



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

Chair: Tracy Brown

Vice Chair: Shailene Panylo

DATE: Wednesday, March 29, 2023

TIME: 6:00 p.m.

LOCATION: Hybrid

ATTACHMENTS: Agenda

Copies to:

All Trustees

Director of Education

All Superintendents

GOVERNANCE AND POLICY COMMITTEE MEETING
Wednesday, March 29, 2023
6:00 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>Minutes</u>	
(a) DRAFT minutes of the Governance and Policy Committee meeting of February 1, 2023	1–3
6. <u>Recommended Actions</u>	
(a) Youth and Adult Student Engagement and Success Grades 7 – 12+: Rescission of Policies and Regulations (Superintendent Stephen Nevills)	4–14
(b) School Operations: Rescission of Policies and Regulations (Associate Director Jim Markovski)	15–24
(c) Legal Services: Rescission of Legal Opinions Policy and Regulation (General Counsel Patrick Cotter)	25–29
(d) Revised Consolidated Bylaws and Board Member Code of Conduct (General Counsel Patrick Cotter, Executive Lead Robert Cerjanec)	30–91
7. <u>Information Items</u>	
(a) Suggested Motion from Student Trustees (Trustee Tracy Brown)	92

Adjournment



Minutes - Governance and Policy Committee Meeting

Wednesday, February 1, 2023, 6:00 p.m., Hybrid

1. Call to Order

Trustee Tracy Brown, Committee Chair, called the meeting to order at 6:16 p.m.

Members Present: Trustees Emma Cunningham, Donna Edwards, Stephen Linton, Kelly Miller, Carolyn Morton, Shailene Panylo, Christine Thatcher, Student Trustees Ben Cameron

Regrets: Trustees Michelle Arseneault, Deb Oldfield, Linda Stone, Student Trustees Lauren Edwards, Gwen Kuyt

Staff Present: Director of Education and Secretary to the Board Camille Williams-Taylor, Associate Director Jim Markovski, General Counsel Patrick Cotter, Executive Lead Robert Cerjanec, Superintendents of Equitable Education Andrea McAuley and Heather Mundy, Policy Analyst Ahmad Khawaja

Recording Secretary: Gillian Venning

2. Land Acknowledgment

Trustee Tracy Brown read out the Land Acknowledgement.

3. Acknowledgment of Black History Month

Trustee Shailene Panylo noted that today, February 1, represents the beginning of Black History Month, a month that is intended to highlight, reflect, celebrate and honour the excellence that exists within Black, African and Caribbean communities both on Turtle Island and abroad, as the diaspora is large, diverse, and filled with brilliance that deserves to be highlighted. It is also a month that some struggle with because of the ongoing challenges, barriers, and anti-Black racism that persists across the globe and within our own community, institutions, and in communities not so far from us. The violence, harm, and trauma associated with simply existing as a Black person remains a significant issue that needs action and awareness every month, not just February.

While we celebrate and remember the excellence that has and continues to exist, stretching long before slavery, I also point out that DDSB here tonight has perhaps made history, because for the first time there are two Black women chairing and vice-chairing a meeting in this space. So, to the communities we are privileged to serve, happy Black History Month. We hope you take this

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opportunity to recommit to challenging anti-Black racism and oppression in every space, and help make our world a bit better than it was yesterday.

4. Declarations of Interest

There were no declarations of interest.

5. Approval of Agenda

Moved by Trustee Christine Thatcher:

That the agenda be approved.

CARRIED

6. Approval of Minutes – October 3, 2022

Moved by Trustee Donna Edwards:

That the draft minutes of the October 3, 2022 Governance and Policy Committee meeting be approved.

CARRIED

7. Information Items

(a) Committee Overview and the Policy Development process

General Counsel Patrick Cotter introduced the report, noting it deals with the functions of the Governance and Policy Committee, the policy development and adoption process, delineation of policy development and development and implementation of procedures as well as the process through which Regulations will be dealt with in accordance with a previous resolution of the Board.

Trustee questions were answered.

(b) Communications from the Board Chair

There was not an update on this item.

8. Recommended Actions

(a) People and Culture: Rescission of Policies and Regulations

Superintendent of Equitable Education Heather Mundy introduced the report, noting that the People and Culture department has undertaken a review of policies and regulations that fall under its area of responsibility and is recommending that the list as outlined in the report are recommended to be rescinded, in accordance with the Board's direction to phase out Regulations.

Trustee questions were answered.

Moved by Trustee Carolyn Morton:

That the Governance and Policy Committee recommend to the Board of Trustees that the policies and regulations in Appendix A be rescinded.

CARRIED

(b) Inclusive Student Services: Rescission of Policy

Superintendent of Equitable Education Andrea McAuley introduced the report, noting that the Inclusive Student Services department has undertaken a review of policies and regulations that fall under its area of responsibility. As part of that review, it was found that the School Attendance Officer Policy is no longer required within the current context and is therefore recommended to be rescinded as the DDSB has fulfilled its statutory role to appoint a primary school attendance counsellor lead in the Senior Manager and Clinical Lead of Social Work.

Trustee questions were answered.

Moved by Trustee Donna Edwards:

That the Governance and Policy Committee recommend to the Board of Trustees that the School Attendance Officer policy be rescinded.

CARRIED

9. Adjournment

Moved by Trustee Stephen Linton:

That the meeting does now adjourn.

CARRIED

The Meeting adjourned at 6:47 p.m.

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Governance and Policy Committee **DATE:** March 29, 2023

SUBJECT: Youth and Adult Student Engagement and Success **PAGE:** 1 of 4
Grades 7-12+: Rescission of Policies and Regulations

ORIGIN: Stephen Nevills, Superintendent of Equitable Education, Youth and Adult Student Engagement and Success Grades 7-12+
Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

1.0 Purpose

The purpose of this report is to recommend the rescission of selected policies and regulations that fall under the Youth and Adult Student Engagement and Success Grades 7-12+ portfolio.

2.0 Ignite Learning Strategic Priority/Operational Goals

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

- Ensuring all Durham District School Board (DDSB) policies, procedures and regulations are up to date, relevant, and accurately aligned to appropriate legislation, collective agreements, employment contracts and existing policies supports system leaders in operational implementation.

3.0 Background

The DDSB 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 DDSB is committed to learning and working environments that are centered around human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination.

It is important to accurately maintain current policies to support Board governance and system operations. Consistent with this objective and in furtherance of the Board's direction to phase out regulations, the Youth and Adult Student Engagement and Success Grades 7-12+ portfolio has undertaken a review of policies and regulations that fall under its area of responsibility.

4.0 Analysis

The table below outlines the policies and regulations recommended to be rescinded including staff's rationale in bringing forward the recommendation. These policies and regulations are attached at Appendix A and each of the policies and regulations referenced in the table below are hyperlinked.

Table 1 – Listing of Youth and Adult Student Engagement and Success Grades 7 – 12+ Policies and Regulations Recommended for Rescission

Name	Type	Recommendation	Rationale
Co-Operative Education in Secondary Schools	Policy	Rescind	Created in 1971. Policy created with the intent to achieve a goal of having co-operative education at all schools. This goal has been achieved as co-operative education is now offered at all sites. A specific policy mandating that schools offer co-operative education is redundant.
Music - Elementary Schools	Policy	Rescind	Created in 1974. Policy created with intent to achieve goal of ensuring schools had access to instruments. This goal was reached as all schools now have instruments, and the purchasing plan for instruments has already been phased out.
Music – Elementary Schools	Regulation	Rescind	Created in 1974. There is no requirement within the curriculum for instrumental music, and the DDSB does not operate a central catalogue anymore. Music in elementary schools may take many different forms and while in many cases may include instrumental music, is not required.
Daily Physical Activity	Policy	Rescind	Created in 2006. Captured elsewhere through Ministry PPM 138.
Daily Physical Activity	Regulation	Rescind	Created in 2005. Requirements for daily

			physical activity is already captured elsewhere through Ministry PPM 138.
Materials for Personal Projects	Policy	Rescind	Created in 1970. Clear language on not charging for materials is found in the Learning Materials and Activities Procedure and is also outlined in a Ministry of Education directive .
Materials for Personal Projects	Regulation	Rescind	Created in 1971. Clear language on not charging for materials is found in the Learning Materials and Activities Procedure and is also outlined in a Ministry of Education directive .

