
- 4.2.7 It is the function of the Committee of Whole - Standing to consider and debate matters in a more informal way than may be available at Board meetings and to provide to the Board, in concise form, relevant information and recommendations. Except for matters considered in closed sessions, any and all resolutions of the Committee of Whole – Standing shall be set out in a numbered list as an appendix to the minutes and shall be referenced by the Board when it moves to adopt any such resolution.
- 4.2.8 Public presentations to the Committee of the Whole – Standing are welcomed. The individual or group seeking to make a presentation shall follow the process and rules set out in these Bylaws.
- 4.2.9 The terms of reference of the Committee of the Whole - Standing are as follows:
 - a) Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same.
 - b) Conduct, from time to time, studies of existing or proposed educational programs of this or other Boards and report to the Board.
 - c) Receive and seek representations and opinions from staff, area residents, and others, with respect to Board policy, including a proposed new policy or a proposed amendment to an existing policy.

- d) Receive staff reports regarding curriculum development, implementation, and assessment projects.
- e) Receive and consider communications regarding curriculum issues from agencies, councils, commissions, associations, and societies.
- f) Consider other matters involving the Board, including, but not limited to, curriculum, facilities and Employee Relations, and make recommendations to the Board as required.

4.3 Statutory Committees

4.3.1 The Board shall establish Statutory Committees as called for in the *Education Act* and the regulations thereunder including:

- (a) Audit Committee;
- (b) Parent Involvement Advisory Committee;
- (c) Special Education Advisory Committee;
- (d) Supervised Alternative Learning Committee(s);
- (e) Accommodation Review Committee (when necessary).

4.3.2 The mandate, membership composition and terms of reference for Statutory Committees shall be governed by applicable legislation and regulations.

4.4 Additional Standing Committees

4.4.1 There shall be an Education Finance Standing Committee, a Governance and Policy Standing Committee, and a Director's Performance Review Standing Committee, the membership and terms of reference of which are as follows:

Education Finance Standing Committee:

- a) Develop and maintain the procedures by which the Board establishes budget objectives and audits the budget expenditures;
- b) When deemed necessary by the Board, study and recommend to the Board desirable changes in the Board's financial system;
- c) Recommend to the Board expenditures other than those within the Budget;
- d) Consider and recommend to the Board the annual Budget;
- e) Review the annual financial statement and all expenditures, revenues, trust, capital account reserves, and investment reports;
- f) Consider the annual transportation budget;
- g) All trustees are eligible to sit on the committee; the Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting.

Governance and Policy Standing Committee:

- To ensure all of the Board's policies are up-to-date, accurate and consistent with the current legislation and government requirements;
- To ensure that the Board of Trustees review policies at least once every five years or when required by a new legislative act or regulation, new government policy, resolution of the Board or as recommended by staff;
- To develop policies that are developed with evidence-based data, equitable and reflect the board's vision, values and strategic plan;

- Monitor the effectiveness of board policies through consultation and evidence based data;
- Monitor the effectiveness of Board policies in addressing human rights and equity in consultation with the Human Rights and Equity Advisor, through the Director of Education;
- Report and make recommendations to the Board of Trustees on governance and board policies;
- Review Bylaw/Policies for ad-hoc committees and develop/review/document procedures (document mandate, clearly identify quorum, membership);
- The committee shall meet at least twice annually;
- All trustees are eligible to sit on the committee. The Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting.

Director's Performance Review Standing Committee:

- a) As set out in the Director's Performance Review Policy*

4.5 Advisory Committees

- 4.5.1 There shall be an Equity and Diversity Advisory Committee and an Indigenous Advisory Committee (which shall be referred to as the Indigenous Advisory Circle).
- 4.5.2 The purpose of these Advisory Committees is to consider any matter within the jurisdiction of the Board that the committee may deem appropriate and to make policy recommendations to the Board. The membership and composition of these committees, as well as the election of a chair, shall be left to the committee but members shall include at least one Trustee and/or staff member, at the discretion of the Advisory Committee.

4.6 Additional Committees

- 4.6.1 In addition to any committees established under these Bylaws, the Board may by resolution, establish any Stranding Committee, Ad Hoc committee or Advisory Committee as it may deem appropriate at any time, subject to these Bylaws and any applicable legislation. The Board shall stipulate, by resolution, the terms of reference for any such Standing Committee or Ad Hoc Committee stipulating the mandate and membership of the Committee. The Board may, by resolution, seek the recommendation from a Standing Committee or Ad Hoc Committee on the appropriate terms of reference for the committee.

4.7 Committee Structure

- 4.7.1 The members of standing committees and ad hoc committees shall be Trustees. The members of a statutory committee are as stipulated by legislation or regulation.
- 4.7.2 The members of an advisory committee may include Trustees, Student Trustees, staff members and members of the community, but shall include at least one trustee or staff member.
- 4.7.3 The chair of an ad hoc committee or standing committee may be determined by the Chair of the Board, the Board or, failing which, by the committee. The chair of an advisory committee shall be determined by the committee.
- 4.7.4 The Director shall assign one (non-member/non-voting) senior staff person to every ad hoc and standing committee and any other (non-member/non-voting) staff person(s) that the Director, in consultations with the Chair of committee, may deem appropriate.

- 4.7.5 If there is no staff person on an advisory committee, the Director shall assign one (non-member/non-voting) senior staff person and any other (non-member/non-voting) staff person(s) that the Director, in consultation with the Chair of the committee, may deem appropriate.
- 4.7.6 Except for any committee established under these Bylaws or Board Policy, the Board may dissolve any standing or ad hoc Committee at the Organizational Meeting or by resolution at any time as the Board may deem necessary or appropriate, subject to applicable legislation. Committees constituted under these Bylaws or Board Policy may only be dissolved by an amendment or revocation of the applicable provisions in these Bylaws or Board Policy, as the case may be. The terms of reference of any standing committee or ad hoc committee not established in these Bylaws or in a Board policy may be amended by ordinary resolution.
- 4.7.7 Committees are not decision-making bodies and may only make recommendations to the Board, which they shall typically do through the Committee of Whole - Standing.
- 4.7.8 A Trustee who is not a member of a Statutory Committee, Standing Committee or Ad hoc committee cannot move a motion, vote or be counted towards quorum, but may attend any such committee meeting.
- 4.7.9 Once an ad hoc committee has satisfied the terms of reference, it shall report to the Committee of Whole – Standing confirming that it has satisfied the terms of reference at which point it shall be automatically dissolved.

By-Law #8 - Filling Trustee Vacancies on The Board of Education [no substantial changes – now found in section 6]

- a) Background
- b) The Education Act, 1998, allows a Board to fill a trustee vacancy by either of two means:
 - i. require the municipality to hold a by-election, or
 - ii. appoint a qualified person to the position.
- c) A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).
- d) The method of appointment is not specified in the Act (Section 221(1)(a)).
- e) The Following Steps/Decisions Need to be Considered:
- f) By-Election or Appointment:
 - a) If by-election, the matter is virtually out of the hands of the Board and is the responsibility of the municipality. The process for filling a vacancy in this manner takes approximately 2-1/2 months. Information regarding the implications of holding a by-election, including previous election results and estimated costs, will be provided to the Board.
 - b) If appointment, the Education Act requires the vacancy to be filled within ninety days after the office becomes vacant. The Board, will by special motion, establish an Appointment Committee with the authority to interview and appoint. The Committee must have quorum of the Board.
- g) Qualifications:
 - a) The Education Act, 1998, Section 219(1) specifies the qualifications necessary to be elected as a member of a Board (and, presumably, to be appointed):
 - qualified to vote for members of the Board
 - a resident in the area of jurisdiction of the Board
 - disqualifications are outlined in the Education Act, 1998 Section 219(4)(5)(7).
 - h) The Board may choose to appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person. IF the Board chooses to offer the position to a broader range of electors, the following actions will occur:
 - a) Advertising

The vacancy shall be advertised in all the local papers.
 - b) Applications
 - Individuals interested in the position shall be required to submit in writing an application for the position, to be received by the Secretary to the Board.
 - The Appointment Committee shall establish a deadline for the appointment process.

c) Information Required

Applicants shall be asked to provide the following information:

- i. confirmation of eligibility as per Section 2.2 (a);
- ii. why they are interested in the position;
- iii. background, interests, experience, concerns;
- iv. other information they think is pertinent.

Application material shall be copied and distributed to all trustees at least 48 hours prior to an interview date.

d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. By-Law #8 - Responsibilities and Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

e) Interviews

- i. The Appointment Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Board room. All trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chairperson, after consultation with trustees. If a quorum of trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

f) Voting

- i. Only trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot)
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.
- vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.

- vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
 - viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- g) A recommendation shall be brought forward to the Board in Committee of the Whole to approve the appointed candidate. All trustees are eligible to vote on the recommendation. of the selection committee. The person shall be advised by telephone of the Board's decision.
- h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

SECTION 6: FILLING TRUSTEE VACANCIES

6.1 The Education Act

- 6.1.1 The Education Act provides for the Board to fill a trustee vacancy by either:
- i. requiring the municipality to hold a by-election, or
 - ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the *Education Act*.
- 6.1.2 A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

6.2 Vacancy Committee

- 6.2.1 In the event of a vacancy, the Board shall establish a Vacancy Committee to consider and determine the means of filling the vacancy.
- 6.2.2 All members of the Board are eligible to sit on the Vacancy Committee which shall be made up of at least half of the members of the Board. The Vacancy Committee shall obtain and consider information regarding the implications of holding a by-election, including previous election results and estimated costs.
- 6.2.3 For an appointment, there are two options: (i) appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area provided that the candidate remains a qualified person as defined under the Education Act; or (ii) consider a broader range of electors for the appointment in which case the following actions will occur:
- a) Advertising

The vacancy shall be advertised in all the local papers.
 - b) Applications

- Individuals interested in the position shall be required to submit in writing an application for the position, to be received by the Secretary to the Board.
- The Appointment Committee shall establish a deadline for the appointment process.

c) Information Required

Applicants shall be asked to provide the following information:

- i. confirmation of eligibility;
- ii. why they are interested in the position;
- iii. background, interests, experience, concerns;
- iv. other information they think is pertinent.

Application material shall be copied and distributed to all trustees at least 48 hours prior to an interview date.

d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. By-Law #8 - Responsibilities and Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

e) Interviews

- i. The Vacancy Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Board room. All trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chairperson, after consultation with trustees. If a quorum of trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

f) Voting

- i. Only trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot)
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the

second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.

- vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.
 - vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
 - viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- g) A recommendation shall be brought forward the Committee of the Whole (closed session) to approve the appointment. All trustees are eligible to vote on the recommendation. The person shall be advised by telephone of the Board's decision.
- h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

By-Law #9 - Trustee Determination and Distribution [No substantial changes – now found in section 7]

The Durham District School Board (“DDSB”) is a statutory corporation under section 58.5 of the Education Act, R.S.O, 1990, C. E.2, (the “Education Act”). The Board of Trustees is the governing body of the DDSB. The duties and powers of the Board of Trustees are as set out in the Education Act. Decision making authority rests with the Board of Trustees as a single body, not with individual trustees.

The number and distribution of elected trustees is determined pursuant to the provisions of the Education Act and the regulations thereunder.

SECTION 7: TRUSTEE DETERMINATION AND DISTRIBUTION

- 7.1 The Durham District School Board (“DDSB”) is a statutory corporation under section 58.5 of the Education Act, R.S.O, 1990, C. E.2, (the “Education Act”). The Board of Trustees is the governing body of the DDSB. The duties and powers of the Board of Trustees are as set out in the Education Act. Decision making authority rests with the Board of Trustees as a single body, not with individual trustees.
- 7.2 The number and distribution of elected trustees is determined pursuant to the provisions of the Education Act and the regulations thereunder.

By-Law #10 - Durham District School Board Responsibilities [largely deleted – a few key statements on this topic are now in Section 2]

The *Education Act* provides for the establishment of locally elected school boards responsible for operating publicly-funded schools within their jurisdiction and for the delivery and quality of educational programs and services. Legal accountability for board decisions applies to the board as a corporate entity rather than to individual trustees.

The Durham District School Board's major areas of responsibility are:

1.0 Accountability for Student Achievement and Well Being in the District

- 1.1 Nurture a culture that supports student academic success and provides an environment that promotes well-being.
- 1.2 Provide a safe environment to promote student learning.
- 1.3 Promote effective educational programming for all students in the district.
- 1.4 Make decisions that reflect the belief that all students can learn
- 1.5 Use student achievement data to make informed decisions
- 1.6 Foster a professional climate that puts educators in the role of champions of their students.

2.0 Accountability to the Provincial Government

- 2.1 Act in accordance with the Education Act, Regulations, and other statutory requirements to ensure the implementation of provincial and education standards and policies.
- 2.2 Perform Durham District School Board functions required by provincial legislation and board policy.
- 2.3 Provide advice and input to the Ministry of Education regarding relevant issues.

3.0 Accountability to the Community

- 3.1 Promote community consultation and outreach that seeks and provides communities at large with opportunities for input and the exchange of ideas
- 3.2 Recognize the role of individual Trustees as advocates and as liaisons for their communities
- 3.3 Annually review the communication plan to ensure that the district is fulfilling its commitment to communicate with the community at large.
- 3.4 Provide two-way communications between Durham District School Board, Special Education Advisory Committee (SEAC) and School Community Councils.
- 3.5 Support the growth and development of the district Parent Involvement Committee.
- 3.6 Provide reports outlining district results in accordance with provincial policy.
- 3.7 Develop district processes to hear appeals in accordance with appropriate statutes and district policies.
- 3.8 The Audit Committee is accountable to the Board of Trustees.

4.0 Policy Development, Implementation and Review

- 4.1 Develop policies that outline how the district will successfully function.
- 4.2 Ensure the processes for policy development, implementation and review comply with the Board Policy on Policy Development and Implementation.

5.0 Director/ Board Relations

- 5.1 Select the Director of Education.
- 5.2 Provide the Director with a clear job description and corporate direction.
- 5.3 Delegate through policy, administrative authority and responsibility subject to the provisions and restrictions of the *Education Act* and Regulations.

- 5.4 Evaluate the Director in the first year of service and annually thereafter. Use the Director's job description and Durham Directions as the basis for the evaluation.
- 5.5 At the Director's request provide the Director with the opportunity to meet alone with the board in closed session.
- 5.6 To establish and review the contract of the Director and in consultation with the Director, the senior staff.

6.0 Board Development

- 6.1 Conduct an annual Board self assessment.
- 6.2 Develop and support an annual development plan for trustees with the ability to utilize professional resources where applicable.

7.0 Strategic Planning

- 7.1 Establish and/or confirm overall direction for the Durham District School Board by establishing the mission, vision and belief statements. (Durham Directions)
- 7.2 Annually set priorities and develop a process for communicating this with the system.
- 7.3 Annually use the established priorities to drive the budget process.

8.0 Fiscal Responsibility

- 8.1 Ensure a budget review process is in place to help determine annual resource allocations. (Use the system priorities and other provincial and local directions.)
- 8.2 Annually approve the budget to ensure that the financial resources are allocated to achieve the system priorities and comply with provincial requirements.
- 8.3 Approve as per legislation all capital plans and other planning documents that will drive budget decisions.
- 8.4 To ensure compliance with the provincial regulations.
- 8.5 Ratify applicable Memoranda of Agreements with all bargaining units.
- 8.6 To monitor significant financial expenditures and fiscal variances.

9.0 Political Advocacy

- 9.1 Articulate the role of Trustees as advocates for public education
- 9.2 Annually develop a plan, including the focus, key messages, mechanisms, and relationships for district advocacy.
- 9.3 Develop and maintain partnerships to strengthen the advocacy role.
- 9.4 Meet on an on-going basis with elected municipal, provincial and federal officials.

10.0 Recognition

- 10.1 Ensure that Durham District School Board recognizes students and student achievements
- 10.2 Ensure that the contributions of all staff are recognized and appreciated.
- 10.3 Ensure that Durham District School Board recognizes community members and volunteers.

The board also has the following responsibilities:

- 1. Approval of school year calendars
- 2. Naming of educational facilities
- 3. Approval of tender selection for major building construction and modernization
- 4. Approval of disposition of land and buildings
- 5. Approval of educational development charges
- 6. Approval for the issuance of debentures

7. Designation of the “lead” for Freedom of Information and Protection of Privacy
8. Involvement in Superintendent interviews as per succession plan model.

SECTION 2: ROLES AND RESPONSIBILITIES

2.1 Board of Trustees

- 2.1.1 The Board of Trustees is the governing body of the DDSB. Decision-making authority for matters before the Board of Trustees rests with the Board, as a whole, and not with individual Trustees.
- 2.1.2 The Board of Trustees is required to carry out its mandate as stipulated in the *Education Act* and, in particular, as set out in Section 169.1(1).
- 2.1.3 Board members shall each comply with the provisions of section 218.1 of the *Education Act* and the DDSB’s Member Code of Conduct.
- 2.1.4 The DDSB’s Member Code of Conduct is attached to these Bylaws as Appendix “A”.

By-Law #11 – Trustee Responsibilities [largely deleted – role of chair/vice-chair addressed in sections 2.2. and 2.3; Trustee responsibility is addressed in the Code of Conduct]

1.0 Areas of Responsibility

Trustee Responsibilities

- Articulate the Board's vision for education
- Establish and monitor Board policy based on vision and provincial policy
- Establish a budget and monitor its implementation
- Provide, equip and maintain schools
- Hold schools accountable for the results achieved by students
- Employ and compensate staff
- Provide equity of program for all students throughout the Board
- Advocate for public education.

Principles of Policy Governance

- The Board of trustees as a body has the responsibility to serve the general public rather than groups of the population or the professionals whom the Board employs.
- The Board of trustees exists to govern the school system, not manage it.
- The Board of trustees has multiple and varied responsibilities, but involvement in the details of these concerns should never displace students as the central focus of the system.

1.1 Trustees

In addition to the responsibilities set down in the Education Act and incorporated in the by-laws and procedures of the Board, an individual Trustee shall be expected to:

- a) Attend regular Board Meetings;
- b) Serve on statutory, regulatory, and ad hoc committees of the Board as required;
- c) Notify the Secretary of the Board when unable to attend a meeting;
- d) Safeguard and keep confidential, materials and information discussed or placed in confidence with trustees in Committee of the Whole in Camera or through other venues;
- e) Be prepared for, and actively participate in, discussion and decision-making;
- f) Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Trustee;
- g) Exercise her/his power to govern only as a trustee of the corporate body, not as an individual;
- h) Be aware that she/he can be held personally liable if she/he is guilty of bad faith, neglect, or willful or malicious use of power.

Trustees as full participating members of the Board may be expected to:

- i) Act as a representative of the Board at official functions;
- j) Be involved in provincial Trustee organizations and committees;
- k) Consult and communicate with ratepayers, community and business organizations regarding Board activities.
- l) Attend conferences, workshops, etc., in order to be kept informed of current educational issues;
- m) Reflect community attitudes while also providing leadership in decision-making.
- n) Chair community meetings in their representative areas.

Trustees shall be expected to model ethical practices which include:

- o) Making decisions in a manner which is open, accessible and equitable;
- p) Approaching all Board issues with an open mind, and being prepared to make the best decisions for the organization as a whole;
- q) Respecting different points of view;
- r) Conducting Board business through appropriate channels;
- s) Ensuring that public office is not used for personal gain;
- t) Protecting the integrity of the Board.

1.2 Chairpersons of the Board shall be expected to:

- a) Organize the agenda for Board meetings:
 - schedule delegations and presentations
 - follow up on Board directions
 - speak with press
 - chair meetings of the Board in an impartial manner, facilitating deliberation and resolution;
- b) Consult with individual trustees, chairpersons of committees, and to resolve problems. Be well informed and prepared;
- c) Sit as a voting member of the hiring committee for Supervisory Officers and other staff appointments as required;
- d) Represent the Board at school/community events as an advocate for public education and communicator of corporate Board Policy;
- e) Liaise with local municipalities, organizations, MP's, MPP's, Federations;
- f) Will be the primary contact for public speaking engagements, interviews;
- g) Sign contracts, respond to mail and phone calls, consult with the Director and staff on issues;
- h) Organize, in consultation with trustees and staff, the Board committee structure and representation on committees;
- i) Be involved in workshops for professional development for trustees;
- j) Organize the selection of a new Director (as required);
- k) Prepare the evaluation of the Director;
- l) Attend meetings of Chairpersons with the Minister of Education and Training;
- m) Perform the responsibilities of a local trustee;
- n) Counsel and guide fellow trustees in private and in confidence.

1.3 Vice-Chairperson of the Board shall be expected to:

- a) Perform the duties of the Chairperson in her/his absence;
- b) Preside over Board meetings when the Chairperson is absent or challenged;
- c) Assume special duties as requested by the chairperson of the Board;
- d) Chair Committee of the Whole In Camera Meetings;
- e) Chair Standing Committee Meetings;
- f) Organize the agenda for Standing Committee.

