



## **DURHAM DISTRICT SCHOOL BOARD**

### **NOTICE OF MEETING**

#### **VACANCY COMMITTEE PUBLIC SESSION**

Chair: to be determined

Presiding Officer: Director of Education Camille Williams-Taylor

**DATE:** Monday, April 15, 2024

**TIME:** 7:45 p.m. or following completion of the Board Meeting

**LOCATION:** Hybrid

**ATTACHMENTS:** Agenda

#### **Copies to:**

All Trustees and Student Trustees  
Director of Education  
All Superintendents

## **Code of Conduct for Public Meetings 2023-2024**



The Durham District School Board is committed to public participation at board and committee meetings, and to ensuring a safe and respectful environment for students, parents/guardians, trustees, staff, and community members in attendance.

All meetings of the Board of Trustees follow formal parliamentary procedures in accordance with DDSB by-laws, policies, procedures, and protocols that must be adhered to by all participants.

All participants attending public meetings must be courteous and respectful at all times.

Disruptions of the meeting will not be tolerated and may result in a request to leave the meeting.

Abusive, discourteous, and/or aggressive behaviour will not be tolerated.

Threats, intimidating language and/or behaviour and any attempt to assault any person is prohibited and may result in criminal charges.

Possessing any form of a weapon while in attendance at a public meeting is prohibited. Security personnel are authorized to exercise discretion to request the inspection of any bag, briefcase, backpack, purse or any other item brought onto DDSB property to ensure a safe and respectful environment.

All individuals attending in-person will be asked to sign-in and show photo identification for the purposes of verifying their identity. Individuals that do not wish to sign in may choose to participate in the meeting virtually through the livestream.

Meetings are recorded by the DDSB for the purposes of the livestream and for security purposes. Those in attendance at meetings are prohibited from using their own recording devices.

Violations of this Code of Conduct will not be tolerated under any circumstances and may result in a person being directed to leave, restricting/prohibiting attendance at future meetings and/or all DDSB properties, or being subject to criminal charges depending on the nature of the conduct.

**VACANCY COMMITTEE MEETING**  
**Monday, April 15, 2024**  
**7:45 p.m.**

	PAGE
1. <u>Call to Order</u>	Verbal
2. <u>Land Acknowledgement</u>	Verbal
<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3. <u>Declarations of Interest</u>	Verbal
4. <u>Motion to Approve Agenda</u>	Verbal
5. <u>Recommended Actions</u>	
(a) Election of Chair (Director of Education Camille Williams-Taylor)	Verbal
(b) Process for Filling the Trustee Vacancy (Executive Lead Robert Cerjanec, General Counsel Patrick Cotter)	1 - 12
6. <u>Other Business</u>	Verbal
7. <u>Adjournment</u>	Verbal

## **DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT**

**REPORT TO:** Vacancy Committee **DATE:** April 15, 2024  
**SUBJECT:** Process for Filling Trustee Vacancy **PAGE:** 1 of 6  
**ORIGIN:** Camille Williams-Taylor, Director of Education and Secretary to the Board  
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations  
Patrick Cotter, General Counsel

### **1.0 Purpose**

This report provides the Vacancy Committee with information about filling a trustee vacancy, including the three options available to fill it and timelines associated with each option.

### **2.0 Background and Analysis**

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

Due to the resignation of Trustee Linda Stone (Oshawa), accepted by the Board on Wednesday, March 27, 2024, there is a vacancy on the Board of Trustees.

In considering the filling of this vacancy, the terms of the Education Act and the Board's Consolidated By-laws need to be considered.

#### **The Education Act and the Board's Consolidated By-Laws**

In accordance with the terms of section 221 of the Education Act and the Board's Consolidated By-Laws, there are three options to fill the current vacancy:

1. Require the municipality to hold a by-election; or
2. Appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area (Oshawa) provided that the candidate remains a qualified person as defined under the *Education Act*; or
3. Appoint a qualified person through an application process.

Options (ii) or (iii) require that the vacancy be filled within 90 days – which is June 25, 2024 (there is no such time-limit for option (i)).

To be a “qualified person” to serve as a Trustee, a person must be qualified to vote and be a resident within the jurisdiction of the DDSB, provided that they are not otherwise disqualified under the terms of the *Education Act*. Under the terms of the *Education Act*, a person is disqualified if the person is:

- an employee of a district school board or school authority, the clerk or treasurer or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the DDSB;
- a member of the Assembly or of the Senate or House of Commons of Canada;
- a member of any other district school board or school authority, except the Centre Jules-Léger Consortium;
- a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the DDSB;
- an elected member of a local board, as defined in the Municipal Affairs Act, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the DDSB; or
- otherwise disqualified by any legislation from holding municipal office.

### **Process for Each Option**

The process for each option is discussed below.

#### Option #1 - By-Election

Staff have met with the City of Oshawa to discuss the potential for a by-election. The City has estimated that the cost to conduct a by-election will be approximately \$1.15 million.