5.0 Financial Implications

Not applicable.

6.0 Evidence of Impact

Rescinding outdated and obsolete policies and regulations will bring clarity to applicable processes for system leaders and staff.

7.0 Communication Plan

Communication regarding the removal of rescinded policies and regulations will be provided to system leaders as applicable to their role. The website listing of policies and regulations will be updated.

8.0 Conclusion and/or Recommendations

It is recommended that the Governance and Policy committee recommend to the Board of Trustees that the policies and regulations included in Appendix A be rescinded.

9.0 Appendices

Appendix A: Policies and regulations referenced in Table 1.

Report reviewed and submitted by:



Stephen Nevills



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Cooperative Education for Secondary Schools

- 1.0 The Durham District School Board recognizes that, in general, all basic skills acquired by a student in courses of the regular school program can be reinforced and expanded by local, national and/or global community connected experiential learning opportunities on-site, blended and/or virtual.
- 1.1 To this end, the Board encourages staff to develop cooperative education credit courses utilizing a wide variety of resources.

Appendix:

None

Effective Date

79-05-28

Amended/Reviewed

2006-06-07

2011-03-04

2017-02-21

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Daily Physical Activity (Elementary Schools)

1. The Durham District School Board is committed to supporting a healthy school environment through student participation in daily physical activity (DPA).
2. In line with the Ministry of Education's Policy/Program Memorandum No. 138, the Durham District School Board will ensure that each day, during instructional time, all elementary students, including students with special needs, will have an opportunity to participate in a minimum of twenty minutes of sustained, moderate to vigorous physical activity.

Appendix:

None

Effective Date

2006-11-20

Amended/Reviewed

2011-03-04

2016-11-02

REGULATION

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Daily Physical Activity (Elementary Schools)

1.0 Introduction:

- 1.1 The Durham District School Board is committed to supporting a healthy school environment through student participation in daily physical activity (DPA). The goal of a daily physical activity program is to enable all elementary students to maintain their physical fitness, improve their overall health and wellness, and enhance their learning opportunities.

2.0 Responsibility:

- 2.1 The Durham District School Board will provide the necessary direction, leadership, equipment and staff training to implement daily physical activity in all schools. The Durham District School Board will develop tools to monitor the implementation of daily physical activity to ensure that every student has the opportunity to be physically active.
- 2.2 Principals will ensure their schools provide the opportunity for all elementary students to participate in safe, high-quality physical activities. In addition to providing health and physical education programs, each elementary school will, on days when students do not have a scheduled physical education program, provide a minimum of twenty minutes of sustained moderate to vigorous physical activity during instructional time.

3.0 Safety:

- 3.1 All Daily Physical Activity programs are supervised activities.
- 3.2 Safety considerations are integral to the planning and implementation of daily physical activity for students. The primary responsibility for the delivery rests with the Board and its employees. The OPHEA Manual's safety section should be consulted to ensure reasonably foreseeable risks are identified, and procedures are developed to help prevent and minimise the risk of accidents or injuries.

4.0 Inclusion of all Students in DPA:

- 4.1 Instruction should meet the special needs of a variety of students by being flexible, supportive, and adjustable to ensure all students are successful. All daily physical activities should be designed to ensure that students with varying physical abilities can participate and can experience success.

Appendix:

None

Effective Date

2005-07-30

Amended/Reviewed

2010-10-25

2016-11-15

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Materials for Personal Projects

- 1.0 Where a student undertakes a project which will on completion become the property of the student and which uses material of a quantity, quality or kind more expensive than that necessary for the purpose of instruction only, such student shall be required to provide or pay for such material.

Appendix:

None

Effective Date

70-11-16

Amended/Reviewed

73-12-10

2006-06-07

2011-03-04

2016-11-15

REGULATION

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Materials for Personal Projects

- 1.0 Cash received in the school in payment for projects or materials will be recorded in the school, and a receipt issued to the student. The school will record the receipt and disbursement of all funds in a manner consistent with sound business practice.
- 1.1 Cash receipt with supporting information will be submitted to the Office Manager, at the Durham District School Board, to be credited to the appropriate school account.

Appendix:

None

Effective Date

71-05-17

Amended/Reviewed

2006-06-07

2011-03-04

2016-11-15

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Music - Elementary Schools

1.0 The Ministry of Education lists the component parts of the Music Program as:

- (a) Creating Music
- (b) Listening to Music
- (c) Performing Music:
 - Vocal
 - Instrumental

1.1 It is the goal of The Durham District School Board that all Grade 7 and 8 students shall have the opportunity to experience both a vocal and instrumental music program as part of the regular day school music education.

Appendix:

None

Effective Date

74-05-13

Amended/Reviewed

85-02-11

2006-06-07

2011-03-04

2016-11-15

REGULATION

SCHOOL OPERATIONS & EQUITABLE EDUCATION

Music - Elementary Schools

- 1.0 The provision of an orchestra or band music program as part of the regular music program shall be limited to the grade 7 and 8 levels including split grade 6 and 7.
 - 1.1 On a phased in basis funding shall be made available to provide basic minimum instrumentation for a class of thirty-five (35) students in each school with Grade 8 and/or 7 students.
 - 1.2 The Durham Instrumental Music Curriculum Outline will be the basis for the program.
 - 1.3 The time scheduled for Instrumental classes shall be in accordance with administrative guidelines for time allocation. Preferably classes should be scheduled so that there is a minimum of three instructional periods spread over each week.
 - 1.4 All Board owned instruments and music equipment shall be considered as part of a central inventory.
 - 1.5 A central catalogue of all instrumental music folios available in Durham schools shall be maintained where feasible for information of all Instrumental Music Teachers.
 - 1.6 No instrument or music fee should be charged. Purchase of reeds is an exception.

Appendix:

None

Effective Date

74-05-13

Amended/Reviewed

85-02-11

2006-06-07

2011-03-04

2016-11-15

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Governance and Policy Committee **DATE:** March 29, 2023

SUBJECT: School Operations: Rescission of Policies and Regulations **PAGE:** 1 of 4

ORIGIN: Jim Markovski, Associate Director of Equitable Education
Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

1.0 Purpose

The purpose of this report is to recommend the rescission of selected policies and regulations that fall under School Operations.

2.0 Ignite Learning Strategic Priority/Operational Goals

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

- Ensuring all Durham District School Board (DDSB) policies, procedures and regulations are up to date, relevant, and accurately aligned to appropriate legislation, collective agreements, employment contracts and existing policies supports system leaders in operational implementation.

3.0 Background

The DDSB 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 DDSB is committed to learning and working environments that are centered around human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination.

It is important to accurately maintain current policies to support Board governance and system operations. Consistent with this objective and in furtherance of the Board's direction to phase out regulations, School Operations has undertaken a review of policies and regulations that fall under its area of responsibility.

4.0 Analysis

The table below outlines the policies and regulations recommended to be rescinded including staff's rationale in bringing forward the recommendation. These policies and regulations are attached at Appendix A and each of the policies and regulations referenced in the table below are hyperlinked.