1.4 Chairperson of the Standing Committee:

A Chairperson shall be expected to:

- a) Be knowledgeable about Robert's Rules of Order and Parliamentary Procedure;
- b) Chair public meetings of the Standing Committee, encouraging participation while maintaining control;
- c) Consult regularly with appropriate Liaison Trustees, Superintendents and staff members to prepare the agenda for each meeting and to stay informed on relevant issues;
- d) Approve the minutes of the meeting before they go to Board;
- e) Represent the Standing Committee at Board Meetings, presenting motions passed by the Standing Committee and answering questions;
- f) Be knowledgeable about Board Policy and Ministry Regulations;

- g) Inform all trustees and appropriate staff members of meeting dates, times, and locations; distribute agenda and back-up material;
- h) Represent the Standing Committee to employee and community groups and at public functions;
- i) Participate in conferences and workshops related to the Standing Committee's work;
- j) Follow up on items sent to the Standing Committee from the Board, as well as staff and community requests;
- k) Prepare an Items Pending List;
- l) Represent the Board at the provincial level if required;
- m) Be knowledgeable about topics within the Standing Committee's terms of reference and speak with the press and public when required;
- n) Establish ad hoc committees when appropriate;
- o) Assume other duties as assigned by the Board or Chairperson of the Board.

1.5 Vice-Chairperson of the Standing Committee

A Vice-Chairperson of the Standing Committee shall be expected to:

- a) Perform the duties of the Chairperson of the Standing Committee in her/his absence;
- b) Preside over the Standing Committee meetings when the chairperson is absent or challenged;
- c) Assume special duties as requested by the Chairperson of the Standing Committee;
- d) Chair Standing Committee In Camera Meetings.

1.6 Chairperson of the Education Finance Committee:

The Chair of the Education Finance Committee shall be expected to:

- a) Chair all Education Finance Committee Meetings;
- b) Be knowledgeable about Education Finance issues;
- c) Liaise with the Superintendent of Education/Business and Treasurer in the creation of agendas and dates for the Education Finance Committee.

2.0 Code of Conduct

- 2.1** Trustees shall exercise their power to govern only as trustees of the corporate body, not as individuals.
- 2.2** Trustees shall abide by existing legislation, the by-laws, policies, regulations and procedures of the Board, and their declarations of office.
- 2.3** Trustees shall maintain confidentiality regarding matters discussed at in-camera sessions of meetings and all other confidential information which is entrusted to them.

3.0 Criminal Reference Check

- 3.1** Trustees will complete a Criminal Background Check within two months of being sworn in as a Trustee, in accordance with the requirements of the Durham District School Board. These checks will be collected and administered by the Director of Education for the Durham District School Board.
- 3.2** Trustees shall complete a signed Annual Offence Declaration, in accordance with DDSB Regulation #4221 to be collected by the Director of Education to the Board. This offense declaration is to be submitted by September 1 each year in which the Trustee serves.

2.2 Chair/Vice-Chair

- 2.2.1** The Chair of the Board of Trustees, as an individual member, has no greater rights or powers than any other member of the Board but does have a unique role as expressly set out in the *Education Act*.
- 2.2.2** The role of the Chair of the Board of Trustees (or Vice-Chair in the Chair's absence) is as set out in the *Education Act* and is to:

- (a) Preside over meetings of the Board;
- (b) Conduct meetings in accordance with these Bylaws;
- (c) Establish agendas for Board meetings, in consultation with the Director;
- (d) Ensure that members of the Board have the information needed for informed discussion of the agenda items;
- (e) Act as spokesperson to the public on behalf of the Board, unless otherwise determined by the Board;
- (f) Convey the decisions of the Board to the Director; and
- (g) Provide leadership to the Board in maintaining the Board's focus on the Multi-Year Strategic Plan and the Board's mission and vision.

2.3 Committee Chair or Vice-Chair

2.3.1 The role of Committee Chair (or Vice-Chair in the Chair's absence) is to:

- (a) Preside over meetings of Committee;
- (b) Establish agendas for Committee meetings, in consultation with the Director;
- (c) Conduct meetings in accordance with these Bylaws;
- (d) Ensure that members of the Committee have the information needed for informed discussion of the agenda items;
- (e) Liaise with the Director to bring forward Committee recommendations to the Board, or to the Committee of the Whole – Standing, through a staff report delivered on behalf of the Committee.

By-Law #12 – Code of Conduct – See Appendix “A”

By-Law #13 - Execution of Documents and Corporate Seal [no substantial changes]

- 1.0** The corporate seal of the Board shall be in the form impressed on the original copy of By-Laws located in the Administrative Offices of the Durham District School Board.
- 2.0** Deeds, transfers, assignments, contracts, obligations, and similar and related documents, on behalf of the Board, shall be signed by the following with the corporate seal of the Board to be affixed by the Director of Education:
 - a) The Chairperson of the Board or, in her/his absence, the Vice-Chairperson of the Board;
 - b) The Director of Education or, in her/his absence, the Treasurer of the Board.

3.0 SIGNING AUTHORITY

- 3.1** The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.
- 3.2** The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.
- 3.3** The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.
- 3.4** The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank in respect to parts 3.1, 3.2, and 3.3 of this resolution.
- 3.5** The Treasurer shall be authorized to have printed all the necessary forms required for the banking business of the Board.

SECTION 8: EXECUTION OF DOCUMENTS AND CORPORATE SEAL

8.1 Corporate Seal of the Board

- 8.1.1** The corporate seal of the Board shall be in the form impressed on the original copy of the Bylaws located in the Administrative Offices of the Durham District School Board.

8.2 Signing Authority

- 8.2.1** The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.
- 8.2.2** The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.
- 8.2.3** The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.
- 8.2.4** The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank to implement the authority granted to them under these Bylaws.
- 8.2.5** The Treasurer shall be authorized to have printed all the necessary forms required for the banking

business of the Board.

By-Law #14 - Student Trustees on The Durham District School Board [now found in section 2.4 and section 9]

1.0 Student Trustees

- 1.1** The Durham District School Board shall have three Student Trustees on the Board.
- 1.2** A person is qualified to act as a Student Trustee if he or she is a full-time pupil of the Board in the senior division. In addition, the Student Trustee must be a Canadian citizen and a resident in the jurisdiction of the Durham District School Board.
- 1.3** The Student Trustees shall be elected not later than April 30 of each school year, to take office for the following school year.
- 1.4** A Student Trustee shall be a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term.

2.0 Election of Student Trustees

- 2.1** Every attempt shall be made to elect a Student Trustee from Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.

A notice shall be sent to each secondary school principal before February 1, advising of the election process. notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.

- 2.2** Stage 1: Municipal Election of Candidates

Section 2.2 shall apply in a municipality which has more than one secondary school.

Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.

The elections for either Student Trustee nominees or electors may be either a direct election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.

The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.

Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.

- 2.3** Stage II: Electoral College Process

The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.

Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.

The function of each electoral college is to elect one Student Trustee.

Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees speeches and the balloting.

The winning candidate from Stage 1 (Section 2.2 above) shall be the municipal candidate for the electoral college.

Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.

In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.

In the event of an equality of votes, there shall be a final ballot and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.

The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.

2.4 The Student Trustee nominees and Student Trustee electors shall be qualified according to this By-Law.

2.5 Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.

3.0 Disqualification of a Student Trustee

3.1 A Student Trustee who ceases to be a student in the Durham District School Board shall be disqualified from serving as a Student Trustee on the Durham District School Board.

3.2 A Student Trustee who absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the Board shall be disqualified from serving as a Student Trustee in the Durham District School Board.

3.3 A Student Trustee is disqualified if he or she is serving a sentence or imprisonment in a penal or correctional institution or is convicted of an indictable offence.

3.4 A Student Trustee who is suspended or expelled may be disqualified from serving as a Student Trustee on the Durham District School Board.

3.5 A Student Trustee who, in the opinion of the Director of Education and the Chairperson, behaves in a manner which is deemed to be incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Durham District School Board.

4.0 Vacancies

- 4.1** If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined in section 2.0 above.

5.0 The Type and Extent of Participation of Student Trustees

- 5.1** A Student Trustee is not a member of the Board and is not entitled to exercise a binding vote on any matter before the Board or any of its committees.
- 5.2** A Student Trustee is entitled to require that a matter before the Board or one of the committees on which the Student Trustee sits be put to a recorded vote and the Student Trustee's non-binding vote be recorded.
- 5.3** Student Trustees are eligible to attend in camera meetings of the Board with the exception of matters of personnel, property and students (i.e. individual students).
- 5.4** Subject to Sections 5.1, 5.2, and 5.3, Student Trustees shall have the same opportunities for participation at meetings of the Board and of the committees as all Board members.

6.0 Reimbursement of Expenses

- 6.1** Student Trustees shall be reimbursed for their routine expenses reasonably incurred in connection with carrying out the responsibilities of Student Trustees. Such reimbursement of expenses shall be according to the same rules that govern the reimbursement of Board members' expenses.
- 6.2** The Director shall hold a meeting with the three Student Trustees by the end of the first month of their term to outline and clarify all matters and questions relating to reimbursement of expenses and budget for Student Trustees and for Student Senate.
- 6.3** All other expenses are to be pre-approved by the Chair of the Board, excluding those expenses covered in 6.1. These expenses include conference fees, accommodation and travel expenses.

7.0 Mentor/Advisor

- 7.1** The Durham District School Board shall appoint a mentor/advisor to the Student Trustees on the Board.

8.0 Co-Operative Education Credit

- 8.1** A Student Trustee may apply to the co-operative education teacher at his/her school before the beginning of his/her term to use the experience of Student Trustees to fulfill the requirements of a co-operative education credit(s).

9.0 Roles and Responsibilities

- 9.1** Student Trustees shall be expected to:
- a) Attend regular Board meetings;
 - b) Notify the Secretary of the Board when unable to attend a meeting;
 - c) Be prepared for, and actively participate in decision and decision-making;
 - d) Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Student Trustee;
 - e) To participate in the Student Senate and report student matters to the Board.
 - f) Provide a Student Trustee report for Standing Committee meetings.
- 9.2** Student Trustees may be expected to:
- a) Serve on statutory, regulatory and ad-hoc committees of the Board as required;

- b) Act as a representative of the Board at official functions;
- c) Be involved in provincial trustee organizations and committees;
- d) Attend conferences, workshops, etc. in order to be kept informed of current educational issues;
- e) Reflect community attitudes while also providing leadership in decision-making;
- f) Student Trustees may become a member of the Ontario Student Trustees' Association - l'Association des élèves conseillers et conseillers de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills as a Student Trustee and to be kept informed of issues across the province.

9.3 Student Trustees shall be expected to model ethical practices which include:

- a) Making decisions in a manner which is open, accessible, and equitable;
- b) Approaching all Board issues with an open mind, and being prepared to make the best decisions of the organization as a whole;
- c) Respecting different points of view;
- d) Conducting Board business through appropriate channels;
- e) Protecting the integrity of the Board.

10.0 Student Senate

10.1 Student Trustees are required to ensure that a Student Senate is organized for their term.

10.2 Student Trustees share the Chairpersonship of the Student Senate.

11.0 Honorarium

11.1 The amount of the honorarium referred to in subsection 5.5 (8) of the Act is:

- a) \$2,500, if the Student Trustee holds office for a complete term of office;
- b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office.

12.0 Term of Office

12.1 A Student Trustee's term of office starts on August 1 of the year in which he or she is elected, and ends on July 31 of the following year.

2.4 Student Trustees

2.4.1 Student Trustees are not elected members of the Board but play an important role in representing the interests of secondary school students through their participation in meetings of Student Senate, the Board and its Committees. As outlined in the *Education Act* and the regulations thereunder, including Ontario Regulation 7/07, Student Trustees:

- (a) May attend Board and Committee meetings but are not considered members of the Board and may not exercise a binding vote on a matter;
- (b) May request that a matter before the Board be put to a recorded vote;
- (c) Must disclose any conflict of interest to the Board or Committee. During the discussion of the matter that gives rise to conflict, the Student Trustee cannot participate in the discussion, attempt to influence the vote of Board members, cannot suggest a motion or exercise a non-binding recorded vote;
- (d) May not move or second motions but are entitled to suggest a motion to be moved by a member;
- (e) May attend closed session of a committee unless the matters under consideration include the disclosure of intimate, personal or financial information with respect to a member of the Board or Committee, an employee or prospective employee of the TDSB, a pupil or their parent or guardian; and

- (f) Must not disclose to any member of the public, confidential information acquired by virtue of their office or during closed session.

- 2.4.2 The Durham District School Board shall have three Student Trustees on the Board. If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process outlined in these By-Laws.
- 2.4.3 A person is qualified to act as a Student Trustee if he or she is a full-time pupil of the DDSB in the senior division. In addition, the Student Trustee must be a Canadian citizen and a resident in the jurisdiction of the Durham District School Board.
- 2.4.4 A Student Trustee shall be disqualified from serving if the student is suspended or expelled or is otherwise not a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term. A Student Trustee who, in the opinion of the Director of Education and the Chair, has engaged in any conduct, either at school, in Board meeting or otherwise, including on social media, which is incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Board.
- 2.4.5 A Student Trustee who ceases to be a student in the DDSB shall be disqualified from serving as a Student Trustee on the Board.
- 2.4.6 A Student Trustee who is absent, from three consecutive regular meetings of the Board shall be disqualified from serving as a Student Trustee on the Board, unless the absence is authorized by resolution of the Board entered in the minutes.
- 2.4.7 Student Trustees shall be reimbursed for their routine expenses reasonably incurred in connection with carrying out the responsibilities of Student Trustees. Such reimbursement of expenses shall be according to the same rules that govern the reimbursement of Board member expenses. All other expenses are to be pre-approved by the Chair of the Board and the Director. Examples of other expenses that may be approved would be conference fees, accommodation and travel expenses.
- 2.4.8 The Director shall hold a meeting with the Student Trustees by the end of the first month of their term to outline and clarify all matters and questions relating to these Bylaws, reimbursement of expenses and budget for Student Trustees and for Student Senate. The Director shall appoint a staff member to act as mentor/advisor to the Student Trustees.
- 2.4.9 A Student Trustee may apply to the co-operative education teacher at his/her school before the beginning of his/her term to use the experience of Student Trustees to fulfill the requirements of a co-operative education credit(s).
- 2.4.10 Student Trustees shall be expected to:
 - a) attend regular Board meetings;
 - b) notify the Secretary of the Board when unable to attend a meeting;
 - c) participate in the Student Senate and report student matters to the Board;
 - d) provide a Student Trustee report at meetings of the Committee of the Whole – Standing;
 - e) with the approval of the Chair and the Director of Education, Student Trustees may be members of the Ontario Student Trustees' Association - l'Association des élèves conseillères et conseillers de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills and to be kept informed of issues across the province.
 - f) Ensure that a Student Senate is organized for their term, with each sharing duties as Chair.
 - g) Model the conduct expected of Board members as set out in the Trustee Code of Conduct.
- 2.4.11 The amount of the honorarium for Student Trustees as referenced in subsection 5.5 (8) of the Act is:
 - a) \$2,500, if the Student Trustee holds office for a complete term of office;
 - b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office

- 2.4.12 The term of office of a Student Trustee starts on August 1 of the year in which he or she is elected, and ends on July 31 of the following year.

...

SECTION 9: ELECTION OF STUDENT TRUSTEES

- 9.1.1 Every attempt shall be made to elect a Student Trustee from Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.
- 9.1.2 A notice shall be sent to each secondary school principal before February 1, advising of the election process. Notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.

Stage I: Municipal Election of Candidates

- 9.1.3 Section 13.3 shall apply in a municipality which has more than one secondary school.
- 9.1.4 Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.
- 9.1.5 The elections for either Student Trustee nominees or electors may be either a direct election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.
- 9.1.6 The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.
- 9.1.7 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.

Stage II: Electoral College Process

- 9.1.8 The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.
- 9.1.9 Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.
- 9.1.10 The function of each electoral college is to elect one Student Trustee.

- 9.1.11 Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees speeches and the balloting.
- 9.1.12 The winning candidate from Stage I (Section 13.3 above) shall be the municipal candidate for the electoral college.
- 9.1.13 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.
- 9.1.14 In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.
- 9.1.15 In the event of an equality of votes, there shall be a final ballot, and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.
- 9.1.16 The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.
- 9.1.17 The Student Trustee nominees and Student Trustee electors shall be qualified according to these By-Laws.
- 9.1.18 Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.
- 9.1.19 If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined above.

By-Law #15 - Electronic Meetings [No substantial changes - now found in Section 10]

Introduction

The Durham District School Board shall provide for the use of electronic means for the holding of meetings of the board and meetings of a committee of the Board, including a committee of the whole board.

1.0 Attendance

- 1.1** At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.
 - a) The Chair of the Board or her or his designate
 - b) At least one additional member of the Board
 - c) The Director of Education of the Board or her or his designate.
- 1.2** At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.
 - a) The chair of the committee or her or his designate
 - b) The Director of Education of the Board or his or her designate.
- 1.3** At the request of any Board member or student trustee, the board shall provide the member or representative with electronic means of participating in one or more meetings of the board or of a committee of the Board, including a committee of the whole Board, except where to do so would not comply with sections 1.1 and 1.2.
- 1.4** A member of the Board or pupil representative of the Board who participates in a meeting through electronic means shall be deemed to be present at the meeting.
- 1.5** A member of the Board shall 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 December 1. (Education Act 1998s.229(1)).
- 1.6** For the period beginning when a member of a Board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the Board for at least one regular meeting of the Board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending the following November 30. (Education Act 1998 s.229(2)).

2.0 Participation of Board Members and Pupil Representatives

- 2.1** The electronic means shall permit the member or representative to hear and be heard by all other participants in the meeting.
- 2.2** The electronic means shall be provided in such a way that the rules governing conflict of interest of members are complied with.

3.0 Public Participation

- 3.1** Section 3.0 applies to meetings of the Board or of a committee of the Board, including a committee of the whole Board, that are open to the public.
- 3.2** The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in meetings by members of the public.

- 3.3** Where such locations are provided, members of the public shall participate only in those parts of the Board meeting or committee of the Board meeting where the public would normally participate. The extent and manner of participation shall be determined by the Board Chairperson based on the electronic means available.
- 3.4** Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

SECTION 10: ELECTRONIC MEETINGS

10.1 Introduction

The Board shall provide for the use of electronic means for the holding of meetings of the Board and meetings of a committee of the Board, including a committee of the whole Board.

10.1.2 Attendance

At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.

- a) The Chair of the Board or her or his designate;
- b) At least one additional member of the Board; and
- c) The Director of Education of the Board or her or his designate.

10.1.3 At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.

- a) The chair of the committee or her or his designate; and
- b) The Director of Education of the Board or his or her designate.

10.1.4 Subject to 10.1.2 and 10.1.3, at the request of any Board member or student trustee, the board shall provide the member or representative with electronic means of participating in one or more meetings of the Board or of a committee of the Board, including a committee of the whole Board.

10.1.5 A Trustee or Student Trustee who participates in a meeting through electronic means shall be deemed to be present at the meeting. Subject to any exemptions for physical attendance under relevant legislation or Board policy, a member of the Board shall 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 December 1. (Education Act 1998 s.229(1)).

10.1.6 Subject to any exemptions for physical attendance under relevant legislation or Board policy, for the period beginning when a member of a Board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the Board for at least one regular meeting of the Board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending the following November 30. (Education Act 1998 s.229(2)).

10.2 Participation of Board Members and Student Trustees

10.2.2 The electronic means shall permit the member or representative to hear and be heard by all other participants in the meeting.

10.2.3 The electronic means shall be provided in such a way that the rules governing conflict of interest of

members are complied with.

- 10.3.1 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in Board or Committee meetings by members of the public. Electronic meetings shall be made available for public viewing.
- 10.3.2 The extent and manner of public participation shall be determined by the Chair based on the electronic means available.
- 10.3.3 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

*Preserved language is in Blue

By-Law (un-numbered) Bylaws and Procedures - replaced by section 1

1.1 Purpose and Application

1.1 ~~The rules and regulations~~These Bylaws contained within these Bylaws and Procedures are enacted by the Board of Trustees (the “Board” or the “Board of Trustees”) of the Durham District School Board (the “DDSB”) shall be the rules and regulations for the order and dispatch of business of The Durham District Schoolto govern the Board and in the Committees thereof of the Board and to advance good governance practices at the Board in accordance with the governance structure for school boards established under the Education Act. These Bylaws advance democratic decision making with rules that facilitate fair and respectful debate.

1.2 Committees of the Board are Committees with only trustees as voting members. Advisory Committees are not Committees of the Board and they are not governed by these Bylaws (except that certain Advisory Committees are established by the Bylaws and except that the Board is bound by these Bylaws in establishing or dissolving any such committee).

1.3 ~~Any of the rules of procedure contained herein may be~~Subject to any applicable legislation or regulation, any procedural rule(s) in these Bylaws may be suspended by a vote of two-thirds majority vote of the members of the Trustees of the Board present (physically or electronically) and voting.

Any reference in the Bylaws to a written request or a written notice shall be understood to include an electronic or a faxed notice or request.

1.4 ~~In any case for which provision is not made herein~~Subject to any applicable legislation or regulation, any gap in these Bylaws, the procedure to be followed shall be, as near as may be, shall be addressed that followed according toby reference to the latest edition of *Robert's Rules of Order* (“RONR”).