All costs for a by-election would be borne by the DDSB (under subsection 7(3) Municipal Elections Act, 1996).

The estimate provided by the City is based on their cost to conduct the 2022 municipal election given that a by-election for trustee would cover the same area of the City. There is the possibility for some variables to the cost including vendor renewals, contracted staff, number of voting locations and technology used, recounts, audits, appeals and legal action that could move this number in either direction. The City has indicated that there are 104,667 eligible electors for the position of English public school board trustee out of an approximate total of 122,000 total electors in the City.

If the City were to receive a resolution from the Board to conduct a by-election, the timelines under the Municipal Elections Act would kick in. The City has indicated that to organize effectively for a by-election, nomination day would be 60 days following receipt of a resolution from the Board and that voting day would be 45 days after nomination day.

The entire process from the opening of nominations to election day would be 105 days (about 3 and a half months). The elected candidate would then attend the next Board meeting at the beginning of the public session to be sworn in.

#### Option #2 - Appointment of one of the Unsuccessful Candidates

The second option is to appoint one of the unsuccessful trustee candidates from the last municipal election in Oshawa. In this regard, the results of the previous trustee election for the electoral area of Oshawa are attached as Appendix A.

Should the Committee wish to explore this option, it is recommended that the vacancy committee reconvene at a later date and in the meantime, research the options on the list to inform their decision.

#### Option #3 – Interview Process

The third option is to interview applicants and select a candidate from those interviewed. A draft timeline incorporating the various steps in this process is attached as Appendix B.

Should the committee choose this option, it is recommended that the Committee adopt a timeline in the form set out in Appendix B.

Section 6.2.2 of the Bylaws (Appendix D) provides a detailed description of the process and the steps associated with the interview process are listed below in this report for ease of reference:

##### (a) Advertising

The vacancy shall be advertised in local newspapers and on social media for a minimum period of one week.

##### (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 Vacancy Committee shall establish the timeline and set a deadline for the appointment process.

##### (c) Information Required

Applicants shall be asked to provide the following information by completing a form that will be made available on the Board's website for the purpose of filling the vacancy:

- i. Confirmation of eligibility to be appointed;
- 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 they intend to apply for the position, the following information will be emailed to interested individuals or made available for pick-up from the Trustee Services Coordinator:

- i. Durham District School Board Facts Folder;
- ii. These Bylaws including the Member 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 at a Special Meeting of the Board. All Trustees shall be invited to participate in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from Trustees for up to five minutes. Interviews shall be conducted on a date and time determined by the Vacancy Committee. If an inordinate number of candidates are to be interviewed, a second day for interviews shall be determined by the Chair of the Vacancy Committee in consultation with the Chair of the Board. Should a quorum of Trustees not be present on the meeting date, those present constitute a Selection Committee which shall meet, conduct the interviews and make a recommendation to the Board at a meeting of the Board of Trustees (either at the next regular meeting or, at a special Board Meeting, at the discretion of the Chair of the Board). The Chair of the Board or designate shall preside over the meeting(s) during which the interviews are conducted. The interviews shall be open to the public. Candidates shall be advised of their right to attend any or all interviews (virtually or in-person).

(f) Voting

- i. Voting shall be by secret ballot.
- ii. The Director or designate and the General Counsel or designate shall count the ballots.
- iii. On the first ballot, Trustees shall vote for three (3) candidates and any ballot without three names shall be considered a spoiled ballot.

The ten (10) candidates achieving the greatest number of votes shall:

- i. proceed to the second ballot. Their names shall be posted in the Boardroom and on-screen for virtual attendees.
  - ii. On the second and subsequent ballots, Trustees shall vote for only one (1) candidate.
  - iii. 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.
  - iv. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
  - v. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
- (g) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

The ballots from the voting process will be destroyed after the appointed candidate is sworn in.

### **3.0 Financial Implications**

Option #1: The cost for a by-election is estimated to be approximately \$1.15 million and is not currently anticipated within the 2023-2024 budget.

Option #2: Should the appointment be of one of the unsuccessful candidates from the last election, the anticipated costs would be nil.



Option #3: Should the appointment take place through an interview process, costs to circulate advertisements in local Durham Region media outlets and on social media would be approximately \$3,000. This expense can be accommodated within the existing advertising budget.

#### **4.0 Evidence of Impact**

Filling the trustee vacancy is mandatory under the provisions of the Education Act.

#### **5.0 Communication Plan**

Should a by-election or interview process take place, the DDSB website and social media will be updated to share information on the process.

Once a candidate has been appointed and/or elected, the DDSB website will be updated and information will be shared with relevant parties. School websites within the electoral area of Oshawa will be updated to confirm the name of the new trustee.

#### **6.0 Conclusion and/or Recommendations**

This report is provided to the Vacancy Committee to inform the Committee's decision to either call a by-election, appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area, or, consider a broader range of electors for the appointment through interviews.