Table 1 – Listing of School Operations Policies and Regulations Recommended for Rescission

Name	Type	Created	Recommendation	Rationale
Appointment and Transfer of Staff in Positions of Principal, Vice Principal, and Officers	Policy	2010-03-22	Rescind	Last updated in in 2014. The policy outlines that qualified teachers will be selected for leadership positions as best meets the needs of the system. Conditions of appointment and administrative transfers are informed through Human Resource Services functions and language reflected in Terms and Conditions of Principals and Vice-Principals.
Appointment and Transfer of Staff in Positions of Principal, Vice Principal, and Officers	Regulation	2010-03-22	Rescind	Last updated in 2014. The Terms and Conditions of Principals and Vice-Principals outline expectations for appointment and transfer of Principals and Vice Principals. Regulation is operational in nature of function and language, outlining the process by which interviews are conducted and which forms are to be submitted.
Principals/Vice-Principals Duties and Responsibilities	Policy	1979-01-31	Rescind	Last updated in 2011. Policy outlines roles and responsibilities of Principals and Vice-Principals at the DDSB, however the duties of Principals and Vice-Principals are set out in

				the Education Act the Regulations thereunder and in Principal and Vice-Principal Terms and Conditions.
Professional Activity Days	Policy	1978-11-14	Rescind	Last updated in 2012. Policy is one line recognizing the need for Professional Activity Days. Professional Activity Days are informed through the Ministry of Education and in Provincial Regulation (R.R.O, 1990, Reg. 304).
Professional Activity Days	Regulation	1978-11-14	Rescind	Last updated in 2012. Regulation outlines responsibilities of Principal when planning a Professional Activity Day, The regulation is operational in nature and is supported through direction we receive from the Ministry of Education.

5.0 **Financial Implications**

Not applicable.

6.0 **Evidence of Impact**

Rescinding outdated and obsolete policies and regulations will bring clarity to applicable processes for system leaders and staff.

7.0 **Communication Plan**

Communication regarding the removal of rescinded policies and regulations will be provided to system leaders as applicable to their role. The website listing of policies, procedures and regulations will be updated.

8.0 **Conclusion and/or Recommendations**

It is recommended that the Governance and Policy Committee recommend to the Board of Trustees that the policies and regulations included in Appendix A be rescinded.

9.0 Appendices

Appendix A: Appendix A – Policies and regulations referenced in Table 1

Report reviewed and submitted by:



Jim Markovski, Associate Director, Equitable Education



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

PERSONNEL

Appointment and Transfer of Staff in Positions of Principal, Vice Principal and Officer

The Durham District School Board strives to ensure that highly qualified teachers are developed, selected and appointed to lead public education.

In the related promotion and transfer process, every effort is made to ensure that these educational leaders are appointed to positions that best meets the system needs of Durham's diverse population.

Appendix:

None

Effective Date

2010-03-22

Amended/Reviewed

2014-03-17

PERSONNEL**Appointment and Transfer of Staff in Positions of Principal, Vice Principal and Officers**

Superintendents and Trustees recognize and value the importance of school leaders. While the decision related to appointment and placement of Principals, Vice Principals and Officers are determined by Administrative Council, it is recognized that Trustees represent the community and provide valuable input to Superintendents in this decision making process.

- 1.0 Regular and ongoing discussions starting in September between the Superintendent and Trustee will occur regarding the administrative needs of the schools in their area. This discussion should include possible transfers and short list update (remaining short list from prior years).
- 2.0 The school characteristics and needs form completed by the SCC will be forwarded to the local Trustee in the autumn when it is created.
- 3.0 The Career Planning forms submitted to the Superintendent of Education/Operations and the Administrator's Terms and Conditions provides information to be considered in potential placements.
- 4.0 Following the short list process in a given year, the confidential short list will be sent electronically to Trustees as soon as determined by Administrative Council. A short list, transfer and promotion report will be created as appropriate. The short list will include a candidate information form for successful candidates.
- 5.0 The Superintendent of Education/Operations who is responsible for building the interview teams will make every attempt to ensure that conflict of interest issues are discussed and avoided at the beginning of the process. Members of the interview team will declare any conflict of interest at the beginning of the process when lists are brought forward for discussion at the Administrative Council meeting.
- 6.0 Where a conflict of interest is identified, the interviewer will declare a conflict and remove him/herself from that particular interview team and any subsequent discussions and or deliberations that include the particular candidate that is affected by the conflict.
- 7.0 Information regarding presentation of information to the Board of Trustees is contained in Procedure 4117.

Appendix:

None

Effective Date

2010-03-22

Amended/Reviewed

2014-03-24

PERSONNEL**Principals' /Vice-Principals' Duties and Responsibilities**

- 1.0 The Principal is the educational leader and manager of the school. In this capacity he or she is the chief agent of the Board for policy implementation, information, and evaluation recommendations on teacher competency, tenure, and of persons in positions of responsibility. In the performance of these duties the Principal is responsible to the Board through the appropriate Supervisory Officer.

2.0 Definitions:

- **Duty** - a specified mandatory requirement for which one is held personally accountable to senior authority.
- **Responsibility** - an extension of the duties not otherwise stated of an ex-officio or moral order for which one is held personally accountable to senior authority.

3.0 Duties

- 3.1 To administer the relevant sections of:

- (a) Ministry of Education Acts, Regulations, and Memoranda;
- (b) Board of Education Policies, including Regional Curriculum Outlines;
- (c) Administrative Procedures and Instructions;
- (d) Collective Agreements.

4.0 Responsibilities**4.1 Staff**

- (a) To organize, supervise, and evaluate staff.
- (b) To devote a major portion of time and effort to the improvement of instruction.
- (c) To monitor staff attendance and, in the absence of a teacher, arrange for alternate student programs.
- (d) To ensure that a program of tutorial assistance is available to students.
- (e) To work with staff on program evaluation.
- (f) To allocate staff duties, curricular and extra-curricular, equitably and consistently.
- (g) To ensure that staff makes use of resource people; i.e., program consultants, psychological services, assessment teachers, etc.
- (h) To communicate all relevant information that is received to staff, e.g., Ministry, Board, Administration, etc.
- (i) To arrange supervision scheduling as appropriate.

4.2 Students

- (a) To ensure that the school's evaluation system (among subject areas and among teachers) achieves a fair and consistent treatment for each student.
- (b) To encourage recognition of all students who achieve to the best of their abilities in curricular, co-curricular and extra-curricular programs.
- (c) To identify and refer students who require additional assistance to appropriate agencies and cooperate in the follow up program.
- (d) To maintain a consistent, fair and clearly understood system for disciplinary procedures and actions as per Reg. 5500.
- (e) Where appropriate, to make available to students diploma requirements, courses of study, school rules and regulations, and a calendar of events.

4.3 Program

- (a) To formulate and implement a written statement of the aims and objectives of the school within those guidelines established by the Ministry and the Board.
- (b) To be personally aware and knowledgeable about current program directions.
- (c) To monitor the review, revision, and the implementation of school adaptations of Ministry Guidelines and Regional Curriculum Outlines.
- (d) To develop procedures for evaluating instructional material.
- (e) To establish an excursion policy in keeping with program aims and objectives.
- (f) Where appropriate, to provide a work experience program.
- (g) Where appropriate, to participate in the Early School Leavers' program.
- (h) To provide for a well-organized, balanced and supervised extra-curricular program.

4.4 Management

- (a) To communicate to the Board, through the appropriate Supervisory Officer, the effects of Board policy.
- (b) To communicate Board policy to the staff, to the students, and to the school community.
- (c) To hold regular staff meetings and to ensure that regular department/staff meetings are called.
- (d) To maintain all relevant office and student records.
- (e) To make effective and efficient use of supplies and materials and to be accountable for the allocation of school funds.
- (f) To be aware of, knowledgeable about, and informed of changes in Teachers' and C.U.P.E. contracts and Transportation and Grove School Agreements.

4.5 Parents

- (a) To maintain an organization of parents for communication and consultation.
- (b) To inform parents of the school program and student progress.
- (c) To provide opportunities for parents to meet with staff to discuss student progress.