1.5 Subject to any applicable legislation or regulations, these Bylaws may be amended, at any time, by a two-thirds majority vote of those the members present and voting, at any meeting of the Board, provided that the matters is listed on the agenda prior to the commencement of a Board meeting and notice of intention to introduce such amendment has been givenprovided that in written notice of any proposed amendment(s), and any supporting materials, shall have been delivered writing at the previous Regular Meeting of the Board and is referred to in the Notice of the Meeting, and provided that such proposed amendment is not in conflict with any statutory provision or regulation then in force.

*Preserved language is in Blue

By-Law (un-numbered) Definitions - deleted entirely

Director: ~~—————"A board shall not appoint or employ a person as a ————
director of education unless the person is a supervisory officer who
qualified as such as a teacher." (Education Act s. 283(1)).~~

~~"A director of education is the chief education officer and chief executive
officer of the board by which he or she is employed." (Education Act s. 283(2))~~

Trustee: ~~"A member of a board may be referred to as a trustee for any purpose related to
this Act." (Education Act s.1(12)).~~

*Existing By-Law language is in blue

By-Law #1 - Regular Public Meetings [With respect to Bylaws#1 &2, Organizational meeting s.5 of By-Law #1 revised and moved to section 3; Meeting Procedures from Bylaws #1 & 2 substantially revised and moved to section5]

SECTION 3: ORGANIZATIONAL MEETING

1.0 Regular Meetings

3.1 Purpose of Organizational Meeting

3.1.1. An inaugural meeting of the Board shall take place at the first meeting of the Board in December of each year (the "Organizational Meeting") during which the Board shall:

- (a) Elect the Chair and Vice-Chair of the Board;
- (b) Establish and review Committees of the Board;
- (c) Appoint members to Committees of the Board;
- (d) Elect the Chair and Vice-Chair of the Committee of Whole - Standing of the Board;
- (e) Appoint members to represent the Board on external organizations; and
- (f) Adopt an annual schedule of meetings (including meeting times) of the Board and its Committee of Whole - Standings.

3.2 Scheduling of Organizational Meeting

3.2.1. In an election year, the Organizational Meeting will be held immediately following the Municipal Election and no later than seven (7) days after the start of the term of the Board.

3.2.2. In all other years, the Board will hold the Organizational Meeting at the first meeting in December.

3.3 Presiding Officer

3.3.1. At the Organizational Meeting, the Chief Executive Officer shall preside until the election of the Chair or, in the absence of the Chief Executive Officer, the members present shall designate the person to preside until the election of the Chair and if a member of the Board is so designated, he or she may vote at the election of the Chair.

3.45.0 Election of Chairperson and Vice-Chairperson

5.1 In accordance with the Education Act, 1998, Section 208, the election of the Board Chairperson shall take place at the first meeting of the Board in December of each year, designated as the Inaugural Meeting.

5.2 3.4.1. Written or oral nominations, including and self-nominations, shall be received by the Secretary of the Board who is acting as Chairperson/presiding officer.

5.3 When two or more ~~trustees~~ members are nominated and have agreed to stand, voting shall ~~then begin~~ be by secret ballot.

3.4.2. Nominees for the position of Chair and Vice-Chair shall be present at the Organizational Meeting or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.

5.4 ~~3.4.3~~ When an election is held, the Secretary of the Board presiding officer or designate and other scrutineers so designated by the Secretary of the Board the presiding officer shall count the ballots.

5.5 ~~3.4.4.~~ The member receiving a clear majority (which shall mean at least 50% plus 1 of the total votes cast) vote of the members present shall be declared elected the Chair.

5.6 ~~3.4.5.~~ Should no member receive such a clear majority, of the votes cast, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chairperson is elected.

3.4.7. ~~5.7~~ —The Secretary presiding officer shall announce the result of the ballot by declaring the name of the member who has received a clear majority of the votes cast been elected chair.

~~3.4.6. 5.8~~ —In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.

~~3.4.8.~~ Once elected, the chair shall then assume the role of Chair/presiding officer.

~~3.4.9. 5.9~~ —The same procedure as outlined in subsections 5.1 through 5.7 in the (section 3.4) shall apply to the election of the Board Vice- Chairperson of the Board., except that the Board Chairperson shall preside over the election, in place of the Secretary of the Board.

~~5.10~~ —Nominees for the position of Chairperson and Vice-Chairperson shall be present at the meeting in which the election is held or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.

~~5.11~~ —The Chairperson shall then take the Chair and continue to serve until the next Inaugural Meeting. Resignation of the chairperson may take place upon one week's written notice or upon being removed from office on a two-thirds clear majority of the trustees voting at a meeting of the Board.

3.4.10 The Chair and Vice-Chair serve in these roles until the next Organizational Meeting but may resign from that role upon one week's written notice delivered to the Secretary of the Board. The Chair and/or Vice-Chair may be removed from the role on a two-thirds majority vote of the members present and voting.

~~5.12—3.4.11. In the event that~~ If the Chairperson of the Board resigns the office or is removed from office, the Board Vice-Chairperson of the Board shall assume the role of chairperson-Chair until the next regularly scheduled Board meeting. At that meeting, the election of a new Chairperson shall be held and, if the Vice-Chair is elected as the Chair, if necessary, the election of a new Vice-Chairperson shall also be held.

3.4.12 If Chair and Vice-Chair of any Committees have not been elected at the Organizational Meeting, the Committee will elect a Chair and Vice-Chair from amongst themselves.

3.4.13 The term of office of a Committee Chair and Vice-Chair shall be one year.

3.4.14 A Committee Chair and Vice-Chair may be re-elected to a subsequent term(s) of office by the Committee, subject to any appointments made at Organizational Meeting each year.

SECTION 5: BOARD AND COMMITTEE MEETINGS - RULES AND PROCEDURES

1.05.1 Parliamentary Authority Purpose

~~The rules contained in the current edition of~~ The purpose of these rules and procedures, as supplemented by Robert's Rules of Order Newly Revised RONR, is to facilitate meaningful, respectful and orderly debate to advance the interest of the Board. ~~shall govern all matters of procedure, statutes, or regulations in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Durham District School Board may adopt or any statutes or regulations. All trustees will endeavor to comply with these rules and procedures but it is recognized that, in many circumstances, good judgment, co-operation and good faith will do more to advance the interests of the Board than strict adherence to procedural technicalities.~~

4.05.2 Board Quorum

~~4.15.2.1.~~ A Qquorum of the Board shall consist of a simple-majority of the Board members elected or appointed to the Board under the statutes of Ontario.

~~5.2.2.~~ Quorum of a Board committee shall consist of a majority of the member of the committee.

~~4.25.2.3.~~ Should there not be no a-quorum present at a meeting within fifteen minutes after the time appointed for the commencement of the meeting, the names of those present shall be recorded and the meeting shall stand adjourned until the next regular or special meeting unless the person presiding secures the unanimous consent of those present to delay adjournment for an additional fifteen minutes, in which event, unless a quorum then be

present, the meeting shall be so adjourned.

~~4.3 — In the event that the Chairperson does not attend within five minutes after the time appointed for the meeting, the Vice-Chairperson shall preside during the meeting or until the arrival of the Chairperson. In the absence of both, the members shall come to order and a chairperson of the meeting shall be chosen who shall preside during the meeting or until the arrival of the Chairperson or the Vice-chairperson.~~

~~4.4 — In the absence of the Director of Education, the Chairperson of the meeting shall appoint a person to act as a secretary of the meeting.~~

2.05.3 ~~Public Attendance at Board Meetings~~**Public Sessions**

~~5.3.1. The public is welcome to attend meetings of the Board. Except as permitted under *The Education Act*, 1998, outlines the conditions for access to meetings and the regulations thereunder, all meetings of the Board and Committees of the Board shall be opened to the public.~~

~~5.3.2.2.1 No person will engage in conduct that is negative, critical, or derogatory towards any other person, or engage in any behaviour that is disruptive to the meeting. Any such conduct may result in exclusion from a meeting. Excerpts from the Education Act, 1998:~~

~~a) Section 207 (1):~~

~~The meetings of a Board and, subject to subsection (2), meetings of a Committee of the Board, including a Committee of the Whole Board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.~~

~~b) Section 207 (2):~~

~~A meeting of the Board, including a Committee of the Whole Board, may be closed to the public when the subject matter under consideration involves:~~

- ~~i. the security of the property of the Board;~~
- ~~ii. the disclosure of intimate, personal, or financial information in respect of a member of the Board or Committee, an employee or prospective employee of the Board, or a pupil or his parent or guardian;~~
- ~~iii. the acquisition or disposal of a school site;~~
- ~~iv. decisions in respect of negotiations with employees of the Board; or,~~
- ~~v.i. litigation affecting the Board.~~

5.4 Closed Sessions

5.4.1 Resolutions passed in closed session of a Committee are of no force or effect unless and until approved at a meeting of the Board. Any such approval will be done by adopting the resolution(s) of the Committee in a manner that maintains the confidentiality of the matter unless the Committee has pre-authorized making the resolution public.

5.4.2 Minutes of all committee closed sessions shall be provided to the Committee of Whole – Standing for consideration, except for Committee of the Whole – Standing whose minutes shall be provided to the Board for consideration, and shall remain confidential, unless the committee has pre-authorized the release of all or part of the information.

5.4.3 A staff recording secretary should be present for all closed session Committee meetings. In the absence of the recording secretary during a closed session, the presiding officer shall appoint any member or other staff person to act as secretary for that meeting.

5.4.4 Committee sessions closed to the public may have staff in attendance as may be determined appropriate by the Chair of the committee in consultation with the Director. The Chair of a Committee may require that the Director not attend all or part of a closed session when the Director's performance, employment contract or any related matter is under consideration by the committee.

5.4.5 Matters discussed in closed session of a Committee must not be communicated to any person not present at the closed session, unless: the person is a Trustee; or the disclosure is pre-approved by the Committee; or the disclosure is the Integrity Commissioner in relation to the Code of Conduct.

5.4.6 Trustees are expected to maintain strict confidentiality of any matter dealt with in closed sessions and are bound by the confidentiality and protection of privacy provisions under the Education Act, the DDSB's Member Code of Conduct and the Municipal Freedom of Information and Protection of Privacy Act.

5.5 Scheduling and Agendas

~~1.1 — 5.5.1. Unless otherwise ordered by special motion of the Board, Regular Meetings of the Board shall will be held in-camera on the third (3rd) Monday in each month, beginning commencing at 7:00 p.m. or, in any case where that Monday is a statutory holiday or other school holiday, the meeting will be held on Should the date of any meeting of the Board fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. As may be deemed appropriate by the Chair in consultation with the Director, the Board will convene into Committee of Whole, closed session, prior to the commencement of the public Board meeting, typically commencing at 6:00 p.m. and again, if necessary, following public session, in which case the meeting shall not extend past 11:00 p.m. The public session shall commence at 7:00 p.m.~~

5.5.2 The Board may vary the schedule for regular board meetings at any time during the year on resolution of a two-thirds majority of the members present and voting.

5.5.3 Agendas for Board meetings shall be determined by the Chair in consultation with the Director. Agendas for Committee meetings shall be determined by the Committee Chair in consultation with the Director.

5.5.4 The Chair and the Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of Whole – Standing together with the Director of Education and such other staff as the Director may engage from time to time, shall hold at least one session per month (either in-person or electronically) to consider and discuss the agendas for upcoming Board and Committee of the Whole – Standing meetings. An additional Trustee shall be entitled to attend at each meeting. Attendance shall be scheduled annually following the Organizational Meeting with Trustees being scheduled in reverse alphabetical order.

5.5.5 All Trustees shall be provided with advance notice of the date of the meeting referenced in the preceding paragraph and may email the Chair and Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of the Whole-Standing to request that an item of business be added to the draft agenda for an upcoming meeting. The email shall disclose the rationale for the proposed addition to the agenda and any factors as to the appropriate timing for the matter to be addressed. If the matter is not added to the draft agenda, the Chair of the Board or the Chair of Committee of the Whole – Standing, as the case may be, shall advise by email of the reason it was not added to the draft agenda and shall copy all trustees.

5.5.6 The Director or designate shall deliver an e-mail notice of each regular Board meeting and Committee of the Whole – Standing accompanied by the agenda and any supporting materials for the meeting, to each Trustee no later than 3 days prior to the meeting (not counting the day of the meeting but counting the day of delivery). At the discretion of the Chair of the Board or Chair of the Committee of the Whole-Standing, as the case may be, supporting materials may be delivered within the 3-day notice period based on urgency or exceptional circumstances.

5.5.7 A matter not on the agenda or directly related to matters on the agenda cannot be introduced at a Board or Committee meeting unless approved by the presiding officer prior to

the start of the meeting based on urgency or exceptional circumstances or, if during the meeting following the approval of the agenda, by a majority vote of the members present and voting. Notice of any change to an agenda made prior to the meeting shall be provided to Trustees as soon as possible.

5.5.8 The introduction of a new Board Policy or the amendment to an existing Board policy shall not be considered unless written notice is provided to Trustee no later than 5 days prior to the meeting (not counting the day of the meeting but counting the day of delivery) together with any supporting materials and provided that notice of the intention to introduce the new board policy or amendment, as the case may be, was given at the prior meeting of the Board. The initial notice to the Board of an intention to bring forward a new Policy or proposed amendment is only proper if the matter, together with any supporting material, was first brought to the Committee of Whole – Standing.

5.5.9 In addition to regularly scheduled meetings, a special meeting of the Board may be called by the Chair or by a majority of the members. In either case, email notice of the call for a special meeting shall be sent to the Secretary of the Board or designate. Reasonable efforts should be made to schedule any such meeting to avoid a scheduling conflict with other scheduled Committee meetings. A special meeting is not a “regular meeting” under the Education Act or the regulations thereunder.

5.5.10 The Director or designate shall deliver an e-mail notice of a special meeting to the members, accompanied by the agenda and any supporting materials for the meeting no later than 24 hours prior to the meeting. At the discretion of the Chair, the 24-hour notice period may be waived based on urgency or exceptional circumstances but notice, the agenda and any supporting materials should be delivered as early as possible prior to the commencement of the meeting.

5.5.11 A matter that is not on the agenda for a special meeting cannot be considered at the special meeting, unless all members are present and consent to amend the agenda to consider the matter.

5.6 Record of Decisions

5.6.1 At all Board and Committee meetings, the Director or designate (typically the recording secretary) shall maintain the minutes of the meeting to make a record of the recommendations made to, and resolutions passed by the Board or Committee, as the case may be, including any recorded votes and any declarations of a conflict of interest.

5.6.2 At each regular Board meeting, draft minutes from the prior regular Board meeting, together with any special Board meeting that may have occurred since the prior Board meeting, shall be presented to the Board for approval.

5.7 Attendance at Meetings

5.7.1 Trustee attendance at regular Board meetings is governed by the Education Act

and the regulations thereunder.

5.7.21.2 ——— A tTrustee who cannot attend a Board Meeting should ~~so~~ notify the Trustees' OfficeSecretary of the Board or designate as early as possible. ~~and If it should appears~~ that there will be no a-quorum will be lackingfor a meeting, the Secretary shall ~~so~~ notify the Chairperson of the BoardChair, and, at the Chair's discretion, ~~who will instruct the Secretary to notify the trustees of the~~ meeting may be ~~postponement postponed~~ or ~~cancellation cancelled~~ of the meetingand notice therefore shall be delivered to the Trustees as soon as possible.

5.7.3 In accordance with section 228 (1) of the *Education Act*, a Trustee vacates their seat if they are absent (electronically or physically), as recorded in the minutes, from three (3) consecutive regular Board meetings, unless authorized by resolution of the Board or if one of the exemptions in the *Education Act* is engaged.

5.7.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, and subject to any accommodation as to attendance provided under the Board's Attendance Accommodation Policy, Trustees must be physically present for at least three (3) regular Board meeting annually.

5.7.5 When a seat becomes vacant, the provisions of the Education Act, and any relevant provision(s) of these Bylaws, shall govern the filling of the vacancy.

5.7.6 At the Organization Meeting each year, the Chair will deliver to the Board an annual report of Trustee attendance at meetings of the Board and Committee of the Whole - Standing since the last Organizational Meeting.

5.8 Electronic Participation

5.8.1 Members attending a meeting electronically must advise the Chair when they join the meeting to be deemed present at the meeting.

5.8.2 Members who leave the meeting before adjournment, whether temporary or permanent, shall advise the Chair.

5.8.3 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every Board or Committee of the Whole meeting, the following persons must be physically present:

- (a) The Board Chair or designate;
- (b) At least one additional member of the Board; and
- (c) The Director of Education or designate.

5.8.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every Committee meeting, the following persons must be physically present:

- (a) The Committee Chair or designate; and
- (b) The Director of Education or designate.

5.8.5 Notwithstanding the foregoing, the Chair is able to preside over a meeting electronically when:

- (a) Weather conditions do not allow the Chair to travel to the meeting location safely; or
- (b) The Chair cannot be physically present at the meeting for health reasons.

5.8.6 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, no more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with Ontario Regulation 463/97.

5.8.7 All members participating via audio or video conference who are not speaking must use the mute function on their device. Members will make every effort to avoid disrupting a meeting by turning personal and electronic devices to a non-audible function, reducing all background noise (including audible sounds transmitted from placing a call on hold), and refraining from private conversations.

5.9 Presiding Officer

5.9.1 Unless specified otherwise in these Bylaws, the Chair of the Board (or Vice-Chair in the Chair's absence) and the Chair of a Committee (or Vice-Chair in the Chair's absence) will be the presiding officer for meetings of the respective Board or Committee. If a meeting of a Committee moves into closed session, the Vice-Chair will be the presiding officer.

5.9.2 If the Chair does not attend within five minutes after the time appointed for the meeting, the Vice-Chair shall preside during the meeting or until the arrival of the Chair. In the absence of both, the members shall come to order and a presiding officer shall be chosen by a majority of the members present and voting who shall preside during the meeting or until the arrival of the Chair or the Vice-Chair.

5.9.3 No member of the Board or Committee will preside at a meeting during the consideration of a motion when that member has declared a conflict of interest.

5.9.4 In the absence of the Director of Education, the presiding officer shall appoint a person to act as a secretary of the meeting.

5.10 Quorum

5.10.1 A quorum is the minimum number of members necessary to conduct a meeting which represents a majority of the members.

5.10.2 Where a member is participating electronically, their attendance will be included for quorum as long as they remain electronically connected to the meeting.

5.10.3 If a quorum is present, a meeting shall commence within fifteen (15) minutes of the meeting start time as shown in the agenda.

5.10.4 If a quorum is not present within fifteen (15) minutes after the scheduled start time shown in the meeting agenda, the names of the members present will be recorded and the meeting will be cancelled.

5.10.5 At a Board meeting, if a quorum is lost during the course of the meeting, the Board will stand in recess. If quorum cannot be re-established within fifteen (15) minutes of the Board recessing due to a loss of quorum, the Board will stand adjourned.

5.10.6 At a Committee meeting, if a quorum is lost during the course of the meeting, and the remaining members of the Committee determine that quorum cannot be re-established, the Committee will stand adjourned.

5.11 Acknowledgement of Traditional Lands

5.11.1 All Board and Committee meetings will include an acknowledgement of the Traditional Territories/Ancestral Lands of Aboriginal peoples recited by presiding officer or as the presiding officer may suggest.

~~1.3 — Notice of each regular meeting, accompanied by the agenda for the meeting, shall be delivered to each trustee at least 72 hours prior to the time the meeting is to take place. The Chairperson of the Board will publish an annual report of trustee attendance at Board Meetings and Standing Committee Meetings in December of each year.~~

~~1.4 — Meetings of the Board shall not extend beyond the hour of 10:00 p.m. unless by majority consent of all the members present. If, at that time, there is no quorum, the meeting~~

~~shall forthwith be adjourned. In the event that the meeting continues past the hour of 10:00 p.m. and no motion to extend has been put, all business conducted after 10:00 p.m. shall be deemed to be regular.~~

~~1.5 The in-camera portion of meetings of the board shall not extend past 11:00 p.m.~~

5.12 Debate/Voting

5.12.1 Members and participants in a meeting will address their comments through the Chair of the meeting.

5.12.2 Members shall not interrupt another member who has the floor, except as permitted hereunder or under Robert's Rules of Order (for example, to raise a point of order or question of personal privilege).

5.12.3 Members shall confine their comments to the merits of the motion being considered.

5.12.4 The Chair is entitled to move or second a motion, but only once they have passed the role of presiding officer to another member for the duration of the matter under consideration. The Chair will resume the role of presiding officer once the motion has been dealt with.

5.12.5 At any time before a motion is put to a vote, a member may request that the motion be read aloud.

5.12.6 The mover of a motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken.

5.12.7 A member who has not spoken to a motion may move that debate on the motion be closed and that the pending motion be put to a vote. Such a motion is not debatable.

5.12.8 If a motion to end debate is supported by majority, no further debate can take place and the Chair shall put the pending motion to a vote.

5.12.9 Trustees who are not members of a Committee may attend any Committee meetings but are not entitled to debate or vote. Only Committee members may debate and vote at Committee meetings.

5.12.10A member, who is present and fails to vote on a motion, will be deemed to have abstained from voting.