#### **7.0 Appendices**

Appendix A – Previous Election (2022) Results for Vacated Electoral Area (Oshawa)

Appendix B – Proposed Timelines for Filling the Vacancy by Interview Process

Appendix C – Section 221 of the Education Act

Appendix D – Section 6 of the Board's Consolidated By-Laws

Report reviewed and submitted by:



Camille Williams-Taylor, Director of Education and Secretary to the Board



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

**2022 Municipal Election**  
**Public School Board Trustee Results for Vacated Electoral Area**  
**(Oshawa)**

<b>Candidate Name</b>	<b>Votes Received</b>	<b>Overall Percentage</b>
<b>Linda Stone</b> *resigned	4,697	11.67%
<b>Shailene Panylo</b> *current trustee	4,366	10.85%
<b>Deb Oldfield</b> *current trustee	4,271	10.61%
<b>Elizabeth Jamischak</b>	3,890	9.66%
<b>Larry Down</b>	3,824	9.50%
<b>Dean Lindsay</b>	3,414	8.48%
<b>Derek Bellamy</b>	3,197	7.94%
<b>Tony Stravato</b>	3,099	7.70%
<b>George Milosh</b>	2,385	5.93%
<b>Christine Winters-Feret</b>	2,176	5.41%
<b>Nagina Zahir</b>	1,485	3.69%
<b>Sindiswa Moyo</b>	1,279	3.18%
<b>James Leventakis</b>	812	2.02%
<b>Rileigh Bint</b>	782	1.94%
<b>Eric Ghazal</b>	572	1.42%

### Proposed Timeline for Filling the Vacancy through Interview and Appointment

Date (2024)	Activity
March 27	Trustee vacancy confirmed.
April 2	Vacancy Committee established.
April 15	First meeting of the Vacancy Committee. Committee to consider the process for filling the vacancy from the three available options.
April 17 – April 26	Vacancy advertised in local newspapers, social media and DDSB website.
May 1 at 4pm	Application deadline for candidates.
May 3	Application packages circulated to all trustees.
May 6 – 10 (1 day)	<p>Special Board meeting to conduct candidate interviews.</p> <p>The date/time of the meeting to be determined by a poll of trustees in consultation with the Chair of the Vacancy Committee and the Chair of the Board.</p> <p>All trustees shall be invited to participate in the interviews. If an inordinate number of candidates are to be interviewed, a second day shall be determined by the Chair of the Vacancy Committee in consultation with the Chair of the Board. Voting by secret ballot will take place to determine the successful candidate.</p>
May 21	Appointed candidate sworn in at Board meeting.

**Education Act – Section 221****Vacancies**

**221** (1) Subject to section 224, if the office of a member of a board becomes vacant before the end of the member's term,

- (a) the remaining elected members shall appoint a qualified person to fill the vacancy within 90 days after the office becomes vacant, if a majority of the elected members remain in office; or
- (b) a by-election shall be held to fill the vacancy, in the same manner as an election of the board, if a majority of the elected members do not remain in office. 1997, c. 31, s. 112; 2009, c. 25, s. 26.

**Optional election**

(2) Despite clause (1) (a), if members of the board are elected under the *Municipal Elections Act, 1996*, the remaining elected members may by resolution require that an election be held in accordance with that Act to fill the vacancy if the vacancy occurs,

- (a) in a year in which no regular election is held under that Act;
- (b) before April 1 in the year of a regular election; or
- (c) after the new board is organized in the year of a regular election. 2002, c. 18, Sched. G, s. 10.

**Same**

(3) The secretary of the board shall promptly send to the clerk of the appropriate municipality a certified copy of the resolution under subsection (2). 1997, c. 31, s. 112.

**Notice re clause (1) (b)**

(4) Where clause (1) (b) applies, the secretary of the board shall promptly send to the clerk of the appropriate municipality a notice that clause (1) (b) applies and the notice shall be deemed to be a resolution indicating a by-election is required for the purposes of section 65 of the *Municipal Elections Act, 1996*. 1997, c. 31, s. 112.

**Term of office**

(5) A member appointed or elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office. 1997, c. 31, s. 112.



# BYLAWS

## Consolidated Bylaws

### SECTION 6: FILLING TRUSTEE VACANCIES

#### 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. All members of the Board are eligible to sit on the Vacancy Committee. The Director shall prepare a report to the Vacancy Committee outlining the options as set out in this section which shall include the results from the previous election for relevant electoral area and the estimated costs of a by-election, if applicable.

6.2.2 For the appointment, there are two options:

- i. 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. 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 local newspapers and on social media for a minimum period of one week.

##### (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 Vacancy Committee shall establish the timeline and set a deadline for the appointment process.

##### (c) Information Required

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  - iv. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
  - v. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
  - vi. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- (g) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.