4.6 Community

- (a) To make use of community resources.
- (b) To arrange for public occasions that demonstrate the school's activities to the community.
- (c) To cooperate with public agencies related to the community and youth.
- (d) To maintain liaison with local media.
- (e) To facilitate the school community council as per Regulation 1219.

4.7 Other

- (a) To demonstrate clearly his/her professional development.
- (b) To maintain first-hand involvement to the instructional program.
- (c) To increase public confidence in education.

Appendix:

None

Effective Date

79-01-31

Amended/Reviewed

2011-02-24

PERSONNEL

Professional Activity Days

- 1.0 The Board recognizes the need for planned professional development activities.
 - 1.1 The activities are subject to the approval of the Director, who will report to Board as requested.
 - 1.2 All P.A. days will be included in the school year calendar.

Appendix:

None

Effective Date

78-11-14

Amended/Reviewed

83-11-14

2006-08-08

2010-10-04

2012-03-29

REGULATION

PERSONNEL

Professional Activity Days

- 1.0 Principals will file a planning outline for each Professional Activity Day with their Superintendent of Education/Area in advance of the actual day.
 - 1.1 It will be the responsibility of the teachers to be in attendance within the school or at planned regional curriculum programs for the full day of each date noted on the School Year Calendar.
 - 1.2 Superintendent of Education/Area will monitor their own schools, and will require a summary evaluation report from Principals on the use of Professional Activity Days.
 - 1.3 Principals shall notify parents of the specific dates of each Professional Activity Day for the entire year in a school year calendar which is distributed to each student in September.
 - 1.4 Principals shall provide parents with a brief description of the program and the objectives for the day through individual newsletters.

Appendix:

None

Effective Date

78-11-14

Amended/Reviewed

83-11-14

2006-08-08

2012-03-29

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Governance and Policy Committee **DATE:** March 29, 2023

SUBJECT: Rescission of Legal Opinions Policy and Regulation **PAGE:** 1 of 3

ORIGIN: Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

1.0 **Purpose**

The purpose of this report is to recommend the rescission of the Legal Opinions Policy and Regulation.

2.0 **Ignite Learning Strategic Priority/Operational Goals**

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

- Ensuring all Durham District School Board (DDSB) policies, procedures and regulations are up to date, relevant, and accurately aligned to appropriate legislation, collective agreements, employment contracts and existing policies supports system leaders in operational implementation.

3.0 **Background**

The DDSB 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 DDSB is committed to learning and working environments that are centered around human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination.

It is important to accurately maintain current policies to support Board governance and system operations. Consistent with this objective and in furtherance of the Board's direction to phase out regulations, legal services has undertaken a review of policies and regulations that fall under its area of responsibility.

4.0 **Analysis**

The table below outlines the policy and regulation recommended to be rescinded including staff's rationale in bringing forward the recommendation. These policy and regulation are attached at Appendix A and are also hyperlinked in the table below.

Table 1 – Legal Services Policy and Regulation Recommended for Rescission

Name	Type	Recommendation	Rationale
Legal Opinions	Policy	Rescind	Created in 1970, and last reviewed in 2017. Policy is operational in nature. The policy also suggests that an individual trustee can obtain legal advice which is not in keeping with good governance practices under the Education Act.
Legal Opinions	Regulation	Rescind	Created in 1982, and last reviewed in 2018. Same rationale as above plus legal services are exempt from the Broader Public Sector Accountability Act.

5.0 Financial Implications

Not applicable.

6.0 Evidence of Impact

Rescinding outdated and obsolete policies and regulations will bring clarity to applicable processes for system leaders and staff.

7.0 Communication Plan

The website listing of policies and regulations will be updated.

8.0 Conclusion and/or Recommendations

It is recommended that the Governance and Policy Committee recommend to the Board of Trustees that the policy and regulation included in Appendix A be rescinded.

9.0 Appendices

Appendix A: Policy and regulation referenced in Table 1.

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

CORPORATE SERVICES

Legal Opinions

- 1.0 The Director may on behalf of the Board or a Trustee engage and instruct solicitors and obtain their advice in connection with the activities of the Board.

Appendix:

None

Effective Date

70-06-08

Amended/Reviewed

82-11-09

2006-08-02

2005-06-11

2012-02-06

2017-10-18

Legal Opinions

- 1.0 Wherever possible in routine land transactions, solicitors shall be engaged as required, in accordance with the Broader Public Sector Accountability Act.

Appendix:

None

Effective Date

82-11-09

Amended/Reviewed

2006-08-02

2018-02-01

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Governance and Policy Committee **DATE:** March 29, 2023

SUBJECT: Revised Consolidated Bylaws and Board Member Code of Conduct **PAGE:** 1 of 3

ORIGIN: Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

1.0 Purpose

The purpose of this report is to bring forward proposed amendments to the Consolidated Bylaws and Board Member Code of Conduct for the Committee's consideration.

2.0 Ignite Learning Strategic Priority/Operational Goals

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources.*

3.0 Background and Analysis

Since the adoption of the Consolidated By-laws in March 2022, various points of potential improvement have been raised. The proposed amendments are included as tracked changes in Appendix A (Consolidated Bylaws) and Appendix B (Board Member Code of Conduct) and are summarized below by section, including the rationale for changes.

Consolidated Bylaws

Section 5 – Board and Committee Meetings – Rules and Procedures (re Notices of Motion to Board, Public Question Period and Public Presentations at Standing Committee):

Draft changes are suggested to provide the Governance and Policy Committee with the option to bring forward proposed policy changes directly to the next Board Meeting without a Notice of Motion. These proposed changes are intended to simplify the process and shorten the length of time it takes for a new or amended policy to be approved, or an existing policy to be rescinded.

Section 5 – Board and Committee Meetings – Rules and Procedures (re Public Question Period and Public Presentations at Standing Committee):

Draft changes are suggested to clarify the process around asking questions during public question period and public presentations at meetings of the Committee of Whole – Standing.

Section 6 – Filling Trustee Vacancies:

Draft changes are suggested to simplify and streamline the process for filling trustee vacancies. Instead of interviews taking place on the Monday of a Board Meeting during the daytime and the potential of an additional meeting being called to confirm the appointment, the process could take place at a date/time of the Board's choosing at a Special Board Meeting.

Section 9: Student Trustee Elections:

An updated election process for Student Trustees has been suggested by the Student Trustees. The proposed revised process introduces a three-phase approach, with phase 2 being a Municipal election and phase 3 a board-wide election instead of the current electoral college process.

Board Member Code of Conduct

Proposed changes have been made to more expressly set out trustee obligations regarding social media use (at Sections 6.44 – 6.48 and 6.50)

4.0 Financial Implications

Not applicable.

5.0 Evidence of Impact

The proposed Consolidated Bylaw changes clarify and bring processes more in line with current practice.

6.0 Communication Plan

The revised Consolidated Bylaws and Code of Conduct will be shared with all trustees by email and will be updated on the website.

7.0 Conclusion and/or Recommendations

It is recommended that the Governance and Policy Committee move the proposed amendments to the Board of Trustees for consideration.

8.0 Appendices

Appendix A: Proposed Amendments to the Consolidated Bylaws (track changes)

Appendix B: Proposed Amendments to Board Member Code of Conduct (track changes)

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations



BYLAWS

Consolidated Bylaws

1.0 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 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 The rules contained in the latest edition of Robert’s Rules of Order (“RONR” or “Robert’s Rules of Order”), shall govern all matters of procedure provided they are not inconsistent with these Bylaws or any special rules of order that the Board may adopt, or with any applicable statutes or regulations.
- 1.5 Subject to any applicable legislation or regulations, these Bylaws may be amended 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.

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".