5.12.11It is for members to declare their own conflict of interest and no other member may declare a conflict of another member. A member who declares a conflict of interest must abstain from voting, and will be recorded as abstaining due to a conflict of interest. When a

member abstains due to a conflict of interest, their vote will be recorded neither for nor against the motion, and the number of members required to pass a vote will be reduced by the number of members with a declared conflict.

5.12.12 Before a motion is voted on, a member may request that a motion containing divisible parts be voted on separately.

5.12.13 When a motion is put to a vote, the Chair will first call votes in favour and then votes against. The Chair is entitled to vote on any motion but it is expected that typically the Chair will only vote on a motion once all other votes have been counted and only if the Chair's vote would be determinative of the result of the motion.

5.12.14 After a vote is taken, the Chair shall declare whether the motion was carried or defeated.

5.12.15 A tie vote means the motion is defeated.

5.12.16 Votes taken at Board meetings **and at Committee meetings** [but not at Committee meetings?] may be recorded.

5.12.17 A student trustee is not a member of the board and is not entitled to exercise a binding vote on any matter before the board or any of its committees.

5.12.18 A student trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter at a meeting of the Board or of one of its committees on which the student trustee sits, and if no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion.

5.12.19 A student trustee is entitled to require that a matter before the board or one of its committees on which the student trustee sits be put to a recorded vote, and in that case, there shall be a recorded non-binding vote that includes the student trustee's vote and a recorded binding vote that does not include the student trustee's vote.

5.12.20 Subject to the notice requirements as to a new Policy or an amendment to an existing Policy or to these Bylaws, any member present at a Board meeting, or at a Committee meeting on which the member sits, may move or second a motion related to an item on the Agenda, unless disqualified from participating due to a conflict of interest.

5.12.21 A motion that has been moved and seconded is considered to be on the floor and will be decided by a vote, unless withdrawn. A motion need not be seconded during a committee meeting, except during meetings of Committee of the Whole and Committee of the Whole – Standing.

5.12.22 A member who moved a motion may only withdraw it from consideration before the vote is taken on the motion if no other member present objects to the withdrawal.

Motions - Order of Precedence

5.12.23 When a motion is being considered, no other motion will be considered except a motion of precedence, as set out in RONR.

5.12.24 A motion of precedence may be introduced and will take precedence over any current motion under consideration. A chart outlining the precedence of common motions as stipulated in RONR is attached as Appendix "B". The chart is included for convenience and in the event of any conflict between the chart and the terms of RONR, the terms of RONR will govern.

5.12.25 If a motion of precedence is defeated, another motion of precedence to the same effect cannot be made until some other business has been taken up and decided.

Chair Ruling on Motion~~1.4 Chairs Ruling and Appealing the Decision of the Chair~~

5.12.26 The Chair may rule a motion out of order, including if it is not within the jurisdiction of the Board, is contrary to the Education Act or regulations thereunder, is contrary to these Bylaws, is dilatory, frivolous, vexatious or contains no rational proposition.

5.12.27 If a Chair rules a motion out of order, the Chair shall state the rationale for the ruling. The Chairperson shall decide all questions of order stating the rule on which a decision is based.

5.12.28 A ruling by The decision of the Chairperson that a motion is out of order is may be subject to appealed and will be reversed on a majority vote of the members present and voting. - A majority or tie vote sustains the decision of the Chair. A motion to appeal the decision of the Chair is debatable unless:

it relates to decorum or a breach in the rules of debate;

relates to the priority order of business; or

is moved when an undebatable motion is immediately pending or is involved in the appeal

Amendments to a Motion

5.12.29 A motion on the floor may be amended, except those motions that are not debatable or motions that are not amendable. Motions that are not amendable include:

(a) Appeal the ruling of Chair or presiding officer;

(b) End debate;

- (c) Postpone consideration of a motion indefinitely;
- (d) Reconsider a previous decision of the Board;
- (e) Temporarily suspend a provision of the Bylaws;
- (f) Lay a motion on the table;
- (g) Take a motion from the table; or
- (h) Withdraw a motion.

5.12.30 To be in order, an amendment must:

- (a) Directly relate to the motion it proposes to amend;
- (b) Propose some change in the substance or form of the motion; and,
- (c) Not be contrary to the main concept of the motion it proposes to amend.

5.12.31 The vote on the motion, an amendment and any amendment(s) to the amendment(s) will be taken separately and in the reverse order of that in which they were moved.

Motion to Refer

5.12.32 A matter may be referred to:

- (a) The Board;
- (b) Any Committee of the Board; or
- (c) The Chair of the Board; or
- (d) The Director of Education or designate.

Extending Meeting Time

5.12.33 Unless provided for otherwise in these Bylaws, no Board or Committee meeting will continue in session beyond 10 p.m., unless upon the consent of the majority of members present and voting, the meeting is extended for a defined period of time to finish debate on

matters currently on the floor or to address any matter on the agenda that may be of an urgent or time sensitive nature. Additional motions to further extend the meeting time are in order.

Motion to Reconsider

5.12.34 Subject to the limits prescribed in RONR:

(a) a decision of the Board made earlier in an ongoing (current) meeting may be reconsidered on a motion without notice. A reconsideration motion may only be brought by a member who voted on the prevailing side of the previous motion.

(b) a previous decision of the Board cannot be reconsidered for at least twelve (12) months after the decision was made unless by resolution approved by a two-thirds (2/3) majority of the members present and voting and provided notice of the proposed reconsideration shall have been provided at the prior Board meeting.

Point of Order

5.12.35 A member may advise the Chair when they believe that a departure from the Bylaws, as supplemented by RONR, has taken place by raising a point of order.

5.12.36 Subject to certain exceptions as stipulated in RONR, a point of order must be raised promptly at the time of the alleged breach. A member may interrupt another member to raise a point of order.

5.12.37 The point of order in question must be clearly stated by the member.

5.12.38 The Chair shall decide on the point of order without debate.

5.12.39 The Chair may consult with the General Counsel and may declare a recess in order to consider the point of order.

5.12.40 A member may interrupt the meeting to introduce a motion to appeal the ruling of a Chair. A majority of members present and voting will overturn a ruling of the Chair.

5.12.41 If the appeal from the decision of the Chair results in a tie vote, the Chair's decision on the point of order will be upheld.

Questions of Privilege

5.12.42 Any member may raise a question of privilege, either a question of privilege affecting the Board, or a question of personal privilege.

5.12.43 Questions of privilege affecting Board include matters such as noise, comfort or safety.

Questions of personal privilege affecting a member include the reputation or treatment of the member or staff, as well as any member of the public and the member's ability to exercise rights and privileges.

5.12.44 A question of privilege must be stated clearly and should include the remedy or resolution requested by the member.

5.12.45 A question of privilege will not be in order if the remedy or resolution requested exceeds the power or ability of the Chair, Committee or Board.

5.12.46 The Chair will decide on the question of privilege without debate.

5.12.47 The Chair may consult with the General Counsel and may declare a recess in order to consider a question of privilege in order to make a decision.

5.12.48 A member may appeal the ruling of a Chair on a point of privilege. A majority vote of members present and voting will overturn a decision of the Chair.

5.12.49 If the appeal from the Chair's decision results in a tie vote, the Chair's decision on the question of privilege will be upheld.

Parliamentary Inquiry

5.12.50 A member may ask a question about the rules of procedure relevant to any matter or issue before the Board. The Chair will answer the question if it would assist the member to make an appropriate motion, raise a proper point of order or understand the effect of a motion or ruling. The Chair is not obliged to answer hypotheticals. The Chair may consult with the General Counsel in providing an answer.

5.12.51 The answer provided by the Chair is an opinion and is not subject to appeal. The member may act contrary to opinion and may then appeal any adverse ruling by the Chair.

Point of Information

5.12.52 A member may ask a question directed to the Chair, or through the Chair to another member, for information relevant to the matter at hand but unrelated to parliamentary procedure.

1.3 Rules of Debate

~~Each member may speak twice, up to four minutes on the first occasion, two minutes on the second occasion, on each debatable motion. The maker of the motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken.~~

~~3.1~~ — Special Meetings

~~3.2~~ — Special meetings of the Board shall be at the call of the Chairperson, or on the written request of a simple majority of the Board. When special sessions are being scheduled, every attempt should be made to avoid conflicting with dates of other scheduled meetings of the Board or Committees. Written notice of an intended special meeting, accompanied by a statement of all the business intended to be transacted, must be delivered to the trustees 24 hours before the meeting is to take place. No other business shall be considered unless all members of the Board are present and unanimously agree. The 24-hour notification time limit may be waived by the Board Chairperson in the event of an emergency requiring Board action, and every attempt will be made to notify all trustees prior to the meeting. Special meetings shall not be considered "regular meetings" as described in the Education Act, 1998, Section 229.

~~By — Law #2 Rules of Procedure — Board~~ 1.2 Notice of Motion

Notice must be provided to bring forward any substantive motion to the Board to amend a Board policy, or to request the establishment of a new policy. Such notice shall be a minimum of five (5) days (including holidays and weekends and the day the notice is sent, excluding the day of the meeting). The notice, along with any supporting materials, shall be included in the agenda package.

Under extenuating circumstances where Board action is immediately required, notice may be waived, by a two thirds vote, so long as every attempt has been made to notify all trustees prior to its consideration.

*Preserved language is in blue

By-Law #3 - Public Presentations to Board and Committee Meetings [no substantial changes -now found in section 5.13]

~~1.0 — Introduction~~ 5.13 Public Participation in Meetings

1.1 ~~5.13.1~~ In keeping with ~~Durham District School Board Policy #1200—the Board’s Policy on~~ Public Consultation, the ~~Durham District School Board~~ welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the ~~Committee of Whole with the—~~ Standing Committee.

1.2—The following procedure shall apply in all cases:

~~2.0 — Approval to Present~~

2.1 ~~5.13.2~~ In Order to obtain permission to make a presentation to the Committee of Whole – Standing, ~~Each a presenter person must apply to present (see 3.1) shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole – Standing. committee (except as in 2.3 below). A presenter to the Committee of Whole – Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.~~

2.2 ~~5.13.3~~ Application may be made to the Office of the Director. Any application submitted to the Office of the Director shall be sent forwarded to the Chair ~~person~~ of the Committee of Whole - Standing Committee.

~~5.13.4~~ **~~3.0 — Submission~~**

~~3.1~~ Any application ~~An email requesting permission to present to the~~ Committee of Whole - Standing Committee shall state in detail:

- State the matter to be discussed;
- Include materials intended to be distributed to trustees;
- Provide the name of any organization or interested party to be represented;
- Confirm the authority of the spokesperson.

2.3 ~~5.13.5~~ Any application to present at the Committee of Whole - Standing Committee shall ~~may~~ be approved at the discretion of the Chair ~~person~~ of the Committee of Whole - Standing Committee who shall:

- determine if ~~the~~ an opportunity for presentation is available through any other public consultation
- process, which shall be utilized prior to approval being given ~~for presentation in the Boardroom;~~

- determine the date on which the presentation shall take place; ~~Notwithstanding 2.1, the~~
- ~~Standing Committee Chairperson may waive the notice of eight working days in~~
- certain situations;
- limit the number of presentations at any meeting to allow the Committee of Whole - Standing Committee sufficient
- time to conduct its business.

~~2.4 Approval to present at a Board meeting is at the discretion of the Chairperson of the Board.~~

5.13.6 The Chair may waive the eight working days' notice period.

~~3.2~~ 5.13.7 Presenters should use the appropriate format and protocol for presentations, available from the Director's Office.

~~3.3 The Chairperson of the Board or Standing Committee shall delay the distribution of any materials which may not be acceptable under Freedom of Information legislation or any other legislation.~~

~~3.4~~ 5.13.8 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing Committee of the Board prior to her or his opportunity to present.

~~4.0 Presentations~~

~~4.1 Presentations shall be heard at all Standing Committee meetings commencing at 7:00 p.m. or as soon thereafter as is practicable.~~

~~4.25.13.9~~ Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair person of the Committee of Whole – Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.

~~4.35.13.10~~ Presenters shall be restricted to topics outlined in the application.

~~5.0 Decisions~~

~~5.15.13.11~~ One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing Committee or Board decision. The Standing Committee Chairperson shall direct presenters to any added sources of information if appropriate. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.

~~5.2 — If a presentation raises one or more issues that require decision, the Standing Committee shall deal with the issue(s) at the Board Meeting following the presentation. Any exceptions to this rule shall be at the majority vote of the Standing Committee.~~

~~5.3 — When a decision is required on the topic raised by a presentation, presenters shall be notified in writing of the meeting at which the decision is to be made or a staff report is to be considered.~~

~~5.4 — If a presentation is approved by the Chairperson of the Board and placed on a Board Meeting agenda, issues raised by the presenters that require decision may be referred to a committee or placed on a future Board agenda.~~

~~5.5 — If items are referred by the Board, the Standing Committee shall deal with each item as soon as possible after such referral.~~

~~6.0 — Public Question Period~~

~~6.1~~ 5.13.12 In addition to appearing before the Board as a delegation, members Members of the public ~~are invited to~~ may also pose questions of a general nature or regarding Board processes to the Board at ~~all any r~~ Regular Board M ~~meetings~~.

~~6.2~~ 5.13.13. The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair ~~person~~ shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.

~~6.3~~ 5.13.14 Questions shall not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).

~~6.4~~ 5.13.15 The following procedure applies to public question period:

- Each person shall be allowed to ask one question and one supplementary question.
- Before the beginning of the Board meeting, the Questioner shall submit the question in writing to
- the ~~Manager-Executive Officer~~ of Communications;
- The Questioner shall be called to the podium;
- The Questioner or, if the Questioner prefers, the Chair ~~person~~, shall read the

question;

- The question shall be addressed by the Chair~~person~~ who may direct staff to answer;
- The Questioner may ask a supplementary question for clarification;
- Questions to individual trustees will not be addressed at public question period; -
- Individual Trustees will not respond or comment on questions posed.

*Preserved language is in blue

By- Law #4 - Standing Committee [Substantial changes to Bylaws 4- 7 dealing with Committees – now found in section 4]

SECTION 4: COMMITTEE STRUCTURE AND COMPOSITION

4.1 Approval of Committees

4.1.1 The Board shall consider and approve the Board's Committee structure and composition on an annual basis at the Organizational Meeting and as otherwise may be deemed appropriate by the Board.

4.2 Committee of the Whole and Committee of the Whole - Standing

4.2.1 The Committee of the Whole will be composed of all Trustees with full participation and voting privileges.

4.2.2 The term of the Committee of the Whole will coincide with the term of the Board.

4.2.3 During a Board meeting, the Board may convene into Committee of the Whole by majority vote of members present and voting to consider matters in closed session, as permitted under section 207 of the Education Act, or for any other reason the Board may deem appropriate. In any such case, the presiding officer for the Committee of the Whole will be the Vice-Chair of the Board.

1-04.2.4 The Board shall meet as a Standing Committee of the Whole shall also meet regularly on the first (1st) Monday of the month (which shall be referred as "The Committee of Whole – Standing"). Should the date of such a Standing Committee meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. All Trustees shall sit on the Standing Committee.

1-14.2.5 A Chairperson and Vice-Chairperson of the Standing Committee of Whole - Standing shall be elected at the Inaugural Organizational Meeting of the Board. The presiding officer for any closed session of the Committee of the Whole -Standing shall be the Vice-Chair of the Committee.

1-24.2.6 There will be a quorum for Standing Committee of the Whole – Standing meetings. A trustee who cannot attend a meeting should so notify the Trustees' Office Administrative Assistant as early as possible.

1.3 The Standing Committee shall have access to all board information and the assistance of appropriate staff. The allocation of staff resources is the responsibility of the Director and is monitored by the Director. Where the service required by the Standing Committee necessitates more staff time than can be made available, this situation is to be referred by the Standing Committee Chairperson to the attention of the Board Chairperson for consultation with the Director.

1.4 The Standing Committee of the Board shall be dissolved as the Board directs.

1.5 Tasks assigned to the Standing Committee, if incomplete on the dissolution of the Committee, shall be completed in the succeeding year by the Standing Committee.

~~2.0 — Terms of Reference — Standing Committee~~

~~2.14.2.7~~ It is the function of the Committee of Whole - Standing Committee to consider and debate matters in a more informal way than may available at Board meetings and provide to the Board, in concise form, relevant information and recommendations. ~~Presentations to the Standing Committee are welcomed. The individual or group shall follow the guidelines for "Public Presentation to Board and Standing Committee Meetings" as outlined in By-Law #3. It is necessary that the functions of the Standing Committee to be complementary to the work of the Board and Administration.~~ Except for matters considered in closed sessions, any and all resolutions of the Committee of Whole – Standing shall be set out in a number list as an appendix to the minutes and shall be referenced by the Board when it moves to adopt any such resolution.

~~4.2.8~~ Public Pp~~resentations to the Committee of Whole -Standing Committee are welcomed. The individual or group seeking to make a presentation shall follow the guidelines for "Public Presentation to Board and Standing Committee Meetings" process and rules set out in as outlined in these Bylaws #3. It is necessary that the functions of the Standing Committee to be complementary to the work of the Board and Administration.~~

~~3.0 — Responsibilities of Standing Committee~~

~~4.2.9~~ The terms of reference of the Committee of the Whole – Standing are as follows:

~~3.1~~ a) Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same.

~~3.2~~ b) Conduct, from time to time, studies of existing or proposed educational programs of this or other Boards and report to the Board thereon.

~~3.3~~ c) Receive and seek representations and opinions from staff, area residents, and others, with respect to the educational programs of the Board, both specific and general, to assist in its responsibilitiesBoard policy, including proposed new policy or a proposed amendment to an existing policy.

~~3.4~~ d) Receive reports regarding curriculum development, implementation, and assessment projects.

~~3.5~~ e) Receive and consider communications regarding curriculum issues from agencies, councils, commissions, associations, and societies.

3.6 f) Consider other matters involving the Board, including, but not limited to, curriculum, facilities and Employee Relations, and make recommendations to the Board as required.

~~By-Law #54.3~~ ~~Statutory Committees~~

~~1.0 — Obligation to Establish and Maintain~~

~~4.3.1. Statutory Committees are those committees that~~ The Board must shall establish Statutory Committees and maintain in accordance with as called for in the Education Act and the Regulations made thereunder including.:

- (a) Audit Committee;
- (b) Parent Involvement Committee;
- (c) Special Education Advisory Committee;
- (d) Supervised Alternative Learning Committee(s); (e)
Accommodation Review Committees

~~2.0 — Special Education Advisory Committee~~

~~The Durham District School Board shall establish and maintain a Special Education Advisory Committee in accordance with Regulation 464/97 — Special Education Advisory Committees.~~

~~3.0 — Supervised Alternative Learning Committee~~

~~The Durham District School Board shall establish and maintain a Supervised Alternative Learning Committee in accordance with Regulation #374/10 — Supervised Alternative Learning.~~

~~4.0 — Accommodation Review Committees~~

~~The Durham District School Board shall establish (when necessary) an Accommodation Review Committee in accordance with the Ministry Pupil Accommodation Review Guidelines.~~

~~5.0 — Parent Involvement Committee~~

~~The Durham District School Board shall establish a Parental Involvement Committee in accordance with Student Achievement and School Board Governance Act, and Regulations.~~

~~6.0 — Audit Committee~~

~~The Durham District School Board shall establish an Audit Committee in accordance with Ontario Regulations.~~

4.3.2. The mandate, membership composition and terms of reference for Statutory Committees shall be governed by applicable legislation and regulations.

~~4.4 Additional Standing Committees~~**By Law #6 – Non-Statutory Committees**

~~1.0 – Non-Statutory Committees shall be established as necessary by the Board.~~

~~1.1 – The function, membership tenure, mandate, and reporting relationship of each committee shall be established as appropriate.~~

~~2.0 – Education Finance~~

~~2.1 – The Chairperson of the Education Finance Committee shall be elected at the Inaugural Meeting of the Board.~~

~~2.2 – The Chair of the Education Finance Committee will be responsible for communicating with the Superintendent of Education/Business and Treasurer, facilitating the introduction of issues to the Standing Committee as the issues relate to Section 4.0 of this By-Law.~~

- 4.4.1 There shall be an Education Finance Standing Committee, a Governance and Policy Standing Committee, and a Director's Performance Review Standing Committee, the membership and terms of reference of which are as follows:

Education Finance Standing Committee:

~~2.3 a)~~ Develop and maintain the procedures by which the Board establishes budget objectives and audits the budget expenditures; -

~~2.4 b)~~ When deemed necessary by the Board, study and recommend to the Board desirable changes in the Board's financial system; -

~~2.5 c)~~ Recommend to the Board expenditures other than those within the Budget; -

~~2.6 d)~~ Consider~~s~~ and recommend~~s~~ to the Board the annual Budget; -

~~2.7 e)~~ Review the annual financial statement and all expenditures, revenues, trust, capital account reserves, and investment reports; -

~~2.8 f)~~ Consider the annual transportation budget; -

g) All trustees are eligible to sit on the committee; the Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting. -

Governance and Policy Standing Committee:

- To ensure all of the Board's policies are up-to-date, accurate and consistent with the current legislation and government requirements;
- To ensure that the Board of Trustees review policies at least once every five years or when required by a new legislative act or regulation, new government policy, resolution of the Board or as recommended by staff;
- To develop policies that are developed with evidence-based data, equitable and reflect the board's vision, values and strategic plan;
- Monitor the effectiveness of board policies through consultation and evidence based data;
- Monitor the effectiveness of Board policies in addressing human rights and equity in consultation with the Human Rights and Equity Advisor, through the Director of Education;
- Report and make recommendations to the Board of Trustees on governance and board policies;
- Review Bylaw/Policies for ad-hoc committees and develop/review/document procedures (document mandate, clearly identify quorum, membership);
- The committee shall meet at least twice annually;
- All trustees are eligible to sit on the committee. The Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting.

Director's Performance Review Standing Committee:

a) As set out in the Director's Performance Review Policy

4.5 Advisory Committees

4.5.1 There shall be an Equity and Diversity Advisory Committee and an Indigenous Advisory Committee (which shall be referred to as the Indigenous Advisory Circle).

4.5.2 The purpose of these Advisory Committees is to consider any matter within the jurisdiction of the Board that the committee may deem appropriate and to make policy recommendations to the Board. The membership and composition of these committees, as well as the election of a chair, shall be left to the committee but

members shall include at least one Trustee and/or staff member, at the discretion of the Advisory Committee.

4.6 Additional Committees

4.6.1 In addition to any committees established under these Bylaws, the Board may by resolution, establish any Standing Committee, Ad Hoc committee or Advisory Committee as it may deem appropriate at any time, subject to these Bylaws and any applicable legislation. The Board shall stipulate, by resolution, the terms of reference for any such Standing Committee or Ad Hoc Committee stipulating the mandate and membership of the Committee. The Board may, by resolution, seek the recommendation from a Standing Committee or Ad Hoc Committee on the appropriate terms of reference for the committee.

4.7 Committee Structure

4.7.1 The members of standing committees and ad hoc committees shall be Trustees. The members of a statutory committee are as stipulated by legislation or regulation.

4.7.2 The members of an advisory committee may include Trustees, Student Trustees, staff members and members of the community, but shall include at least one trustee or staff member.

4.7.3 The chair of an ad hoc committee or standing committee may be determined by the Chair of the Board, the Board or, failing which, by the committee. The chair of an advisory committee shall be determined by the committee.

4.7.4 The Director shall assign one (non-member/non-voting) senior staff person to every ad hoc and standing committee and any other (non-member/non-voting) staff person(s) that the Director, in consultations with the Chair of committee, may deem appropriate.

4.7.5 If there is no staff person on an advisory committee, the Director shall assign one (non-member/non-voting) senior staff person and any other (non-member/non-voting) staff person(s) that the Director, in consultation with the Chair of the committee, may deem appropriate.

4.7.6 Except for any committee established under these Bylaws or Board Policy, the Board may dissolve any standing or ad hoc Committee at the Organizational Meeting or by resolution at any time as the Board may deem necessary or appropriate, subject to applicable legislation. Committees constituted under these Bylaws or Board Policy may only be dissolved by an amendment or revocation of the applicable provisions in these Bylaws or Board Policy, as the case may be. The terms of reference of any standing committee or ad hoc committee not established in these Bylaws or in a Board policy may be amended by ordinary resolution.

4.7.7 Committees are not decision-making bodies and may only make recommendations to the Board, which they shall typically do through the Committee of Whole - Standing.

4.7.8 A Trustee who is not a member of a Statutory Committee, Standing Committee or Ad hoc committee cannot move a motion, vote or be counted towards quorum, but may attend any such committee meeting.

4.7.9 Once an ad hoc committee has satisfied the terms of reference, it shall report to the Committee of Whole – Standing confirming that it has satisfied the terms of reference at which point it shall be automatically dissolved.

~~By-Law #7—Ad Hoc Committees~~

~~1.0—Name and Origin~~

- ~~• 1.1—This By-Law is implemented by the Durham District School Board to regularize the structures and practices of the ad hoc committees created by the Board.~~

~~2.0 Chairperson of Committee~~

~~The Chairperson may be designated by the Board or the Chairperson of the Board. If the Chairperson has not been designated by the Board or the Chairperson of the Board, the Chairperson of each ad hoc committee shall be chosen by the members of the ad hoc committee.~~

~~3.0—Membership, Structure, and Tenure~~

~~3.1—Membership~~

~~Members of an ad hoc committee shall be trustees. The Director shall assign a senior staff person to every ad hoc committee and any other staff needed would be seconded by the senior staff person assigned. The ad hoc committee may seek additional input from other resource people.~~

~~3.2—Tenure~~

~~Trustees shall remain members of the ad hoc committee until the specified task is completed. The Committee, by resolution, may add members to the committee as the need arises. At the completion of the specified task, which would normally be the presentation of its final report, the committee would automatically cease to exist.~~

~~4.0 Mandate~~

~~The mandate of any ad hoc committee is to carry out a specified task as charged by the Board through resolution.~~

~~5.0—Reporting on Ad Hoc Committees~~

~~5.1 — Reporting Relationship~~

~~An ad hoc committee reports to the Standing Committee through the chair of the ad hoc committee~~

~~5.2 — **Board Agenda**~~

~~A list of ad hoc committees currently at work shall be included in the regular Board agenda.~~

*Preserved language is in blue

By-Law #8 - Filling Trustee Vacancies on The Board of Education [no substantial changes – now found in section 6]

SECTION 6: FILLING TRUSTEE VACANCIES

6.1 The Education Act

~~a) Background~~

~~b) 6.1.1 The Education Act, 1998, allows provides for the a~~ Board to fill a trustee vacancy by either ~~of two means:~~

i. requiringe the municipality to hold a by-election, or

ii. appointing a qualified person (as defined in the Education Act) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the Act.

~~c) 6.1.2~~ A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

~~d) The method of appointment is not specified in the Act (Section 221(1)(a)).~~

~~e) The Following Steps/Decisions Need to be Considered:~~

~~f) By-Election or Appointment:~~

6.2 Vacancy Committee

6.2.1 In the event of a vacancy, the Board shall establish a Vacancy Committee to consider and determine the means of filling the vacancy.

~~6.2.2. a) If by-election, the matter is virtually out of the hands of the Board and is the responsibility of the municipality. The process for filling a vacancy in this manner takes approximately 2 1/2 months. All members of the Board are eligible to sit on the Vacancy Committee which shall be made up of at least half of the members of the Board. The Vacancy Committee shall obtain and consider information regarding the implications of holding a by-election, including previous election results and estimated costs, will be provided to the Board.~~

~~b) If appointment, the Education Act requires the vacancy to be filled within ninety days after the office becomes vacant. The Board, will by special motion, establish an Appointment Committee with the authority to interview and appoint. The Committee must have quorum of the Board.~~

g) Qualifications:

~~a) The Education Act, 1998, Section 219(1) specifies the qualifications necessary to be elected as a member of a Board (and, presumably, to be appointed):~~

- ~~• qualified to vote for members of the Board~~
- ~~• a resident in the area of jurisdiction of the Board~~
- ~~• disqualifications are outlined in the Education Act, 1998 Section 219(4)(5)(7).~~

h) 6.2.3 For the appointment, there are two options: (i) The Board may choose to appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person as defined under the Education Act.; or (ii) If the Board chooses to offer the position to consider a broader range of electors for the appointment in which case, the following actions will occur:

a) Advertising

The vacancy shall be advertised in all the local papers.

b) Applications

- Individuals interested in the position shall be required to submit in writing an application for the position, to be received by the Secretary to the Board.
- The Appointment Committee shall establish a deadline for the appointment process.

c) Information Required

Applicants shall be asked to provide the following information:

- confirmation of eligibility ~~as per Section 2.2 (a);~~
- why they are interested in the position;

- iii. background, interests, experience, concerns;
- iv. other information they think is pertinent.

Application material shall be copied and distributed to all trustees at least 48 hours prior to an interview date.

d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. By-Law #8 - Responsibilities and Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

e) Interviews

- i. The Appointment Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Board room. All trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chairperson, after consultation with trustees. If a quorum of trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

f) Voting

- i. Only trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot)
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.
- vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.
- vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
- viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
- ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
- x. Following the swearing in of the successful candidate, all ballots shall be destroyed.

g) A recommendation shall be brought forward ~~to the Board in the~~ Committee of the Whole (closed session) to approve the appointed ~~candidate~~. All trustees are eligible to vote on the recommendation. ~~of the selection committee.~~ The person shall be advised by telephone of the Board's decision.

h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

Preserved language is in blue

By-Law #9 - Trustee Determination and Distribution [No substantial changes – now found in section 7]

SECTION 7: TRUSTEE DETERMINATION AND DISTRIBUTION

7.1 The Durham District School Board (“DDSB”) is a statutory corporation under section 58.5 of the Education Act, R.S.O. 1990, C. E.2, (the “Education Act”). The Board of Trustees is the governing body of the DDSB. The duties and powers of the Board of Trustees are as set out in the Education Act. Decision making authority rests with the Board of Trustees as a single body, not with individual trustees.

7.2 The number and distribution of elected trustees is determined pursuant to the provisions of the Education Act and the regulations thereunder.

Preserved language is in blue

By-Law #10 - Durham District School Board Responsibilities [largely deleted – a few key statements on this topic are now in Section 2]

SECTION 2: ROLES AND RESPONSIBILITIES

2.1 Board of Trustees

~~2.1.1 The Education Act provides for the establishment of locally elected school boards responsible for operating publicly funded schools within their jurisdiction and for the delivery and quality of educational programs and services. Legal accountability for board decisions applies~~
The Board of Trustees is the governing body of the DDSB. Decision-making authority for matters before the Board of Trustees rests with to the Bboard, as a corporate entity rather than to whole, and not with individual trustees.

The Durham District School Board's major areas of responsibility are:

~~1.0 — Accountability for Student Achievement and Well Being in the District~~

~~1.1 — Nurture a culture that supports student academic success and provides an environment that promotes well-being.~~

~~1.2 — Provide a safe environment to promote student learning.~~

~~1.3 — Promote effective educational programming for all students in the district. 1.4~~

~~—— Make decisions that reflect the belief that all students can learn~~

~~1.5 — Use student achievement data to make informed decisions~~

~~1.6 — Foster a professional climate that puts educators in the role of champions of their students.~~

~~2.0 — Accountability to the Provincial Government~~

~~2.1.2 Act in accordance with~~
The Board of Trustees is required to carry out its mandate as stipulated in the *Education Act*, and in particular, as set out in Section 169.1(1) Regulations, and other statutory requirements to ensure the implementation of provincial and education standards and policies.

~~2.2 — Perform Durham District School Board functions required by provincial legislation and board policy.~~

~~2.3 — Provide advice and input to the Ministry of Education regarding relevant issues.~~

~~3.0 — Accountability to the Community~~

- ~~3.1 — Promote community consultation and outreach that seeks and provides communities at large with opportunities for input and the exchange of ideas~~
- ~~3.2 — Recognize the role of individual Trustees as advocates and as liaisons for their communities~~
- ~~3.3 — Annually review the communication plan to ensure that the district is fulfilling its commitment to communicate with the community at large.~~
- ~~3.4 — Provide two-way communications between Durham District School Board, Special Education Advisory Committee (SEAC) and School Community Councils.~~
- ~~3.5 — Support the growth and development of the district Parent Involvement Committee.~~
- ~~3.6 — Provide reports outlining district results in accordance with provincial policy.~~
- ~~3.7 — Develop district processes to hear appeals in accordance with appropriate statutes and district policies.~~
- ~~3.8 — The Audit Committee is accountable to the Board of Trustees.~~

~~4.0 — Policy Development, Implementation and Review~~

- ~~4.1 — Develop policies that outline how the district will successfully function.~~
- ~~4.2 — Ensure the processes for policy development, implementation and review comply with the Board Policy on Policy Development and Implementation.~~

~~5.0 — Director/ Board Relations~~

- ~~5.1 — Select the Director of Education.~~
- ~~5.2 — Provide the Director with a clear job description and corporate direction.~~
- ~~5.3 — Delegate through policy, administrative authority and responsibility subject to the provisions and restrictions of the Education Act and Regulations.~~
- ~~5.4 — Evaluate the Director in the first year of service and annually thereafter. Use the~~

~~Director's job description and Durham Directions as the basis for the evaluation.~~

~~5.5—At the Director's request provide the Director with the opportunity to meet alone with the board in closed session.~~

~~5.6—To establish and review the contract of the Director and in consultation with the Director, the senior staff.~~

~~6.0—Board Development~~

~~6.1—Conduct an annual Board self assessment.~~

~~6.2—Develop and support an annual development plan for trustees with the ability to utilize professional resources where applicable.~~

~~7.0—Strategic Planning~~

~~7.1—Establish and/or confirm overall direction for the Durham District School Board by establishing the mission, vision and belief statements. (Durham Directions)~~

~~7.2—Annually set priorities and develop a process for communicating this with the system.~~

~~7.3—Annually use the established priorities to drive the budget process.~~

~~8.0—Fiscal Responsibility~~

~~8.1—Ensure a budget review process is in place to help determine annual resource allocations. (Use the system priorities and other provincial and local directions.)~~

~~8.2—Annually approve the budget to ensure that the financial resources are allocated to ——— achieve the system priorities and comply with provincial requirements. ———~~

~~8.3—Approve as per legislation all capital plans and other planning documents that will drive budget decisions.~~

~~8.4—To ensure compliance with the provincial regulations.~~

~~8.5—Ratify applicable Memoranda of Agreements with all bargaining units. 8.6~~

~~———To monitor significant financial expenditures and fiscal variances.~~

~~9.0 Political Advocacy~~

~~9.1—Articulate the role of Trustees as advocates for public education~~

~~9.2—Annually develop a plan, including the focus, key messages, mechanisms, and relationships for district advocacy.~~

~~9.3—Develop and maintain partnerships to strengthen the advocacy role.~~

~~9.4—Meet on an on-going basis with elected municipal, provincial and federal officials.~~

~~10.0 Recognition~~

~~10.1—Ensure that Durham District School Board recognizes students and student achievements~~

~~10.2—Ensure that the contributions of all staff are recognized and appreciated.~~

~~10.3—Ensure that Durham District School Board recognizes community members and volunteers.~~

~~The board also has the following responsibilities: 1.~~

~~———Approval of school year calendars 2.~~

~~———Naming of educational facilities~~

~~3.———Approval of tender selection for major building construction and modernization~~

~~4. Approval of disposition of land and buildings 5.~~

~~———Approval of educational development charges 6.~~

~~———Approval for the issuance of debentures~~

~~Page 2 of 3~~

~~7.———Designation of the “lead” for Freedom of Information and Protection of Privacy~~

~~8.———Involvement in Superintendent interviews as per succession plan model.~~

2.1.3 Board members shall each comply with the provisions of section 218.1 of the Education Act and the DDSB’s Member Code of Conduct.

2.1.4 The DDSB's Member Code of Conduct is attached to these Bylaws as Appendix "A".

*Preserved language is in blue

By-Law #11 – Trustee Responsibilities [largely deleted – role of chair/vice-chair addressed in sections 2.2. and 2.3; Trustee responsibility is addressed in the Code of Conduct]

2.2 Chair/Vice-Chair

~~1.0~~ Areas of Responsibility

~~Trustee Responsibilities~~

- ~~• Articulate the Board's vision for education~~
- ~~• Establish and monitor Board policy based on vision and provincial policy~~
- ~~• Establish a budget and monitor its implementation~~
- ~~• Provide, equip and maintain schools~~
- ~~• Hold schools accountable for the results achieved by students~~
- ~~• Employ and compensate staff~~
- ~~• Provide equity of program for all students throughout the Board~~
- ~~• Advocate for public education.~~

~~Principles of Policy Governance~~

- ~~• The Board of trustees as a body has the responsibility to serve the general public rather than groups of the population or the professionals whom the Board employs.~~
- ~~• The Board of trustees exists to govern the school system, not manage it.~~
- ~~• The Board of trustees has multiple and varied responsibilities, but involvement in the details of these concerns should never displace students as the central focus of the system.~~

~~1.1~~ Trustees

~~In addition to the responsibilities set down in the Education Act and incorporated in the Bylaws and procedures of the Board, an individual Trustee shall be expected to:~~

- ~~a) Attend regular Board Meetings;~~

- ~~b) — Serve on statutory, regulatory, and ad hoc committees of the Board as required;~~
- ~~c) — Notify the Secretary of the Board when unable to attend a meeting;~~
- ~~d) — Safeguard and keep confidential, materials and information discussed or placed in confidence with trustees in Committee of the Whole in Camera or through other venues;~~
- ~~e) — Be prepared for, and actively participate in, discussion and decision making;~~
- ~~f) — Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Trustee;~~
- ~~g) — Exercise her/his power to govern only as a trustee of the corporate body, not as an individual;~~
- ~~h) — Be aware that she/he can be held personally liable if she/he is guilty of bad faith, neglect, or willful or malicious use of power.~~

~~Trustees as full participating members of the Board may be expected to:~~

- ~~i) — Act as a representative of the Board at official functions;~~
- ~~j) — Be involved in provincial Trustee organizations and committees;~~
- ~~k) — Consult and communicate with ratepayers, community and business organizations regarding Board activities.~~
- ~~l) — Attend conferences, workshops, etc., in order to be kept informed of current educational issues;~~
- ~~m) — Reflect community attitudes while also providing leadership in decision making.~~
- ~~n) — Chair community meetings in their representative areas. Trustees~~

~~shall be expected to model ethical practices which include:~~

- ~~o) — Making decisions in a manner which is open, accessible and equitable;~~
- ~~p) — Approaching all Board issues with an open mind, and being prepared to make the best decisions for the organization as a whole;~~
- ~~q) — Respecting different points of view;~~
- ~~r) — Conducting Board business through appropriate channels;~~

- s) ~~Ensuring that public office is not used for personal gain; t)~~
- ~~Protecting the integrity of the Board.~~

1.2 ~~Chairpersons of the Board shall be expected to:~~

- a) ~~Organize the agenda for Board meetings:~~
 - ~~schedule delegations and presentations~~
 - ~~follow up on Board directions~~
 - ~~speak with press~~
 - ~~chair meetings of the Board in an impartial manner, facilitating deliberation and resolution;~~
- b) ~~Consult with individual trustees, chairpersons of committees, and to~~
~~resolve problems. Be well informed and prepared;~~
- c) ~~Sit as a voting member of the hiring committee for Supervisory Officers and~~
~~other staff appointments as required;~~
- d) ~~Represent the Board at school/community events as an advocate for~~
~~public education and communicator of corporate Board Policy;~~
- e) ~~Liaise with local municipalities, organizations, MP's, MPP's, Federations;~~
- f) ~~Will be the primary contact for public speaking engagements, interviews;~~
- g) ~~Sign contracts, respond to mail and phone calls, consult with the Director and~~
~~staff on issues;~~
- h) ~~Organize, in consultation with trustees and staff, the Board committee~~
~~structure and representation on committees;~~
- i) ~~Be involved in workshops for professional development for trustees;~~
- j) ~~Organize the selection of a new Director (as required); k)~~
~~Prepare the evaluation of the Director;~~
- l) ~~Attend meetings of Chairpersons with the Minister of Education and~~
~~Training;~~
- m) ~~Perform the responsibilities of a local trustee;~~

n) — Counsel and guide fellow trustees in private and in confidence. —

2.2.1 The Chair of the Board of Trustees, as an individual member, has no greater rights or powers than any other member of the Board but does have a unique role as expressly set out in the *Education Act*.

2.2.2 The role of the Chair of the Board of Trustees (or Vice-Chair in the Chair's absences) is as set out in the *Education Act* and is to:

1.3 ~~Vice Chairperson of the Board shall be expected to:~~

a) — Perform the duties of the Chairperson in her/his absence; —

(a) Preside over Board meetings of the Board when the Chairperson is absent or challenged;

e(b) Assume special duties as requested by the chairperson of the Board
Conduct meetings in accordance with these Bylaws;

d) — Chair Committee of the Whole In Camera Meetings; e) —

— Chair Standing Committee Meetings;

f(c) Organize ~~Establish~~ the agendas for Standing Committee ~~Board meetings in consultation with the Director;~~

(d) Ensure the members of the Board have the information needed for informed discussion of the agenda items;

(e) Act as spokesperson to the public on behalf of the Board, unless otherwise determined by the Board; . -

(f) Convey the decisions of the Board to the Director; and

(g) Provide leadership to the Board in maintaining the Board's focus on the Multi-Year Strategic Plan and the Board's mission and vision.