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 Consistent with the terms of s.218.4 of the *Education Act*, 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:
 - (a) Preside over meetings of the Board in an impartial and fair manner;
 - (b) Conduct meetings in accordance with these Bylaws;
 - (c) Establish draft agendas for 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;
 - (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;
 - (h) Share with the Board of Trustees any correspondence delivered to the Chair in that capacity that addresses the business of the Board of Trustees. Subject to any issue of urgency, such correspondence shall be shared at the next meeting of the Board of Trustees. However, the Chair shall not share any correspondence that contains personal attacks against any individual Trustee or staff member. In any such case, the Chair shall consider the Code of Conduct in determining how best to respond to the correspondence; and,
 - (i) Assume such other responsibilities as may be assigned by the Board of Trustees.

2.3 Committee Chair or Vice-Chair

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

- (a) Preside over meetings of the Committee in an impartial and fair manner;
- (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.

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 section 55 of 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 DDSB, 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 Bylaws.

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 DDSB, 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 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.
- 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 Durham District School Board shall appoint a mentor/advisor to the Student Trustees.
- 2.4.9 A Student Trustee may apply to the co-operative education teacher at their school before the beginning of the term to use the experience of being a Student Trustee 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 approval of the Chair and the Director of Education, Student Trustees may become members of the Ontario Student Trustees' Association - l'Association des élèves conseillers et conseillères de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills as Student Trustees 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 DDSB's Member Code of Conduct at Appendix "A".

- 2.4.11 The amount of the honorarium for Student Trustees as referenced-in subsection 5.5 (8) of the Education 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 as long as they remain eligible.

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;
 - (e) Appoint members to represent the Board on external organizations; and
 - (f) Adopt an annual schedule of meetings for Board and Committee of Whole - Standing meetings.

3.2 Scheduling of Organizational Meeting

- 3.2.1 The Board will hold the Organizational Meeting at the first meeting in December.
- 3.2.2 In an election year, the Organizational Meeting will be held no later than seven (7) days after the start of the term of the Board.

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, they may vote on 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 position(s).
- 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 and voting 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, or until the next Organizational Meeting, whichever comes first.
- 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 the Organizational Meeting each year.

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 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 the 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 shall 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 Trustee Services Co-Ordinator as soon 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 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 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 proposed new policy or a proposed amendment to an existing policy;
- (d) Receive 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 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.
- 4.3.2 The mandate, membership composition and terms of reference for Statutory Committees shall be governed by applicable legislation and regulations.
- 4.3.3 The term of appointment of Trustees on the Audit Committee shall be for a two-year term, effective December 2022.

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 Chair and Vice-Chair shall be elected annually at the Organizational Meeting.

Governance and Policy Standing Committee:

- (a) To ensure all of the Board's policies are up-to-date, accurate and consistent with the current legislation and government requirements;
- (b) To ensure that the Board of Trustees reviews 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;
- (c) To develop policies that are developed with evidence-based data, equitable and reflect the Board's vision, values and strategic plan;
- (d) Monitor the effectiveness of Board policies through consultation and evidence-based data;
- (e) 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;
- (f) Report and make recommendations to the Board of Trustees on governance and Board policies;
- (g) Review bylaws/policies for ad-hoc committees and develop/review/document procedures (document mandate, clearly identify quorum, membership);
- (h) The committee shall meet at least twice annually;
- (i) All trustees are eligible to sit on the committee. The Chair and Vice-Chair 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 Advisory 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. Ad Hoc Committees report to the Committee of Whole - Standing. Standing Committees report to the Board of Trustees.
- 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.

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 RONG, is to facilitate meaningful, respectful, and orderly debate to advance the interest 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 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 there is 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.

5.3 Public Sessions

- 5.3.1 Except as permitted under section 207 of *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 member of the public or staff 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(s) 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 related matters are 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 to 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 session 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 (MFIPPA)*.

5.5 Scheduling and Agendas

- 5.5.1 Regular 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 the 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 Subject to the procedures described below, draft agendas for Board meetings shall be determined by the Chair in consultation with the Director; while 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/or 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 three 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 three 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 a majority of the Committee or Board amends the agenda prior to approval. If a member seeks to introduce a matter not on the agenda or directly related to matters on the agenda during the meeting following the approval of the agenda, it may only be introduced by a two-thirds majority of the members present and voting. Notice of any change to a draft 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, rescission of a Board policy or an amendment to an existing Board policy shall come before the Board on the recommendation of the Governance and Policy Committee. In bringing a matter to the Board for consideration, the Governance and Policy Committee shall recommend to the Board whether the matter should be considered at that meeting or at the next meeting of the Board. In cases of urgency, such a matter may be brought directly to the Board without first going to the Governance and Policy Committee provided that written notice of the proposed policy, rescission or amendment is provided to Trustees at least 5 days prior to the Board meeting. ~~not be considered unless written notice is provided to Trustees 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 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 early 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 thereof 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 temporarily or permanently, shall advise the Chair.
- 5.8.3 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.
- 5.8.4 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/Ancstral Lands of Indigenous 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 RONR (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 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. At Board meetings, each member may speak twice, up to four minutes on the first occasion, two minutes on the second occasion, on each debatable motion. The Board may consider extending or limiting the time for debate at the commencement of the Board meeting or on any given motion, in accordance with the provisions of RONR.
- 5.12.6 At a Board meeting, 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. Before putting a motion to end debate to a vote, the Chair shall provide any member who has not spoken to the main motion with an opportunity to do so.

- 5.12.7 A motion to end debate at a Board meeting will only pass on two-thirds majority of the members present and voting. If the motion to end debate carries, no further debate can take place on the main motion and the Chair shall put the pending motion to a vote.
- 5.12.8 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.
- 5.12.9 A member, who is present and fails to vote on a motion, will be deemed to have abstained from voting.
- 5.12.10 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 because the results of a motion are determined on the basis of the members present and voting.
- 5.12.11 Before a motion is voted on, a member may request that a motion containing divisible parts be voted on separately.
- 5.12.12 At any time before a motion is put to a vote, the Chair shall read the motion aloud.
- 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 the Chair will typically abstain and 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. This is particularly applicable for the Board Chair and the Chair of the Committee of the Whole – Standing. It is expected that other Committee Chairs may choose to exercise their voting rights more often given the informal nature of committees.
- 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 and 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. 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.
- 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 10:00 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. In no case, will the meeting extend beyond 11:00 p.m.

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 the 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.

5.13 Public Participation in Meetings

5.13.1 In keeping with the 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, the 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 forwarded 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:

- (a) State the matter to be discussed;
- (b) Include materials intended to be distributed to trustees [and/or be presented at the meeting](#);
- (c) Provide the name of any organization or interested party to be represented;
- (d) Confirm the authority of the spokesperson.

- 5.13.5 Any application to present at the Committee of Whole - Standing Committee may be approved at the good faith discretion of the Chair of the Committee of Whole – Standing who shall, in considering whether to grant approval:
- (a) ~~Determine~~ Consider if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
 - (b) ~~Consider Determine if this is a matter~~ is a matter within the proper scope and authority of the Board of Trustees or whether the matter is operational in nature or within the jurisdiction of the Ministry of Education or some other entity that should come before the Board;
 - (c) Consider whether the proposed presentation would be consistent with the Board's commitment to the Ontario Human Rights Code, the Board's Human Rights Policy and Procedures and Indigenous Education Policy and Procedures.
 - (a)(d) ~~Determine the date on which~~ Consider the time available for presentations at a given meeting and and whether allowing the proposed presentation will allow the ~~g 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 prior to her or his 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 Subject to the discretion of the Chair, questions will 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). Questions will also not be entertained if they are contrary to the Board's commitment to the Ontario Human Rights Code, or the Board's Human Rights Policy or Indigenous Education Policy and Procedures.
- 5.13.15 The following procedure applies to public question period:

- (a) Each person shall be allowed to ask one question ~~and one supplementary question~~;
- (b) Before the beginning of the Board meeting, the Questioner shall submit the question in writing through the appropriate form made available on the DDSB website to the Executive Officer of Communications and Public Relations;
- (c) The Questioner shall have the option to ask their question in-person or virtually subject to availability ~~be called to the podium~~;
- (d) The Questioner or, if the Questioner prefers, the Chair, shall read the question;
- (e) The question shall be addressed by the Chair who may direct staff to answer;
- (f) The Questioner may ask a supplementary question only for clarification purposes of the main question;
- (g) Questions to individual Trustees or staff will not be addressed at public question period;
- (h) Individual Trustees will not respond or comment on questions posed.