1.4.2.3 Committee Chair ~~person of the Standing Committee or Vice-Chair~~

2.3.1. A The role of the Committee Chairperson (or Vice-Chair in the Chair's absence) shall be expected is to:

(a) Be knowledgeable about Robert's Rules of Order and Parliamentary Procedure
Preside over meetings of Committee;

- ~~(b) Chair public meetings of the Standing Committee, encouraging participation while maintaining control~~ Establish agendas for Committee meetings, in consultation with the Director;
- ~~(c) Consult regularly with appropriate Liaison Trustees, Superintendents and staff members to prepare the agenda for each meeting and to stay informed on relevant issues~~ Conduct meetings in accordance to these Bylaws;
- ~~(d) Approve the minutes of the meeting before they go to Board~~ Ensure that members of the Committee have the information need for informed discussion of the agenda items;
- ~~(e) Represent the Standing Committee at Board Meetings, presenting motions passed by the Standing Committee and answering questions~~ Liaise with the Director to bring forward Committee recommendations to the Board, or to the Committee of the Whole – Standing, through a staff report delivered on behalf of the Committee;
- f) ~~Be knowledgeable about Board Policy and Ministry Regulations;~~
- g) ~~Inform all trustees and appropriate staff members of meeting dates, times, and locations; distribute agenda and back-up material;~~
- h) ~~Represent the Standing Committee to employee and community groups and at public functions;~~
- i) ~~Participate in conferences and workshops related to the Standing Committee's work;~~
- j) ~~Follow up on items sent to the Standing Committee from the Board, as well as staff and community requests;~~
- k) Prepare an Items Pending List;
- l) ~~Represent the Board at the provincial level if required;~~
- m) ~~Be knowledgeable about topics within the Standing Committee's terms of reference and speak with the press and public when required;~~
- n) Establish ad hoc committees when appropriate;
- o) ~~Assume other duties as assigned by the Board or Chairperson of the Board.~~

~~1.5 Vice Chairperson of the Standing Committee~~

~~A Vice-Chairperson of the Standing Committee shall be expected to:~~

- a) ~~Perform the duties of the Chairperson of the Standing Committee in her/his absence;~~
- b) ~~Preside over the Standing Committee meetings when the chairperson is absent or challenged;~~
- c) ~~Assume special duties as requested by the Chairperson of the Standing Committee;~~
- d) ~~Chair Standing Committee In Camera Meetings.~~

~~1.6 Chairperson of the Education Finance Committee:~~

~~The Chair of the Education Finance Committee shall be expected to: a)~~

~~Chair all Education Finance Committee Meetings;~~

~~b) Be knowledgeable about Education Finance issues;~~

~~c) Liaise with the Superintendent of Education/Business and Treasurer in the creation of agendas and dates for the Education Finance Committee.~~

~~2.0 Code of Conduct~~

~~2.1 Trustees shall exercise their power to govern only as trustees of the corporate body, not as individuals.~~

~~2.2 Trustees shall abide by existing legislation, the Bylaws, policies, regulations and procedures of the Board, and their declarations of office.~~

~~2.3 Trustees shall maintain confidentiality regarding matters discussed at in-camera sessions of meetings and all other confidential information which is entrusted to them.~~

~~3.0 Criminal Reference Check~~

~~3.1 Trustees will complete a Criminal Background Check within two months of being sworn in as a Trustee, in accordance with the requirements of the Durham District School Board. These checks will be collected and administered by the Director of Education for the Durham District School Board.~~

~~3.2 — Trustees shall complete a signed Annual Offence Declaration, in accordance with DDSB Regulation #4221 to be collected by the Director of~~

~~Education to the Board. This offense declaration is to be submitted by September 1 each year in which the Trustee serves.~~

*Existing By-Law language is in blue

By-Law #12 – Code of Conduct – See Appendix “A”

By-Law #13 - Execution of Documents and Corporate Seal [no substantial changes]

SECTION 8: EXECUTION OF DOCUMENTS AND CORPORATE SEAL

8.1 Corporate Seal of the Board

~~1.08.1.1~~ The corporate seal of the Board shall be in the form impressed on the original copy of Bylaws located in the Administrative Offices of the Durham District School Board.

~~2.0~~ Deeds, transfers, assignments, contracts, obligations, and similar and related documents, on behalf of the Board, shall be signed by the following with the corporate seal of the Board to be affixed by the Director of Education:

a) The Chairperson of the Board or, in her/his absence, the Vice-Chairperson of the Board;

b) The Director of Education or, in her/his absence, the Treasurer of the Board.

8.23.0 SIGNING AUTHORITY

~~3.18.2.1~~ The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.

~~3.28.2.2~~ The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.

~~3.38.2.3~~ The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.

~~3.48.2.4~~ The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank

~~in respect to parts 3.1, 3.2, and 3.3 to implement the authority granted to them~~
~~under this these resolution~~Bylaws.

~~3.5~~8.2.5 The Treasurer shall be authorized to have printed all the necessary forms required for the banking business of the Board.

*Existing By-Law language is in blue

By-Law #14 - Student Trustees on The Durham District School Board [now found in section 2.4 and section 9]

~~1.02.4~~ Student Trustees

2.4.1 Student Trustees are not elected members of the Board but play an important role in representing the interests of secondary school students through their participation in meetings of Student Senate, the Board and its Committees. As outlined in the Education Act and the regulations thereunder, including Ontario Regulation 7/07, Student Trustees:

- (a) May attend Board and Committee meetings but are not considered members of the Board and may not exercise a binding vote on a matter;
- (b) May request that a matter before the Board be put to a recorded vote;
- (c) Must disclose any conflict of interest to the Board or Committee. During the discussion of the matter that gives rise to conflict, the Student Trustee cannot participate in the discussion, attempt to influence the vote of Board members, cannot suggest a motion or exercise a non-binding recorded vote;
- (d) May not move or second motions but are entitled to suggest a motion to be moved by a member;
- (e) May attend closed session of a committee unless the matters under consideration include the disclosure of intimate, personal or financial information with respect to a member of the Board or Committee, an employee or prospective employee of the TDSB, a pupil or their parent or guardian; and
- (f) Must not disclose to any member of the public, confidential information acquired by virtue of their office or during closed session.

~~1.1~~ — **2.4.2** The Durham District School Board shall have three Student Trustees on the Board. If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process outlined in these By-Law.

~~1.22.4.3~~ **2.4.3** A person is qualified to act as a Student Trustee if he or she is a full-time pupil of the Board-DDSB in the senior division. In addition, the Student Trustee must be a Canadian citizen and a resident in the jurisdiction of the Durham District School Board.

~~1.3~~ — The Student Trustees shall be elected not later than April 30 of each school year, to take office for the following school year.

~~1.4 — A Student Trustee shall be a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term.~~

~~2.0 — Election of Student Trustees~~

~~2.1 — Every attempt shall be made to elect a Student Trustee from Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.~~

~~A notice shall be sent to each secondary school principal before February 1, advising of the election process. notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.~~

~~2.2 — Stage 1: Municipal Election of Candidates~~

~~Section 2.2 shall apply in a municipality which has more than one secondary school.~~

~~Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.~~

~~The elections for either Student Trustee nominees or electors may be either a direct election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.~~

~~The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.~~

~~Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.~~

~~2.3 — Stage II: Electoral College Process~~

~~The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each~~

~~school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.~~

~~Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.~~

~~The function of each electoral college is to elect one Student Trustee.~~

~~Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees speeches and the balloting.~~

~~The winning candidate from Stage 1 (Section 2.2 above) shall be the municipal candidate for the electoral college.~~

~~Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.~~

~~In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.~~

~~In the event of an equality of votes, there shall be a final ballot and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.~~

~~The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.~~

~~2.4 — The Student Trustee nominees and Student Trustee electors shall be qualified according to this By-Law.~~

~~2.5 — Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.~~

3.0 — Disqualification of a Student Trustee

2.4.4 A Student Trustee shall be disqualified from serving if the student is suspended or expelled or is otherwise not a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term. A Student Trustee who, in the opinion of the Director of Education and the Chair, has engaged in any conduct, either at school, in Board meeting or otherwise, including on social media, which is incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Board.

3.12.4.5 A Student Trustee who ceases to be a student in the Durham District School BoardDDSB shall be disqualified from serving as a Student Trustee on the Durham District School Board.

3.22.4.6 A Student Trustee who is absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the Board shall be disqualified from serving as a Student Trustee in-on the Durham District School BoardDDSB, unless the absence is authorized by resolution of the Board entered in the minutes.

~~3.3 — A Student Trustee is disqualified if he or she is serving a sentence or imprisonment in a penal or correctional institution or is convicted of an indictable offence.~~

~~3.4 — A Student Trustee who is suspended or expelled may be disqualified from serving as a Student Trustee on the Durham District School Board.~~

~~3.5 — A Student Trustee who, in the opinion of the Director of Education and the Chairperson, behaves in a manner which is deemed to be incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Durham District School Board.~~

4.0 — Vacancies

~~4.1 — If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined in section 2.0 above.~~

5.0 — The Type and Extent of Participation of Student Trustees

~~5.1 — A Student Trustee is not a member of the Board and is not entitled to exercise a binding vote on any matter before the Board or any of its committees.~~

~~5.2 — A Student Trustee is entitled to require that a matter before the Board or one of the committees on which the~~

~~Student Trustee sits be put to a recorded vote and the Student Trustee's non-binding vote be recorded.~~

~~5.3 — Student Trustees are eligible to attend in-camera meetings of the Board with the exception of matters of personnel, property and students (i.e. individual students).~~

~~5.4 — Subject to Sections 5.1, 5.2, and 5.3, Student Trustees shall have the same opportunities for participation at meetings of the Board and of the committees as all Board members.~~

~~6.0 — Reimbursement of Expenses~~

~~6.12.4.7~~ Student Trustees shall be reimbursed for their routine expenses reasonably incurred in connection with carrying out the responsibilities of Student Trustees. Such reimbursement of expenses shall be according to the same rules that govern the reimbursement of Board members' expenses. All other expenses are to be pre-approved by the Chair of the Board and the Director. Examples of other expenses that may be approved would be conference fees, accommodation and travel expenses.

~~6.22.4.8~~ The Director shall hold a meeting with the ~~three~~ Student Trustees by the end of the first month of their term to outline and clarify all matters and questions relating to these Bylaws, reimbursement of expenses and budget for Student Trustees and for Student Senate. ~~7.1 — The Durham District School Board shall appoint a mentor/advisor to the Student Trustees on the Board.~~

~~6.3 — All other expenses are to be pre-approved by the Chair of the Board, excluding those expenses covered in 6.1. These expenses include conference fees, accommodation and travel expenses.~~

~~7.0 — Mentor/Advisor~~

~~7.1 — The Durham District School Board shall appoint a mentor/advisor to the Student Trustees on the Board.~~

~~8.0 — Co-Operative Education Credit~~

~~8.12.4.9~~ A Student Trustee may apply to the co-operative education teacher at his/her school before the beginning of his/her term to use the experience of Student Trustees to fulfill the requirements of a co-operative education credit(s).

~~9.0 — Roles and Responsibilities~~

~~9.12.4.10~~ Student Trustees shall be expected to:

- ~~a)~~ aAttend regular Board meetings;
- ~~b)~~ notify the Secretary of the Board when unable to attend a meeting;
- ~~c) — Be prepared for, and actively participate in decision and decision-making; —~~

d) ~~Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Student Trustee;~~

ec) ~~To participate in the Student Senate and report student matters to the Board;~~

df) ~~Provide a Student Trustee report for a meetings of the Committee of the Whole – Standing; Committee meetings.~~

9.2 ~~Student Trustees may be expected to:~~

a) ~~Serve on statutory, regulatory and ad-hoc committees of the Board as required;~~

b) ~~Act as a representative of the Board at official functions;~~

c) ~~Be involved in provincial trustee organizations and committees;~~

d) ~~Attend conferences, workshops, etc. in order to be kept informed of current educational issues;~~

e) ~~Reflect community attitudes while also providing leadership in decision making;~~

fe) with approval of the Chair and the Director of Education, Student Trustees may become a member of the Ontario Student Trustees' Association - l'Association des élèves conseillers et conseillers de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills as a Student Trustee and to be kept informed of issues across the province.

f) Ensure that a Student Senate is organized for their term, with each sharing duties as Chair.

g) Model the conduct expected of Board members as set out in the Trustee Code of Conduct.

9.3 ~~Student Trustees shall be expected to model ethical practices which include:~~

a) ~~Making decisions in a manner which is open, accessible, and equitable;~~

b) ~~Approaching all Board issues with an open mind, and being prepared to make the best decisions of the organization as a whole;~~

c) ~~Respecting different points of view;~~

d) ~~Conducting Board business through appropriate channels;~~

- e) ~~Protecting the integrity of the Board.~~

~~10.0 Student Senate~~

~~10.1 Student Trustees are required to ensure that a Student Senate is organized for their term.~~

~~10.2 Student Trustees share the Chairpersonship of the Student Senate.~~

~~11.0 Honorarium~~

~~11.12.4.11~~ The amount of the honorarium for Student Trustees as referred ~~referred to~~ in subsection 5.5 (8) of the Act is:

- a) \$2,500, if the Student Trustee holds office for a complete term of office;
- b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office.

~~12.0 Term of Office~~

~~12.12.4.12~~ ~~A Student Trustee's~~ The term of office of a Student Trustee starts on August 1 of the year in which he or she is elected, and ends on July 31 of the following year.

~~2.0~~ SECTION 9: Election of Student Trustees

~~2.1~~ 9.1.1 Every attempt shall be made to elect a Student Trustee from Ajax- Pickering, Oshawa-Whitby, and Brock-Scugog- Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.

9.1.2 A notice shall be sent to each secondary school principal before February 1, advising of the election process. ~~No~~ notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.

~~2.2~~ Stage 1: Municipal Election of Candidates

~~9.1.3~~ Section 2.2 13.3 The municipal elections shall apply in a municipality which has more than one secondary school.

9.1.4 Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.

9.1.5 The elections for either Student Trustee nominees or electors may be either a direct

election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.

9.1.6 The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.

9.1.7 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.

2.3 — Stage II: Electoral College Process

9.1.8 The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock- Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.

9.1.9 Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.

9.1.10 The function of each electoral college is to elect one Student Trustee.

9.1.11 Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees speeches and the balloting.

9.1.12 The winning candidate from Stage 1 (~~Section 2.2 13.3 above~~) shall be the municipal candidate for the electoral college.

9.1.13 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.

9.1.14 In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes

shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.

9.1.15 In the event of an equality of votes, there shall be a final ballot and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.

9.1.16 The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.

2.4 9.1.17 The Student Trustee nominees and Student Trustee electors shall be qualified according to ~~this~~ these Bylaws.

2.5 9.1.18 Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.

9.1.19 If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined above.

*Preserved language is in blue

By-Law #15 - Electronic Meetings [No substantial changes - now found in Section 10]

SECTION 10: ELECTRONIC MEETINGS

10.1 Introduction

The ~~Durham District School~~ Board shall provide for the use of electronic means for the holding of meetings of the board and meetings of a committee of the Board, including a committee of the whole board.

10.1.02 Attendance

~~1.1~~ At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.

- a) The Chair of the Board or her or his designate; _
- b) At least one additional member of the Board; and
- c) The Director of Education of the Board or her or his designate.

~~1.2~~10.1.3 At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.

- a) The chair of the committee or her or his designate; and
- b) The Director of Education of the Board or his or her designate.

~~1.3~~10.1.4 Subject to 10.1.2 and 10.1.3, Aat the request of any Board member or student trustee, the board shall provide the member or representative with electronic means of participating in one or more meetings of the board or of a committee of the Board, including a committee of the whole Board, ~~except where to do so would not comply with sections 1.1 and 1.2.~~

~~1.4~~10.1.5 A member Trustee or Student Trustee of the Board or pupil representative of the Board who participates in a meeting through electronic means shall be deemed to be present at the meeting. Subject to any exemptions for physical attendance under relevant legislation or Board policy,

~~1.5~~ A member of the Board shall 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 December 1. (Education Act 1998s.229(1)).

~~1.6~~10.1.6 Subject to any exemptions for physical attendance under relevant legislation or Board policy, Ffor the period beginning when a member of a Board

is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the Board for at least one regular meeting of the Board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending the following November 30. (Education Act 1998 s.229(2)).

~~2.0~~10.2 Participation of Board Members and ~~Pupil Representatives~~ Student Trustees

~~2.1~~10.2.2 The electronic means shall permit the member or representative to hear and be heard by all other participants in the meeting.

~~2.2~~10.2.3 The electronic means shall be provided in such a way that the rules governing conflict of interest of members are complied with.

~~3.0~~ Public Participation

~~3.1~~ Section 3.0 applies to meetings of the Board or of a committee of the Board, including a committee of the whole Board, that are open to the public.

~~3.2~~10.3.1 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in meetings by members of the public. Electronic meetings shall be made available for public viewing.

~~3.3~~10.3.2 ~~Where such locations are provided, members of the public shall participate only in those parts of the Board meeting or committee of the Board meeting where the public would normally participate.~~ The extent and manner of participation shall be determined by the ~~Board Chair~~ person based on the electronic means available.

~~3.4~~10.3.3 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

By-Law: School Board Member (Trustee) Code Of Conduct

1.0 Purpose and Application

~~1.1~~ This Board Member Code of Conduct (“Code of Conduct”) supports both legislated requirements and Board established by laws, policies and procedures that set out the governance and accountability framework at the Durham District School Board (DDSB). The *Education Act* gives school boards the authority to adopt codes of conduct that apply to board members. This Code of Conduct supports the Board’s commitment to meeting high standards of conduct by trustees. The Education Act and the regulations thereunder mandate that school boards adopt a code of conduct that applies to Board members.

~~1.1~~

~~1.2~~ A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour. Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the provincial government. The conduct of the members of the Board of Trustees must be of the highest standard to maintain the confidence of the public.

~~1.2~~

~~1.3~~ A code of conduct policy contributes to confidence in public education and respect for the integrity of Trustees in the community. It deals with acceptable and respectful behaviours. This Code of Conduct meets the Board’s statutory obligations and supports the Board’s commitment to meeting high standards of conduct by trustees.

~~1.3~~ 1.4

~~Trustees will support the Vision and Values, and Strategic Priorities of the Durham District School Board. This Code of Conduct applies to all members of the Board of Trustees. It applies to members of the Board of Trustees from the date the Declaration is filed under section 209(1) of the Education Act and only while they hold the office. Conduct of a Trustee outside of this timeframe is not subject to sanction under this Code of Conduct.~~

~~1.4~~

~~1.5~~ Trustees responsibilities can be found in By Law #11.

~~1.6~~ 1.5 The Selection, Appointment and Jurisdiction of the Integrity Commissioner and the Complaints Procedure is set out in Appendix 1. The Selection, Appointment and Jurisdiction of the Integrity Commissioner together with the Complaints Protocol are attached at Appendix 1 and 2 respectively.

~~1.71.6 Trustees shall sign the Trustee Code of Conduct Acknowledgement and Undertaking, set out at Appendix 3, at the annual inaugural meeting of the Board. The Selection, Appointment and Jurisdiction of the Integrity Commissioner together with the Complaints Protocol are attached at Appendix 1 and 2 respectively.~~

2.0 Objective

2.1 To establish governing principles and standards for accepted behavior by members of the Board of Trustees, including the Chair of the Board.

3.0 Responsibility

3.1 The Board of Trustees, the DDSB's Integrity Commissioner and the Director of Education.

4.0 Application and Scope

4.1 This Code of Conduct applies to all members of the Board of Trustees.

5.0 **Definitions**

Board means the Durham District School Board, ~~which is~~ also referred to as the DDSB, a statutory corporation under section 58.5 of the Education Act.

Discrimination means discriminatory behaviour as defined by the DDSB Workplace Violence and Harassment Prevention policies and the Ontario Human Rights Code.

Harassment means harassing behaviour as defined by the DDSB workplace Violence and Harassment Prevention policies and ~~the Ontario Human Rights Code~~ the Occupational Health and Safety Act, Ontario.

Integrity Commissioner means the Integrity Commissioner duly appointed by the Board of Trustees ~~in accordance with the Durham District School Board Bylaws.~~

Members of the Board (also referred to as Trustees) ~~means the Chair and all members of the Board of Trustees~~ are the members of the Board of Trustees of the DDSB.

Official Business means duties and responsibilities of Trustees as set out in as prescribed by in the Education Act and further delineated in the Board's Consolidated By-Laws and Policies. ~~explained in the By-Law #11 Trustee Responsibilities, and directly related to operations of the Durham District School Board.~~

Unless specified otherwise, staff means any employee of the Durham District School Board.
~~Staff members means employees of the Durham District School Board.~~

Trustee's office or office means the authority and public duties attached to the position of being a Trustee. ~~Trustees Office means the authority and public duties attached to the position of being elected as a DDSB Trustee.~~

6.0 **Code of Conduct**

6.1 Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the provincial government. The conduct of the members of the Board of Trustees must be of the highest standard to maintain the confidence of the public.

6.2 This Board Member Code of Conduct ("Code of Conduct") represents the Board's commitment to meeting high standards of conduct.

Integrity and Dignity of Office - Principles

6.3 Trustees ~~of the Board~~ shall discharge their duties, as set out in the Education Act, loyally, faithfully, impartially and in a manner, that will inspire public confidence in the abilities and integrity of the Board.

6.4 ~~Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.~~

- 6.5** Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner at all times, and especially when attending Board events, or while on Board property.
- 6.6** Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Board members.

- 6.7 No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Trustee or Board;
- 6.8 A Trustee shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board;
- 6.9 Trustees shall serve and be seen to serve ~~their school communities~~ in a constructive, respectful, conscientious and diligent manner;
- 6.10 ~~Trustees shall recognize the public trust in the expenditure of DDSB funds efficiently and in the best interests of students;~~
- 6.11 Trustees shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- 6.12 Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence;
- 6.13 Trustees shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the By Laws and policies ~~adopted by~~ of the Board;
- 6.14 Trustees agree to the common understanding that individual trustees will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual Trustee which is not available to every other individual. Allowable activities include those activities that are reasonably related to a Trustee's Office, taking into consideration the different interests and the diverse profiles of their wards/communities;
- 6.15 Trustees recognize that their Oath of Office binds them to the provisions of the *Municipal Conflict of Interest Act* (MCIA); ~~and,~~
- 6.16 ~~The following provincial and federal legislation also applies to Trustees:~~
- ~~(a) — Criminal Code of Canada;~~
 - ~~(b) — Education Act~~
 - ~~(c) — Municipal Conflict of Interest Act~~
 - ~~(d) — Municipal Elections Act, 1996~~
 - ~~(e) — Municipal Freedom of Information and Protection of Privacy Act~~
 - ~~(f) — Occupational Health and Safety Act~~
 - ~~(g) — Ombudsman Act~~
 - ~~(h) — Ontario Human Rights Code.~~

Confidential Information

6.17 Confidential Information includes,

- (a) information in the custody and/or control of the DDSB that is subject to the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or other legislation, including, but not limited to personal information of staff and students, third party corporate, commercial, scientific, or technical information, solicitor-client or litigation privileged information;
- (b) information in respect of litigation or potential litigation affecting the Board, and information that is subject to solicitor-client privilege;
- (c) information discussed during closed sessions of the Board pursuant to section 207 of the *Education Act*;
- (d) intimate, personal or financial information of a Trustee, staff member or prospective staff member, student, parent or guardian;
- (e) the acquisition or disposal of the Board's real property, including a school site; and,
- (f) ~~decisions~~ information in respect of negotiations with staff members.

6.18 No Trustee shall disclose or release, to anyone, by any means, ~~to any member of the public~~, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the Trustee's term of office.

6.19 No Trustee shall use confidential information for either personal gain or to the detriment of the Board.

6.20 Trustees should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and not prohibited by Board policy. It is understood that any staff providing access to any such confidential information may share it with other Trustees, as may be appropriate in the circumstances.

6.21 Under the ~~DDSB Bylaws~~ Board's Consolidated By-Laws, a matter that has been discussed by any committee of the Board, ~~of Trustees including a committee of the whole board~~, in closed session in accordance with section 207(2) or 207(2.1) of the *Education Act* is confidential. Trustees shall not disclose the content of any such matter, or the substance of deliberations, of the closed session unless and until, and only to the extent that, meeting until the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public or the Board of Trustees otherwise gives prior authorization for the disclosure.

6.22 ~~Individual m~~Members of the Board are only entitled to information in the possession of the DDSB that is relevant to matters before the Board of Trustees or a committee of the Board. Otherwise, ~~an individual Trustee members~~ enjoys the same level of access rights to information as any other member of the community.

- 6.23 If there is uncertainty about whether information is confidential, ~~the a~~ Trustee ~~may should~~ check with the appropriate staff member, consult with the Director of Education or seek guidance from the Board's General Counsel. the advice of the Integrity Commissioner.

Upholding Decisions

- 6.24 All Trustees of the Board shall accept that authority rests with the Board of Trustees, and that a Trustee has no individual authority other than that delegated by the Board of Trustees. Trustees shall be mindful of this in all of their interactions with others and will not commit the Board, any Board committee or staff to any particular course of action.
- 6.25 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, or the like, if permitted by the Consolidated By-Laws Board's Rules of Order, can be brought by a Trustee and Robert's Rules of Order, if applicable, may be brought forward by a Trustee.
- 6.26 A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- 6.27 Each Trustee shall comply with Board the Board's Consolidated By-Laws, Policies and applicable Procedures. policies, procedures, By Laws, and Rules of Order.
- 6.28 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or the Board of Trustees to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board and must otherwise comply with this Code of Conduct.

Gifts, Benefits and Hospitality

- 6.29 Trustees are expected to carry out their duties with impartiality and objectivity. Trustees shall not accept a gift, benefit or hospitality in order to avoid the risk that this will compromise their objectivity or lead to an appearance of lack of objectivity, bias or influence ~~on the part of the Trustee.~~
- 6.30 For these purposes, a gift, benefit or hospitality provided with the Trustee's knowledge to a Trustee's spouse, child, or parent, or to a Trustee's staff that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that Trustee. of the Board.
- 6.31 There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and his/her role in representing the Board. The exceptions do not apply in the case of vendors of goods and services, or those expecting to be vendors to the DDSB. The following is a list of recognized exceptions:
- (a) compensation authorized by law;
 - (b) gifts of a nominal value (eg. gift card, hat, t-shirt, mug, not exceeding approximately \$100.00).

(a)(c) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

~~(b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;~~

~~(e)~~(d) a political contribution otherwise reported by law, in the case of members running for office;

~~(d)~~(e) services provided without compensation by persons volunteering their time;

~~(e)~~(f) a suitable memento of a function honouring the member;

~~(f)~~(g) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity. For the purposes of this exception, “*official capacity*” refers to attendance in a ceremonial, presentational or representational role on behalf of the Board or where the DDSB has authorized the member to attend on behalf of the organization;

~~(g)~~(h) food and beverages consumed at banquets, receptions or similar events, if:

- (i) attendance serves a legitimate business purpose;
- (ii) the person extending the invitation or a representative of the organization is in attendance; and
- (iii) the value is reasonable and the invitations infrequent;

~~(h)~~(i) communication to the offices of a member, including newspapers and periodicals; and,

~~(i)~~(j) no Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing his or her duties to the Board. Any gifts received shall be reported to the Chair of the Board.

6.32 An invitation to attend a function where the invitation is connected directly with the performance of a Member’s duties of office (i.e. for which the Trustees has a ceremonial, presentational or representational official role) is not considered ~~by this Code of Conduct~~, to be a gift. This type of attendance is considered to be fulfillment of official public duties.

Conflict of Interest

6.33 A Trustee shall not use his or her office to advance the Trustee’s interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.

6.34 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

6.346.35 Members of the Board shall comply with the *Municipal Conflict of Interest Act* and avoid conflicts of interest as defined by this Code of Conduct, and the Broader Public Sector (BPS) Directive and Code of Ethics.

Use of Board Property, Services and Other Resources

6.356.36 No Trustee should use, or permit the use of Board resources, including but not limited to staff members, Board events, Board facilities, Board funds, Board information and Board infrastructure or other resources (e.g., Board-owned materials, websites, and social media platforms) for activities other than the business of the DDSB. No Trustee may obtain personal financial gain from the use or sale of Board-developed intellectual property (e.g., inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, or from the sale of Board provided mobile phones and all other technological equipment, since all such property remains exclusively that of the Board.

Election Campaign Work

6.366.37 Election activity refers to campaigns for municipal, provincial and federal office or campaigns on a question on a ballot.

6.376.38 No Trustee shall use the facilities, equipment, supplies, services or other resources of the Board (including newsletters, social media sites and websites linked through the Board's website, contact information including email addresses obtained as a result of the member's performance of his or her duties as a Trustee) for any election campaign or campaign- related activities. No Trustee shall undertake campaign-related activities on Board property unless permitted by Board policy. No Trustee shall use the services of persons for election- related purposes during hours in which those persons receive any compensation from the Board.

Improper Use of Influence

6.386.39 No Trustee shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a Trustee to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. Also prohibited is the holding out of the prospect or promise of future advantage through a Trustee's supposed or actual influence within the Board in return for present actions or inaction. It includes refraining from using one's status to improperly influence the decision of another person to improperly prejudice another person or persons.

6.396.40 For the purposes of the above this provisions, "private advantage" and "improperly prejudice" does not include discussion of a matter at a Board or committee meeting that:

- (i) that is of general application;
- (ii) ~~that~~ affects a Trustee, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- (iii) ~~a committee or Board matter that~~ concerns the remuneration or benefits of a Trustee.

Conduct Regarding Current ~~a~~And Prospective Employment

6.406.41 No Trustee shall allow any current employment or the prospect of his or her future employment by a person or entity to improperly or for personal gain affect the performance of his or her duties to the Board.

6.416.42 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member of the Trustee.

Conduct ~~a~~At Board ~~a~~And Committee Meetings

6.426.43 ~~Trustees shall respect procedural rulings at Board and committee meetings and respect the views and opinions expressed by staff members, delegates and other Trustees. Trustees shall conduct themselves with decorum at Board and Committee meetings and in accordance with the provisions of the Consolidated By-Laws. Trustees act in the service of the community. They have the opportunity to set an example for future leaders who may look to them for guidance and leadership. They are expected to respect the procedural rulings of the Chair and behave respectfully in respect of the information, views and opinions expressed by staff members, delegates and other Trustees. It is vital that members of the Board conduct themselves with decorum at Board and Committee meetings and in accordance with the provisions of the DDSB's Bylaw concerning meeting procedures.~~

Conduct Respecting Staff Members

6.436.44 Trustees shall carry out their duties as defined within section 218.1 of the *Education Act*. ~~The Board of Trustees as a whole approves budget, policy, Committee processes, and other such matters. Staff members serve the Board of Trustees as a whole.~~

6.446.45 ~~Trustees shall be respectful of the their role and the distinct role and responsibility of staff in accordance with the provisions of the *Education Act*, the Board's Consolidated By-Laws, and OPSBA's Good Governance guide, as amended from time to time. of staff members to provide advice based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board of Trustees.~~

6.45 ~~Trustees will respect the distinct roles of staff in implementing policy in accordance with the provisions of the *Education Act*, the Board's Governance By-Law #11, and OPSBA Good Governance.~~

6.46 ~~In dealing with parent/guardian concerns or community concerns, Trustees shall not provide express or implicit direction or suggested outcomes to school administrators or educators.~~

6.466.47 ~~Trustees shall not provide direction to staff. Trustees work with the Chair and Director of Education. The Director of Education is responsible for communicating directives and expectations to staff.~~

6.47 ~~Trustees shall respect the professionalism, reputations, duties and expertise of staff members.~~

6.496.48 ~~By way of example and for greater certainty, Trustees shall not falsely or maliciously injure the professional or other reputation of staff members; compel staff members to engage in partisan political activities or subject staff to threats or other maltreatment for~~

~~refusing to engage in such activities; or use or attempt to use their authority or influence to intimidate, threaten, coerce, command or influence staff members or interfere with staff members' duties, including to disclose improper activities.~~

Discreditable Conduct

6.506.49 All Trustees have a duty to treat members of the public, one another, and staff members respectfully and ~~without abuse, bullying or intimidation, and to ensure that the work environment at the Board is~~ free from discrimination and harassment. This provision applies to all forms of written and oral communications, including via social media.

6.516.50 ~~Harassing or discriminatory behavior, as indicated in the~~ DDSB Workplace Harassment Prevention and Human Rights policies and the *Ontario Human Rights Code and the Occupational Health and Safety Act*, ~~apply to the conduct of members which occurs in the course of, or is related to, the performance of official business and duties of Trustees, and to that extent are incorporated into and form part of this Code of Conduct. is subject to this Code of Conduct.~~ If an employee or a member of the public brings forward a harassment complaint against a Member of the Board to ~~staff, the DDSB Human Rights Office,~~ it shall be immediately forwarded to the Integrity Commissioner. If a complaint is filed with the Integrity Commissioner, after an initial assessment, the Integrity Commissioner may determine the appropriate next steps, including treating the matter as a Formal Complaint or referral of the complaint to an independent investigator. Upon receipt of the independent investigator's findings, the Integrity Commissioner shall report to the Board in the same manner as a report following an investigation into a Formal Complaint. ~~make a final recommendation in respect of compliance with the Code of Conduct.~~

Failure ~~t~~To Adhere ~~t~~To ~~t~~The Board Policies ~~a~~And Procedures

6.526.51 Trustees are required to observe the terms of all policies and procedures established by the Board that apply to members of the Board.

6.536.52 ~~Trustees shall comply with the provisions of the Employee and Trustee Expenses Policy and Regulation #4135 and corresponding procedures, as amended from time to time.~~

Reprisals ~~a~~And Obstruction

6.546.53 Trustees should respect the integrity of this Code of Conduct and are obliged to cooperate with inquiries conducted in accordance with the Complaints Protocol and any other procedures set by the Board for addressing complaints of a breach of this Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited. It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out ~~of her or his~~ the duties of that office, responsibilities, for example, by destroying documents or erasing electronic communications.

6.556.54 Trustees ~~shall be respectful of the role of the office of the Integrity Commissioner. of the Board have a duty to respond to and comply with all requests of the Integrity Commissioner and failure to do so is a violation of this Code of Conduct.~~

Acting ~~o~~On Advice ~~o~~Of Integrity Commissioner

6.566.55 ~~If a Trustee is there is~~ uncertainty about whether a proposed ~~an~~ action or activity by that Trustee refers to conduct is prohibited by the Code of Conduct, the ~~a~~ Trustee may directly seek the advice of the Integrity Commissioner prior to engaging in the proposed

action or activity. This shall not constitute an inquiry or investigation by the Integrity Commissioner pursuant to the Complaint Protocol. The advice is not binding on the member nor on the Board, but must be considered by the Integrity Commissioner in any subsequent investigation involving the member and the same or related conduct. ~~Where a member of the Board has received written~~ Any advice from by the Integrity Commissioner to a Trustee under this provision shall be in writing or, if oral, confirmed in writing by the Integrity Commissioner. ~~The fact that a member did not seek advice under this section shall not be considered by the Integrity Commissioner or the Board in any subsequent investigation or determination. on a particular matter, the advice is binding on the Board in any subsequent consideration of the conduct of the Trustee in the same matter as long as the Trustee disclosed all relevant facts to the Integrity Commissioner before the advice was provided.~~

6.56 Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or Committee of the Board from exercising their power pursuant to s. 207(3) of the Education Act to expel or exclude from any meeting any person who has demonstrated improper conduct at the meeting. ~~The Integrity Commissioner will work with the Chair and Director when providing advice to Trustees.~~

6.57 The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

6.576.58 he Chair of the Board or Presiding Officer shall always attempt to follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures under the Consolidated By-Laws.

7.0 — Chair/Presiding Officer

7.2 ~~The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice Chair of the Board.~~

7.4 ~~Each year two alternate Trustees shall be chosen by the Board to be used when the circumstance warrant that one or both Trustees are needed in place of the Chair and/or Vice Chair of the Board to carry out any of the duties required under this Code of Conduct. The two alternate Trustees will be selected annually at the inaugural meeting of the Board in December.~~

7.6 ~~Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or Committee of the Board from exercising their power pursuant to s. 207(3) of the Education Act to expel or exclude from any meeting any person who has demonstrated improper conduct at the meeting. For greater certainty, this may be done at the discretion of the Chair or Presiding Officer as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting.~~

7.8 ~~The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.~~

~~7.107.0~~ The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures contained in any Policy or By Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the Enforcement of the Code of Conduct, except for persistent improper use of the applicable rules of order by the Chair or Presiding Officer.

8.0 **Sanctions**

~~9.0~~ — If the ~~Board~~ Integrity Commissioner determines that the Trustee has breached ~~the Board's~~ this Code of Conduct, the ~~Board~~ Integrity Commissioner shall report to the Board of Trustees reciting the findings of the Integrity Commissioner. The Board of Trustees shall consider the report of the Integrity Commissioner and the Board of Trustees shall make its own assessment and determination of whether there has been a breach of the Code of Conduct and, if so, may impose one or more sanctions as provided for in section 218.3 of the *Education Act*, as may be amended from time to time. The Board has no power to declare the Trustee's seat vacant. ~~may impose one or more of the following sanctions:~~

~~(-) Censure of the Trustee.~~

~~(-) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.~~

~~(-) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.~~

~~9.7 The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.~~

~~9.9 A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.~~

~~9.11 The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the Education Act regarding absences from meetings.~~

9.13 Specific Directives

~~9.159.0 The Board of Trustees has authority to issue operational procedures to implement this policy.~~

10.0 Evaluation

10.1 This Code of Conduct is to be reviewed and updated as required but at a minimum every four (4) years, on or before May 15 beginning in May, 2019.

11.0 Appendices

N/A

12.0 Reference Documents

Policies:

- ~~• Trustee Expenses Policy & Regulation #4135~~
- ~~• Workplace Harassment Policy & Regulation #4245~~

By-laws

- ~~• Trustee Responsibilities Principles of Policy Governance By Law #11)~~
- ~~• DDSB Bylaws~~

Procedures:

- ~~• Workplace Violence Management Procedure #4146~~

Legislation:

- ~~• Criminal Code of Canada~~
- ~~• Education Act~~
- ~~• Municipal Conflict of Interest Act~~
- ~~• Municipal Elections Act, 1996~~
- ~~• Municipal Freedom of Information and Protection of Privacy Act~~

- ~~Occupational Health and Safety Act~~
- ~~Ombudsman Act~~
- ~~Ontario Human Rights Code~~

Appendix:

1-~~32~~

Document Links:

Effective Date

2012-06-18

Legislative References

Approved by

Amended/Reviewed

2015-11-16

2018-11-19

2019-03-14

Appendix 1 – Appointment, Selection and Jurisdiction of the Integrity Commissioner

1.0 Appointment of the Integrity Commissioner

- 1.1 The Board of Trustees shall appoint an Integrity Commissioner by 2/3 vote. The Integrity Commissioner may be an individual or a firm/corporation. In the latter case, an individual in that firm/corporation may be referenced as the Board's Integrity Commissioner, with the consent of the Board and the firm/corporation.
- 1.2 The term of the Integrity Commissioner shall be five (5) years. The term may be extended by the Board of Trustees by 2/3 vote.
- 1.3 The Integrity Commissioner may be ~~removed or~~ terminated by the Board of Trustees for cause by 2/3 vote.
- 1.4 ~~The Integrity Commissioner may resign from his or her position with 90 days written notice to the Board of Trustees.~~

2.0 Selection of the Integrity Commissioner

- 2.1 The Integrity Commissioner shall be selected using the Board's hiring practices, overseen by a selection committee appointed by the Board and chaired by the Chair or designate. The selection committee shall make a recommendation to the Board.

3.0 Role of the Integrity Commissioner

- 3.1 The Integrity Commissioner has the following responsibilities:
 - ~~a. providing advice to Trustees about the application of the Code of Conduct, Board policies and procedures, Complaint Protocol~~ fulfilling his or her responsibilities as set out in the Code of Conduct;
 - ~~a.b.~~ providing general instruction to Trustees about the Code of Conduct and Complaint Protocol;
 - ~~b.c.~~ providing general information to Trustees about their duties and obligations under the *Municipal Conflict of Interest Act*;
 - ~~e.d.~~ reviewing and making inquiries related to complaints made about Trustees in relation to the Code of Conduct and the Complaint Protocol, pursuant to the Complaint Protocol;
 - ~~d.e.~~ providing educational programs to Trustees on issues of ethics and integrity;
 - ~~e.f.~~ maintaining custody and control of their complaint and inquiry files and, on completion of their term, transfer any open files related to ongoing matters to the incoming Integrity Commissioner or as the Board may direct; and
 - ~~f.g.~~ providing such other duties respecting ethical and conduct matters as assigned by the Board.
- 3.2 The Integrity Commissioner does not have jurisdiction over complaints about Board staff.
- 3.3 The Integrity Commissioner shall act in an independent and objective manner. ~~shall carry~~

~~out his/her duties independently.~~

3.4 The Integrity Commissioner is accountable to and reports to the Board of Trustees.

3.5 ~~The Integrity Commissioner does not have jurisdiction to investigate or make inquiries in respect of complaints that are related to the Criminal Code, the Municipal Conflict of Interest Act, the Municipal Elections Act, or the Municipal Freedom of Information and Protection of Privacy Act.~~

The Director of Education, for the sole purpose of an inquiry or investigation undertaken by the Integrity Commissioner pursuant to the Complaint Protocol, provide information to the Integrity Commissioner, and facilitate access to all documents including, but not limited to books, accounts, financial records, electronic records and communications, files, papers, things or property in the possession or control of the DDSB that the Integrity Commissioner believes are necessary for an investigation of a complaint ~~or property belonging to or used by the Board of Trustees that the Commissioner believes are necessary for an investigation of a complaint~~ made in accordance with the Complaint Protocol, provided first that the Board's General Counsel has vetted the proposed access to confirm that same will not breach the Board's legal obligations.

3.6 —.

Appendix 2 – Complaints Protocol – Integrity Commissioner

1.0 RATIONALE

The Board has established a Board Member Code of Conduct (“Code of Conduct or “Code””) to govern the conduct of Trustees and to provide transparency, accountability, and public confidence in its governance. This Protocol supports the implementation of the Code of Conduct Board Member Code of Conduct, particularly as related to the complaints process, including the reporting, investigation and resolution of complaints.

2.0 OBJECTIVE

To outline the processes for making, investigating, resolving and reporting on the outcomes of complaints made under the Code of Conduct.

3.0 DEFINITIONS

Terms are as defined in the Code of Conduct.

~~*Board* refers to the Durham District School Board, which is also referred to as the DDSB.~~

~~*Discrimination* means discriminatory behavior as defined by the DDSB Workplace Violence and Harassment Prevention policy and the Ontario Human Rights Code. [NTD add in other policies/procedures at the board addressing this]~~

~~*Harassment* means harassing behavior as indicated by the DDSB Workplace Violence and Harassment Prevention policies and the Ontario Human Rights Code.~~

~~*Inquiry* includes an investigation.~~

~~*Integrity Commissioner* means the Integrity Commissioner appointed by the Board of Trustees in accordance with the DDSB Bylaws.~~

~~*Members of the Board* (also referred to as Trustees) means Trustees of the Board of Trustees.~~

~~*Official Business* means duties and responsibilities of trustees as prescribed by the Education Act and By-Law #11, Trustee Responsibilities, and directly related to operations of the Durham District School Board.~~

~~*Staff members* means staff members of the Durham District School Board.~~

~~4.0 — RESPONSIBILITY~~

~~The Board of Trustees, the DDSB's Integrity Commissioner, and the Director of Education.~~

~~5.0 — APPLICATION AND SCOPE~~

~~This procedure applies to all members of the Board.~~

6.0 COMPLAINT PROTOCOL

This Complaint Protocol describes informal and formal ways for members of the public, staff members and members of the Board of Trustees to address complaints concerning the Code of Conduct and members of the Board. The Complaint Protocol provides a number of ways to resolve complaints in addition to the process described in section 218.3(2) of the *Education Act*, ~~which permits a member to bring an alleged breach directly to the attention of the Board of Trustees. Nothing in this Code of Conduct impacts the ability of a member to elect to bring a complaint directly to the Board of Trustees under section 218.3 of the Education Act, rather than to the Integrity Commissioner.~~

~~The Integrity Commissioner may provide advice to members of the Board, information to staff members, and members of the public as well as options for resolving complaints as described in this Complaint Protocol. All of these processes are~~ The Complaint Protocol is intended to ensure that there is an opportunity to resolve complaints as fairly, expeditiously and meaningfully as possible.

6.1 Informal Complaint Process

Individuals (including staff members of the Board, members of the public, or members of the Board) ~~are encouraged~~ may elect to use ~~pursue an informal process means first~~ to address conduct prohibited by the Code of Conduct. With the consent of the complain~~ing individual~~ and the Trustee, the Integrity Commissioner may be a part of any informal process.

Individuals (including staff members of the Board, members of the public, or Trustees) who have identified or witnessed conduct by a Trustee that they believe is in contravention of the Code of Conduct may ~~address wish to consider addressing the conduct in an informal way including one or more of the following the prohibited conduct as follows:~~

- (a) advise the Trustee that the conduct contravenes the Code of Conduct with an explanation as to why;
- (b) encourage the Trustee to stop the prohibited conduct;

- (c) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information; ~~advise tell someone else (for example, the Integrity Commissioner, a senior staff member or an officer of the organization)~~ about the concerns related to the Trustee and any response of the Trustee;
- ~~(e) if applicable, confirm to the Trustee the satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of the dissatisfaction with the response;~~
- (d) ~~if applicable, confirm to the Trustee the satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of the dissatisfaction with the responsespeak to the Chair of the Board to see if the matter can be resolved;~~
- (e) if the parties agree, the Integrity Commissioner can participate in resolving or attempting to resolve the issues ~~relating to the~~; and
- (f) consider the need to pursue a formal complaint as described in section 6.2.

~~An informal complaint must be made within six (6) months of the alleged violation or no action will be taken on the complaint Delay in making a formal or informal complaint to the Integrity Commissioner and any prejudice to the Trustee against whom the complaint is made as a result of such delay, shall be considered by the Integrity Commissioner and may, at the discretion of the Integrity Commission, be a sufficient basis for not proceeding with an investigation. In no case, shall a complaint be investigated if it is not made within 1 year of the events at issue.~~

The informal complaint process is encouraged; however, it is not required prior to beginning the formal complaint process.

Anonymous complaints will not be considered by the Integrity Commissioner, ~~but the Integrity Commissioner has the discretion to hide the identity of a complainant where the safety of the complainant is an issue or where the disclosure could have a material impact on the functioning of the Board and/or professional working relationships within the Board.~~

If an informal complaint is brought to the attention of the Integrity Commissioner during the pre-election period described in subsection 6.2(e), the Integrity Commissioner shall not participate in the informal process until after a new Board is deemed organized under section 6 of the *Municipal Elections Act*.

6.2 Formal Complaint ~~and Request for Inquiry Process~~

Requests for Inquiries

- (a) A request for an inquiry into a complaint that a Trustee has contravened the Code of Conduct (the “~~Formal e~~Complaint”) may be made to the Integrity Commissioner and if so, shall be made in writing on the prescribed form (~~sworn affidavit~~).
- (b) All written complaints shall be signed by an identifiable individual.
- ~~(c)~~ A written complaint shall set out reasonable and probable grounds for the allegation that the Trustee has contravened the Code of Conduct. The complaint should include the name of the alleged violator, the provision allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during regular business hours. The Integrity Commissioner shall know the identity of the complainant, but where the safety of the complainant is an issue, or the identity of the complainant can impact the functioning of the Board and/or professional working relationships, the Integrity Commissioner can maintain the anonymity of the complainant, provided that the Integrity Commissioner is satisfied that the failure to identify the complainant does not and will not have a material impact on the fairness of the process to the member(s) against whom the allegations are made. Further, where the identity of the complainant is not disclosed to the Board of Trustees, the Board of Trustees may consider the fairness of the process to the member(s) against whom the allegations are made in considering the alleged breach and any sanction.
- ~~(d)~~ A Formal Complaint shall set out reasonable and probable grounds for the allegation(s) that a Trustee has contravened the Code of Conduct. The complaint should include the name of the alleged violator, the provision allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during regular business hours.
- ~~(d)~~ (e) Where a complaint is brought forward by way of a Board decision under s. 218.3(a) of the *Education Act*, it may be referred to the Integrity Commissioner and, in that case, the Board shall direct whether the Integrity Commissioner is to treat the matter as a Formal Complaint or pursue informal inquiry and potential resolution. In any such matter where the Board has directed the Integrity Commissioner to pursue an informal inquiry and potential resolution, the Integrity Commissioner shall advise the Board in the event that the Integrity Commissioner has determined that the informal process

is not likely to resolve the matter. Upon receipt of such advice, the Board may then direct that the Integrity Commissioner to treat the matter as if it were a Formal Complaint; otherwise, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached this Code of Conduct and, if so, it shall consider whether to sanction the member under section 218.3(3) of the Education Act. 6.2 (a) will not apply.

~~(e)(f)~~ In a municipal election year, a Code of Conduct complaint respecting a Trustee who is seeking re-election will not be received by the Integrity Commissioner and any open complaint investigation shall be suspended during the period starting on Civic Monday and ending when a new Board is deemed organized under section 6 of the *Municipal Elections Act*.

~~(f)(g) A formal complaint must be made within six (6) months of the alleged violation or no action will be taken on the complaint.~~

6.3 Classification of Complaints by the Integrity Commissioner

(a) ~~The An~~ original written ~~Formal~~ ~~e~~Complaint shall be filed with the Integrity Commissioner for initial classification to determine if the matter is a complaint with respect to non-compliance with the Code of Conduct ~~and not whether is it~~ covered by other legislation or other policies.

(b) If the complaint is not a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or ~~a the~~ complaint is covered by other legislation procedure under another Board policy, the Integrity Commissioner shall advise the complainant in writing as follows:

i. if the complaint is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

ii. if the complaint is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with the complainant's own legal counsel;

iii. if the complaint is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the ~~appropriate~~ Board's General Counsel department;

~~iv. if the complaint is with respect to non-compliance with a specific Board policy with a separate complaint~~

~~procedure, the complainant shall be advised to pursue the complaint under that procedure; and~~

~~v.iv.~~ in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to consider, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

~~(c) If the Integrity Commissioner shall undertake a threshold assessment of any is of the opinion that the fFormal eComplaint and shall determine whether the complaint is outside the timelines stipulated herein or request for an inquiry is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, in which case the Integrity Commissioner shall not initiate an investigation, or, where that becomes apparent in the course of an investigation the Integrity Commissioner shall terminate the investigation. The complainant and Trustee, as appropriate, shall be advised of the decision with a rationale. Where the complainant breaches the integrity of an investigation by sharing the details on social media, or in the public arena, the Integrity Commissioner may terminate the investigation. No report shall be presented to the Board of Trustees except as provided for in section 6.4(a).~~

~~(e) In assessing whether a complaint is frivolous, vexatious, or not made in good faith, the Integrity Commissioner shall consider whether the complainant is advancing a concern, issue or complaint that is consistent with the purpose of the Code of Conduct and also whether the complaint is, in essence, in the nature of a private interest.~~

6.4 Reports from the Integrity Commissioner: No Jurisdiction or Inquiry

- (a) The Integrity Commissioner may report to the Board of Trustees that a specific complaint is not within the jurisdiction of the Integrity Commissioner, ~~but shall not disclose information that could identify the complainant.~~
- (b) The Integrity Commissioner shall report annually to the Board of Trustees on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.
- (c) Other than in exceptional circumstances, the Integrity Commissioner will not report to the Board of Trustees on any complaint described in subsection 6.3 except as part of an annual ~~or other periodic~~ report.

6.5 Formal Complaint Inquiries by the Integrity Commissioner

- (a) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Integrity Commissioner shall proceed with an investigation as follows;

- ~~i.~~ Serve provide the complaint and supporting material ~~upon~~ to the Trustee whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
 - ~~ii.~~ Provide a copy of the response to the complainant with a request for a written reply within ten days.
 - ~~(b)~~ Provide a copy of the response provided upon the complainant with a request for a written reply within ten days.
 - ~~(e)~~(b) If necessary, after reviewing the written materials, delivered under subsection 6.5 (a) the Integrity Commissioner may speak to anyone he or she deems relevant to the complaint, access and examine any of the information, documents or electronic materials and may enter any Board work location relevant to the complaint for the purposes of investigation and/or settlement, provided that the Board's General Counsel has pre-approved the release of any information, documents or materials to the Integrity Commission in accord with the Board's legal obligations.
 - ~~(c)~~ The inquiry will be conducted in private and will remain confidential, save and except as may be disclosed in any report by the Integrity Commissioner to the Board of Trustees or as necessary for the conduct of the investigation.
 - ~~(d)~~ The Formal Inquiry may involve both written and/or oral statements by any witnesses, persons with relevant information to the complaint, the complainant or the Trustee alleged to have breached the Code
 - ~~(e)~~ The Statutory Powers Procedure Act does not apply.
 - ~~(f)~~ Subject to the provisions of 5.4(g), at any time following receipt and review of a Formal Complaint or at any time during the Formal Inquiry, where the Integrity Commissioner believes there is an opportunity to successfully resolve the matter without a formal investigation, and both the complainant and the Trustee alleged to have breached the Code agree, an informal resolution may be pursued. If this process leads to a result that is satisfactory to the Complainant and the Trustee alleged to have breached the Code, then the complaint shall be deemed withdrawn.
 - ~~(g)~~ Section 5.4(f) shall not be engaged unless the parties consent and unless the Integrity Commissioner is of the view that it is unlikely, on a balance of probabilities, that there would be a finding of a breach of the Code of Conduct.
 - ~~(e)~~(h) A Formal Complaint may be withdrawn by the Complainant at any time prior to the Board making a determination on the alleged breach(es) under section 218.3 of the Education Act.
-

6.6 Reports to the Board of Trustees

- (a) The Integrity Commissioner shall report to the complainant and the Trustee generally no later than 90 days after the receipt of the Formal Complaint Form/Affidavit of the complaint unless the Integrity Commissioner determines that a longer period of time is required to complete the final report and the reason is explained in the final report. The Board of Trustees and the complainant shall be advised of the need for the extension of time with an expected date of delivery of the report. ~~If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report to the Board and will advise the parties of the anticipated date that the report will be available.~~
- ~~(b) The Integrity Commissioner shall not issue a final report to the Board in which there is a finding of a violation of the Code of Conduct on the part of any member of the Board unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction, that the Integrity Commissioner may take into consideration in the final report submitted to the Board.~~
- (b) ~~(e)~~ The Integrity Commissioner may make interim reports to the Board of Trustees where necessary and to report on as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
- (c) Where ~~the Formal Ceomplaint~~ is sustained in whole or in part, the Integrity Commissioner shall ~~also~~ report to the Board of Trustees outlining the findings of the investigation. The report shall make recommendations as to sanction with reference to section 218.3 of the Education Act together with any relevant decisions of other Boards that the Integrity Commissioner believes may be of assistance to the Board in considering sanction, the terms of any settlement, or recommended corrective action or sanction.
- (d) ~~(d) A report following an investigation into of a Formal Complaint will be delivered to the Board of Trustees for consideration in accordance with the provisions of sections 218.3 and 207 of the Education Act. Where the Integrity Commissioner's investigation into a Formal Complaint concludes that there has been no breach of the Code of Conduct, the Integrity Commissioner's investigative report shall not be delivered to the Board of Trustees, but a summary of the investigation shall be provided to the Board of Trustees. Report of a formal complaint investigation by the Integrity Commissioner will be considered by the Board of Trustees in a~~

~~public meeting, subject to the following exceptions:~~

~~In accordance with section 207(2) of the *Education Act*, a report of a formal complaint investigation may be considered in a meeting closed to the public when the subject matter under consideration involves:~~

- ~~○ the security of the property of the board;~~
- ~~○ the disclosure of intimate, personal or financial information in respect of a member of the board or Committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;~~
- ~~○ the acquisition or disposal of a school site;~~
- ~~○ decisions in respect of negotiations with employees of the board; or~~
- ~~○ litigation or any potential litigation affecting the Board.~~

(e) ~~Where the complaint is dismissed, the Integrity Commissioner shall not report to the Board of Trustees other than in an annual or periodic report or in exceptional circumstances. Where the Integrity Commissioner determines that a contravention of Code of Conduct occurred although the Trustee took all reasonable measures to prevent it, or that a contravention occurred through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report.~~

~~(f) Any recommended corrective action must be permitted in law, by law or policy and shall be designed to ensure that the inappropriate conduct does not continue.~~

~~(h) Where the Integrity Commissioner determines that a contravention of the Code of Conduct occurred although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.~~

(f) The Integrity Commissioner shall give a copy of the report to the complainant and the Trustee whose conduct is concerned.

(g) The Integrity Commissioner shall bring the report before the next available meeting of the Board of Trustees.

(h) The Board of Trustees shall consider and make a decision in response to the Integrity Commissioner's report in a timely manner, and shall comply with the provisions of section 218.3 of the *Education Act* in considering and making a determination as to whether a breach has occurred and, if so, any sanction.

(i) The Board of Trustees shall consider the report of the Integrity Commissioner and the Board of Trustees shall make its own assessment and determination of whether there has been a breach of the Code of Conduct and, if so, may accept, reject or amend the Integrity Commissioner's recommendation, if any, as to sanction.

- (j) The Integrity Commissioner may attend at the meeting at which the Board of Trustees will be considering the final report to answer questions of members of the Board of Trustees.
- (k) Where a matter is being handled by the Integrity Commissioner, Individual Trustees shall not undertake their own investigation of any matter, including questioning a complainant, the Trustee who is alleged to have breached the Code or any witnesses or persons participating in any investigation.

~~6.7 — Duty of the Board of Trustees~~

- ~~— The Board of Trustees shall consider and make a decision in response to the Integrity Commissioner's report within 60 days after the day the report is considered at a Public Board Meeting.~~
- (a) ~~In responding to a report from the Integrity Commissioner, the Board of Trustees may accept, reject or amend the Integrity Commissioner's recommendation to impose a sanction or it may refer the recommendation back to the Integrity Commissioner.~~

6.86.7 Payment of Costs

- (a) Subject to subsection 6.78(e), a member of the Board who is a respondent to a formal complaint under this procedure shall be reimbursed by the Board for actual and reasonable legal and related expenses up to a maximum of \$5,000.
- (b) Subject to subsection 6.7(e), i~~n~~ the case of an application under the *Judicial Review Procedure Act* for judicial review of actions taken on a complaint against a member of the Board by the Integrity Commissioner,
 - i. where a member of the Board made the judicial review application, the member is eligible for reimbursement of legal costs, including additional legal costs in a successful application, that are not recovered by any the costs awarded by the court, up to a maximum of \$20,000.
 - ii. a member of the Board is entitled to ~~may apply for~~ reimbursement of the legal costs of intervention in a judicial review application where the member's interests are at stake, up to a maximum of \$20,000.
- (c) Subject to subsection 6.7(e), the Board of Trustees may consider ~~The Board may consider~~ the reimbursement of costs above the limit in subsections 6.78(b)i. and 6.78(b)ii. on a case by case basis.
- (d) The Board may consider an advance payment to a Trustee for legal expenses prior to completion of an investigation for a maximum amount of \$5,000. While the Trustee must return to the Board all unused funds upon completion of an investigation, the Trustee will not be required to reimburse the spent funds if, upon completion of the investigation, either subsection 6.8(e)i or ii, apply. Otherwise, all advanced funds must be returned to the Board immediately upon conclusion of the investigation.
~~to completion of an investigation for a maximum amount of \$5,000. While the Trustee must return to the Board all unused funds upon completion of an investigation, the Trustee will not be required to reimburse the spent funds if, upon completion of the investigation, either subsection 6.8(e)i or 6.8(e)ii below applies. Otherwise, all advanced funds must be returned to the Board immediately upon conclusion of the investigation~~
- (e) Costs shall only be reimbursed under this section to the member of the Board:
 - i. if the Integrity Commissioner concludes that there has

been no contravention of the Code of Conduct by the member or that the member is not blameworthy, and the Integrity Commissioner's conclusion is not overturned on judicial review; or

- ii. ~~where the Board of Trustees receives the Integrity Commissioner's report on a violation and determines that it should not take any action if the member is successful, in whole or in part, on any judicial review application either as an applicant or intervenor.~~

- (f) Any ~~request award for~~ costs under subsection 6.78(e) shall be ~~contingent made in writing to the General Counsel who shall report to the Board of Trustees, on a report to the Board of Trustees from the General Counsel~~

6.96.8 Confidentiality and Formal Complaints

A ~~F~~ormal ~~C~~omplaint will be processed as follows:

- a) ~~The Integrity Commissioner and every person acting under the Integrity Commissioner's her or his instructions shall preserve confidentiality with respect to all Code of Conduct matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of the Code of Conduct and the Education Act. The following persons involved in any aspect of a Code of Conduct complaint, including any investigation, shall preserve confidentiality: and this related procedure concerning reporting to the Board of Trustees.~~

- i. ~~the complainant;~~
- ii. ~~individual Trustees;~~
- iii. ~~witnesses;~~
- iv. ~~the Integrity Commissioner, and~~
- v. ~~staff.~~

~~Except that the Integrity Commissioner may disclose relevant information in a public report but only to the extent that the Integrity Commissioner deems it appropriate to do so and provided same has been pre-approved by the Board's General Counsel as being in accord with Board's legal obligations.~~

~~(a)b)~~

- ~~(b)~~ All reports from the Integrity Commissioner to the

Board of Trustees will be made available to the public. The report may be redacted appropriately to reflect the requirements of section 207(2) of the Education Act.

- (c) Any references by the Integrity Commissioner in an annual or other periodic report shall not disclose confidential information that could identify the trustee concerned, except where the trustee's name has been disclosed in the public sphere, or the Integrity Commissioner deems it necessary to identify the person concerned. ~~to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.~~
- (d) The Integrity Commissioner in a report to the Board of Trustees on whether a member of the Board has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary appropriate for the purposes of the report.

7.06.9 EVALUATION

This Code of Conduct ~~procedure~~ is to be reviewed and updated as required but at a minimum every four (4) years.

80 7.0 APPENDICES

Appendix A: Complaint Form ~~(Form 708A)~~

~~Legislative Acts and Regulations:~~

- ~~• *Judicial Review Procedure Act*~~
- ~~• *Municipal Elections Act*~~
- *Ontario Human Rights Code*

Durham District School Board
Code of Conduct - Formal Complaint Form

COMPLAINT OF

I, _____ (full name), of
the _____
(City, Town, etc.) _____ (municipality of
residence) in the Province of Ontario.

STATE THE FOLLOWING:

1. I have personal knowledge of the facts as outlined in this affidavit, because

(insert reasons e.g. I work for . . . I attended a meeting at which . . . etc.)

2. I have reasonable and probable grounds to believe that:

_____ (specify name of Trustee) a member of the
Durham District School Board, has contravened Section (s) _____
_____ (specify section(s) of
the Trustee Code of Conduct. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this form.)

*Where a complainant chooses to litigate this matter in the court of public opinion and/or social media platforms, the Integrity Commissioner reserves the right to dismiss this complaint.

Please see the attached Schedule "A"



DATED THIS _____ DAY OF _____, 20 _____ at the City/Town of _____
In the Province of Ontario.

(Signature of person making the complaint)

(Additional Information)

(If more than one page is required, please photocopy this blank page and mark each additional page as 2 of #, 3 of #, etc. at the top right corner.)

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

~~Appendix 3: ACKNOWLEDGEMENT AND UNDERTAKING~~

~~I confirm that I have read, understand and agree to abide by the Board's Code of Conduct and that I understand the Complaints Protocol for complaints made to the Integrity Commissioner.~~

~~DATE: _____ SIGNATURE: _____~~

~~Please Print Name: _____~~