SECTION 6: FILLING TRUSTEE VACANCIES

6.1 The Education Act

6.1.1 Section 221 of 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 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).

6.1 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 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~~ 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 ~~all the~~ 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 that has been created for the purposes 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/she/he intends to apply for the position, ~~package of the following~~ information will be emailed to interested individuals or shall be made available for pick-up from the Trustee Services Coordinators' Secretary, as follows:

- 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 in the Boardroom at a Special Meeting of the Board. 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 a date and time determined by the Vacancy Committee 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 ~~are is~~ 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, 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 on the meeting date, those present constitute a shall form 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 and be responsible for adhering to the timelines. The interview ~~ing process~~ 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. ~~Only Trustees present for all interviews are eligible to vote.~~
- ii. Voting shall be by secret ~~written~~ ballot.
- iii. The Director or designate and the General Counsel or designate ~~Superintendent of Education/Business and Finance~~ shall count the ballots.
- iv. On the first ballot, Trustees shall vote for three (3) candidates and. ~~(A~~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 Boardroom and on-screen for virtual attendees.
- 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 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)~~(g) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

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.

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 Bylaws located in the Administrative Offices of the Durham District School Board.

8.2 Signing Authority

- 8.2.1 The Chair or the Vice-Chair 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 Chair of the Board and the Treasurer.
- 8.2.4 The Chair 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.

SECTION 9: Election of Student Trustees

9.1.1 Student Trustees shall be elected before February 28 in each school year, and may be re-elected.

9.1.2 Subject to being re-elected, Student Trustees shall serve a one-year term.

9.2.1 A notice shall be sent to each secondary school principal before December 10, advising of the election process. Notice will also be sent to homeroom teachers and Civics classes, with a request to discuss the election in class.

Stage 1: Candidate Nomination

9.3.1 Each secondary school shall be invited to elect one Student Trustee nominee, who shall be a candidate for the municipal stage of the election.

9.3.2 The election for Student Trustee nominee may be either a direct election from the entire student body or an indirect election from the student council/parliament/government.

Stage 2: Municipal Election

9.4.1 The municipal elections shall apply only in municipalities which have more than one secondary school.

9.4.2 Candidates from municipalities with only one secondary school shall be declared municipal Student Trustee nominees.

9.5.1 Voting shall be by secret, ranked ballot. Every student, from grade 9 to 12, shall be entitled to vote. Voting shall take place over at least 5 school days.

9.5.2 Each secondary school shall be allotted 100.000 points. Points will be allocated proportionally to candidates based on the percentage of the vote they received in each school. Points shall be decimalized.

9.5.3 In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee. A clear majority is half plus one thousandth of available points.

9.5.4 Should no candidate receive a clear majority, the votes and corresponding points for the candidate with the smallest number of points shall be redistributed based on rank, and this shall be repeated until one candidate receives a clear majority.

9.5.5 In the event of an equality of points, the tie breaker shall be the number of votes that a candidate received. In the event of an equality of votes, candidates shall draw lots to determine the winner.

9.5.6 All calculations shall be to the thousandth decimal place.

9.5.7 All election results, including vote and point count, shall be publicly released.

9.6.1 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.

Stage 3: Board-Wide Election

9.7.1 The municipal Student Trustee nominees shall be the candidates in the board-wide election.

9.8.1 Voting shall be by secret, ranked ballot. Every student, from grade 9 to 12, shall be entitled to vote. Voting shall take place over at least 5 school days.

9.8.2 Each secondary school shall be allotted 100.000 points. Points will be allocated proportionally to candidates based on the percentage of the vote they received in each school. Points shall be decimalized.

9.8.3 The candidates who reach the quota shall be declared to be elected. The quota is $1/(1 + \text{the number of regularly elected student trustees referenced in section 2.4.2})$ plus one thousandth of available points.

9.8.4 All points exceeding the quota shall be distributed to remaining candidates based on the average rank of the elected candidate's points and corresponding votes.

9.8.5 After a candidate reaches the quota and their points exceeding the quota have been distributed, they shall be excluded from further distribution of votes and points.

9.8.6 Should sufficient candidates not reach the quota after all points exceeding the quota have been distributed, the votes and corresponding points for the candidate with the smallest number of points shall be redistributed based on rank, and shall be repeated until a sufficient number of candidates have reached the quota.

9.8.7 In the event of an equality of points, the tie breaker shall be the number of votes that a candidate received. In the event of an equality of votes, candidates shall draw lots to determine the winner.

9.8.8 All calculations shall be to the thousandth decimal place.

9.8.9 All election results, including vote and point count, shall be publicly released.

9.9.1 The location of the board-wide election will be rotated annually among the municipalities so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the election.

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

9.11.1 The Student Trustee nominees and voters shall be qualified according to these Bylaws.

9.12.1 Any election material of any kind of media used by candidates must be approved by the Student Trustee nominee's principal or staff designate.

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

~~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 1: Municipal Election of Candidates

~~9.1.3 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.~~

~~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 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 Bylaws.~~

~~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 9.1.1 If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined above.~~

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. The rules in this section apply to the extent they are not suspended or modified by Provincial regulation.

10.2 Attendance

10.2.1 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every meeting of the Board or Committee of the Whole, 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.

10.2.2 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every meeting of the Board or Committee of the Whole, 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.

10.2.3 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.

10.2.4 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, including a Committee of the Whole Board.

10.2.5 A Trustee or Student Trustee who participates in a meeting through electronic means shall be deemed to be present at the meeting.

10.3 Participation of Board Members and Student Trustees

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

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

- 10.3.3 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.
- 10.3.4 The extent and manner of participation shall be determined by the Chair based on the electronic means available.
- 10.3.5 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

Reference Documents

Appendix:

Appendix A: Board Member (Trustee) Code of Conduct

Effective Date

2022-03-22

Amended

2022-09-19

Board Member (Trustee) Code of Conduct

1.0 **Purpose and Application**

- 1.1 The *Education Act* and the regulations thereunder mandate that school boards adopt a code of conduct that applies to Board members.
- 1.2 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.
- 1.3 This Code of Conduct meets the Board's statutory obligations and supports the Board's commitment to meeting high standards of conduct by Trustees.
- 1.4 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.
- 1.5 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, 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, the Occupational Health and Safety Act, Ontario, and as recognized in the Ontario Human Rights Code.

Integrity Commissioner means the Integrity Commissioner duly appointed by the Board of Trustees.

Members (also referred to as Trustees) are the members of the Board of Trustees of the DDSB.

Official Business means duties and responsibilities of Trustees as set out in the *Education Act* and further delineated in the Board's Consolidated Bylaws and Policies.

Unless specified otherwise, *staff* means any employee 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.

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 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, 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.

6.5 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.

- 6.6 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, any other Trustee, or the Board.
- 6.7 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.
- 6.8 Trustees shall serve and be seen to serve in a constructive, respectful, conscientious and diligent manner.
- 6.9 Trustees shall be committed to performing their functions with integrity and shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.
- 6.10 Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence.
- 6.11 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 Bylaws and policies of the Board.
- 6.12 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.
- 6.13 Trustees recognize that their Oath of Office binds them to the provisions of the *Municipal Conflict of Interest Act* (MCIA).

Confidential Information

- 6.14 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 session 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) Information in respect of negotiations with staff members.

- 6.15** No Trustee shall disclose or release, to anyone, by any means, 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.
- 6.16** No Trustee shall use Confidential Information for either personal gain or to the detriment of the Board.
- 6.17** 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.
- 6.18** Under the Board's Consolidated Bylaws, a matter that has been discussed by any committee of the Board, 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, 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.
- 6.19** 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, members enjoy the same level of access rights to information as any other member of the community.
- 6.20** If there is uncertainty about whether information is confidential, a Trustee may seek guidance from the Board's General Counsel.

Upholding Decisions

- 6.21** 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.
- 6.22** 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 Bylaws and Robert's Rules of Order, if applicable, may be brought forward by a Trustee.
- 6.23** 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.
- 6.24** Each Trustee shall endeavor in good faith to comply with the Board's Consolidated Bylaws. The Board of Trustees as a whole, and not individual Trustees, implements and monitors compliance with Board policies. There are a few instances where policies and procedures apply to individual trustees (e.g., Trustee expense policy and procedure) and Trustees shall comply with all such policies and applicable procedures.

- 6.25** 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, through any medium including social media, they must make it clear that they are not speaking on behalf of the Board.

Gifts, Benefits and Hospitality

- 6.26** 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.
- 6.27** 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.
- 6.28** There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community event 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 (e.g., gift card, hat, t-shirt, mug, not exceeding approximately \$100.00);
- (c) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (d) a political contribution otherwise reported by law, in the case of members running for office;
- (e) services provided without compensation by persons volunteering their time;
- (f) a suitable memento of a function honouring the member;
- (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;
- (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;

- IV. communication to the offices of a member, including newspapers and periodicals; and,
- V. 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.

6.29 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 to be a gift. This type of attendance is considered to be fulfillment of official public duties.

Conflict of Interest

6.30 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.

6.31 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

6.32 Members of the Board shall comply with the *Municipal Conflict of Interest Act (MCIA)* 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

6.33 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

6.34 Election activity refers to campaigns for municipal, provincial and federal office or campaigns on a question on a ballot.

6.35 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

- 6.36** 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.
- 6.37** For the purposes of the above provisions, "private advantage" and "improperly prejudice" does not include discussion of a matter at a Board or Committee meeting that:
- i. is of general application;
 - ii. 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. concerns the remuneration or benefits of a Trustee.

Conduct Regarding Current and Prospective Employment

- 6.38** 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.
- 6.39** 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 at Board and Committee Meetings

- 6.40** 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 Bylaws.

Conduct Respecting Staff Members

- 6.41** Trustees shall carry out their duties as defined within section 218.1 of the *Education Act*.
- 6.42** Trustees shall respect their role and the distinct role and responsibility of staff in accordance with the provisions of the *Education Act*, the Board's Consolidated Bylaws, and OPSBA's Good Governance Guide, as amended from time to time.
- 6.43** 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.

Social Media

- 6.44 In this Code of Conduct, the term Social Media refers to third party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.
- 6.45 Any Social Media account operated by a Trustee is subject to this Code of Conduct. General disclaimers or statements such as “personal account” or “tweets are my own and do not reflect the Board’s views” do not operate to shelter Trustee activity from scrutiny and accountability under the Code of Conduct.
- 6.46 In using any Social Media, Trustees shall use their real names as part of any handle or social media username. No Trustee shall attempt to disguise or mislead others as to their identity or role as Trustee when using Social Media.
- 6.47 As with any other communications, Trustees are accountable for content and confidentiality when using Social Media. The Code of Conduct applies to any and all Social Media activity. Any use of Social Media must be consistent with the Code of Conduct and be consistent with and uphold DDSB policies and Consolidated By-laws.
- 6.48 If a Trustee uses any Social Media account for campaign purposes, such account must not be created or supported by any DDSB resources and must not make any use of the DDSB logo. Such an account must be a separate campaign account, for the duration of the campaign, and shall include a clear statement on the account home page indicating that the account is being used for election campaign purposes. Social Media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers. Trustee conduct on any such campaign account remains subject to the Code of Conduct

Discreditable Conduct

- 6.486.49 All Trustees have a duty to treat members of the public, one another, and staff members respectfully and free from discrimination and harassment. This applies to all forms of written and oral communications, including via social.
- 6.496.50 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 on Social Media or 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. If an employee or a member of the public brings forward a harassment complaint against a Member of the Board to staff, 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.

Failure to Adhere to the Board Policies and Procedures

- 6.506.51 Trustees are required to observe the terms of all policies and procedures established by the Board that apply to members of the Board.

Reprisals and Obstruction

6.516.52 Trustees must 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 carrying out the duties of that office.

6.526.53 Trustees shall be respectful of the role of the office of the Integrity Commissioner.

Acting on Advice of Integrity Commissioner

6.536.54 If a Trustee is uncertain about whether a proposed action or activity by that Trustee is prohibited by the Code of Conduct, the 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. Any advice 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.

~~6.546.55~~ 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.

~~6.556.56~~ 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.

~~6.566.57~~ The 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 Bylaws.

7.0 **Sanctions**

- 7.1 If the Integrity Commissioner determines that the Trustee has breached this Code of Conduct, the 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.

8.0 **Evaluation**

- 8.1 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.

Appendix:

Appendix 1 – Appointment, Selection and Jurisdiction of the Integrity Commissioner

Appendix 2 – Complaints Protocol – Integrity Commissioner

Document Links:

Effective Date

2012-06-18

Legislative References

Approved by

Amended/Reviewed

2015-11-16

2018-11-19

2019-03-14

2022-03-21

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 terminated by the Board of Trustees by 2/3 vote.

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) fulfilling his or her responsibilities as set out in the Code of Conduct;
 - (b) providing general instruction to Trustees about the Code of Conduct and Complaint Protocol;
 - (c) providing general information to Trustees about their duties and obligations under the *Municipal Conflict of Interest Act*;
 - (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;
 - (e) providing educational programs to Trustees on issues of ethics and integrity;
 - (f) maintaining custody and control of their complaint and inquiry files and, on completion of their term, transferring any open files related to ongoing matters to the incoming Integrity Commissioner or as the Board may direct; and
 - (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.
- 3.4 The Integrity Commissioner is accountable to and reports to the Board of Trustees.
- 3.5 The Director of Education, for the sole purpose of an inquiry or investigation undertaken by the Integrity Commissioner pursuant to the Complaint Protocol, will provide information to the Integrity Commissioner and will 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 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.

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 Complaints Protocol supports the implementation of the 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.

4.0 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*. 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 Complaint Protocol is intended to ensure that there is an opportunity to resolve complaints as fairly, expeditiously and meaningfully as possible.

4.1 Informal Complaint Process

Individuals (including staff members of the Board, members of the public, or members of the Board) may elect to pursue an informal process to address conduct prohibited by the Code of Conduct. With the consent of the complainant 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 wish to consider addressing the conduct in an informal way including one or more of the following:

- (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 incident(s) including dates, times, locations, other persons present, and any other relevant information; advise the Integrity Commissioner about the concerns related to the Trustee and any response of the Trustee;
- (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 response;
- (e) speak to the Chair of the Board to see if the matter can be resolved;
- (f) if the parties agree, the Integrity Commissioner can participate in resolving or attempting to resolve the issues; and
- (g) consider the need to pursue a formal complaint under this Complaint Protocol.

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 4.2(f), 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*.

4.2

Formal Complaint

Requests for Inquiries

- (a) A request for an inquiry into a complaint that a Trustee has contravened the Code of Conduct (the “Formal Complaint”) may be made to the Integrity Commissioner and if so, shall be made in writing on the prescribed form.
- (b) All written complaints shall be signed by an identifiable individual.
- (c) 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 could 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.
- (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*.

- (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*.

4.3 Classification of Complaints by the Integrity Commissioner

- (a) An original written Formal 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 or whether it is 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, 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 Board's General Counsel;
 - 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) The Integrity Commissioner shall undertake a threshold assessment of any Formal Complaint and shall determine whether the complaint is outside the timelines stipulated herein or is frivolous, vexatious, or not made in good faith, or whether 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.

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.

4.4 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 subsections 4.3(b) and (c) except as part of an annual report.

4.5 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. provide the complaint and supporting material 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) If necessary, after reviewing the written materials, delivered under subsection 4.5 (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 4.5(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 4.5(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.
- (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*.

4.6 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 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.
- (b) The Integrity Commissioner may make interim reports to the Board of Trustees where necessary and to report on any instances of interference, obstruction or retaliation encountered during an investigation.
- (c) Where a Formal Complaint is sustained in whole or in part, the Integrity Commissioner shall 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.
- (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.

- (e) 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) 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.

4.7 Payment of Costs

- (a) Subject to subsection 4.7(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 4.7(e), in 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 costs awarded by the court, up to a maximum of \$20,000.
 - II. a member of the Board is entitled to 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 4.7(e), the Board of Trustees may consider the reimbursement of costs above the limit in subsections 4.7(b)(i) and (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 4.8(e)i or ii, apply. 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. if the member is successful, in whole or in part, on any judicial review application either as an applicant or intervenor.
- (f) Any request for costs under subsection 4.7 shall be made in writing to the General Counsel who shall report to the Board of Trustees.

4.8 Confidentiality and Formal Complaints

A Formal Complaint will be processed as follows:

- (a) The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions shall preserve confidentiality with respect to all Code of Conduct matters except as required by law 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:

- 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 the Board's legal obligations.

- (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.
- (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 appropriate for the purposes of the report.

5.0 EVALUATION

This code of Conduct is to be reviewed and updated as required but at a minimum every four (4) years.

6.0 APPENDICES

Appendix A: Complaint Form

Appendix A

**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)

Page ____ of ____

(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.

(Signature of Person Making the Complaint)



DURHAM DISTRICT SCHOOL BOARD

Governance and Policy Committee Meeting

March 29, 2023

Suggested Motion by Student Trustees: Revision to Consolidated Bylaws Regarding Student Trustees

- a. That the number of regularly elected student trustees referenced in section 2.4.2 of the Consolidated Bylaws be amended from “three” to “two”.
- b. That staff, in consultation with Indigenous students, families, and communities, draft an update to the Board’s Consolidated Bylaws to establish a process by which a self-identified Indigenous Student Trustee may be elected to the Board, to be presented by way of report to a future meeting of the Governance and Policy Committee.
- c. That upon recommendation for approval by the Governance and Policy Committee, the Indigenous Student Trustee election process be presented to the Board of Trustees at the earliest possible Board Meeting for approval.
- d. That an approved DDSB Indigenous Student Trustee election process be in place prior to the election for the 2024-2025 Student Trustee term.

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Governance and Policy Committee **DATE:** March 29, 2023

SUBJECT: Process for Adding Items to Meeting Agendas **PAGE:** 1 of 4

ORIGIN: Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

1.0 Purpose

This report is being delivered to provide the Committee with information regarding the process for agenda planning and having matters being placed on the agenda.

In considering these matters, reference is made to the *Education Act*, the Board's Consolidated Bylaws and Code of Conduct, and the Good Governance Guide.

2.0 Ignite Learning Strategic Priority/Operational Goals

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources.*

3.0 Background

Not applicable.

4.0 Analysis

Overview of Agenda Planning

The *Education Act* mandates that the Chair of the Board, in consultation with the Director of Education, establish agendas for Board meetings¹. Further, the *Education Act* requires that the Chair ensure that all members of the Board have the information needed for informed decision

¹ Education Act, s. 218.4 (c)

making².

The *Education Act* and the *Good Governance Guide* both enshrine the notion of informed decision making. In this regard, the *Good Governance Guide*³ provides as follows:

Board decisions must be evidence-based and informed by research that supports educational goals. Boards should base their decisions on a wide variety of evidence and current research to ensure the best strategic and policy approaches are followed.

At the DDSB, the Consolidated Bylaws expressly provide a transparent mechanism for agenda planning for Board meetings and meetings of the Committee of the Whole - standing and for consideration of trustee voice.

Given the policy governance framework under which School Boards operate, members rely on the Director of Education and senior staff for expertise and advice to help them reach informed decisions⁴. This most often comes in the form of written reports, the adequate preparation of which requires notice and opportunity for the appropriate subject-matter experts on staff to engage and consult. In the review of the Peel District School Board, the reviewers noted that it was essential for the Board and the Director of Education to have a symbiotic relationship in order for there to be effective school board governance⁵. Symbiosis is particularly important on timing of agenda items to allow for the flow of adequate information and evidence from staff to members of the Board.

The Board's Code of Conduct, at section 6.42, states as follows with respect to the role of trustees and the distinct role and responsibility of staff:

Trustees shall respect their role and the distinct role and responsibility of staff in accordance with the provisions of the Education Act, the Board's Consolidated Bylaws and OPSBA's Good Governance Guide, as amended from time to time.

Maintenance of a strong symbiotic relationship based on mutual respect will typically call for dialogue and pre-planning about potential agenda items. The Consolidated Bylaws lay out the following process in sections 5.5.4 and 5.5.5:

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

² Education Act, s. 218.4 (d)

³ OESC's Good Governance Guide, 2022-2026 at p. 32

⁴ OESC's Good Governance Guide, 2022-2026 at p. 47

⁵ Review of the Peel District School Board, February 28, 2020, Reviewers: Ena Chadha, Suzanne Herbert, and Shawn Richard

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/or 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.

Agenda Planning Process

Given the foregoing general parameters, and given the other relevant provisions of the Board's Consolidated Bylaws, the following process applies to agenda items and planning:

1. If an individual trustee would like to have an item added to a draft agenda, they can informally raise it with the Chair, Vice Chair or Vice Chair of Committee of the Whole – Standing to request that the proposed item discussed and considered at the monthly agenda planning meeting. This would be at the discretion of the Chair, Vice Chair or Vice Chair of the Committee of the Whole -Standing. Or, if the trustee is scheduled to attend the agenda planning meeting, they could also raise it at that time.
2. A trustee can also formally request that an item be added on the agenda by e-mailing the Chair and Vice Chair of the Board or the Chair and Vice Chair of Committee of the Whole - Standing (depending on the meeting) in advance of the meeting. The email is to 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 Standing Committee (depending on the meeting), is to deliver back an email with the reason it was not added to the draft agenda, with a copy to all Trustees.
3. If a trustee wishes to add an item based on urgency or exceptional circumstances to the agenda, the presiding officer of the meeting can do so prior to the start of the meeting. A trustee can also move to amend the agenda prior to it being approved (which would be done on a majority vote). If the agenda is already approved, a 2/3rds vote is required⁶. As noted above, when adding items to the agenda at the last minute, staff may not be prepared to provide an informed response or advice as there may not be time to engage relevant portfolio holders or subject-matter experts. As a matter of good governance, it is encouraged that trustees seek to add items to the agenda in advance of the meeting in accordance with the process set out above.

⁶ Consolidated Bylaw, section 5.5.7

4. If the agenda item intends to create and/or amend Board policy, a more detailed process and notice is required, and a matter that should be discussed at the next Governance and Policy Committee meeting.

5.0 Financial Implications

Not applicable.

6.0 Evidence of impact

Not applicable.

7.0 Communication Plan

Not applicable.

8.0 Conclusion and/or Recommendations

This report is provided to the Governance and Policy Committee for information.

9.0 Appendices

Not applicable.

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations