



Board Meeting Agenda

October 16, 2023 - 7:00 p.m.



Michelle Arseneault
Trustee
Town of Whitby

Tracy Brown
Trustee
Town of Whitby

Emma Cunningham
Trustee
City of Pickering

Donna Edwards
Chair of the Board
Trustee
Town of Ajax

Stephen Linton
Trustee
City of Pickering

Kelly Miller
Trustee
Town of Ajax

Carolyn Morton
Trustee
Townships of Brock, Scugog &
Uxbridge

Deb Oldfield
Trustee
City of Oshawa

Shailene Panylo
Trustee
City of Oshawa

Linda Stone
Trustee
City of Oshawa

Christine Thatcher
Vice Chair of the Board
Trustee
Town of Whitby

Jill Thompson
Trustee
(First Nations Representative)

Ben Cameron
Student Trustee

Kayla Hoare
Student Trustee

Neha Kasoju
Student Trustee

Durham District School Board
calendar.ddsbs.ca/meetings
Facebook: [DurhamDistrictSchoolBoard](https://www.facebook.com/DurhamDistrictSchoolBoard)
Instagram: [@DDSBSchools](https://www.instagram.com/DDSBSchools)
Twitter: [@DDSBSchools](https://twitter.com/DDSBSchools)
YouTube: [DurhamDSB](https://www.youtube.com/DurhamDSB)

DURHAM DISTRICT SCHOOL BOARD

BOARD MEETING- Amended

Monday, October 16, 2023 - 7:00 p.m.

PAGE

1. Call to Order

2. Land Acknowledgement

Verbal

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.

3. O Canada

4. Declarations of Interest

Verbal

5. Adoption of Agenda

Verbal

6. Minutes

(a) APPROVED Minutes of the June 19, 2023 Regular Board Meeting

1-18

(b) APPROVED Minutes of the Special Board Meeting of July 10, 2023

19-23

(c) APPROVED Minutes of the Special Board Meeting of August 2, 2023

24-25

(d) DRAFT Minutes of the September 18, 2023 Regular Board Meeting

26-35

7. Ministry Memorandums-Information Update
(Director Camille Williams-Taylor)

Verbal

8. Public Question Period

Verbal

9. Report from the Committee of the Whole in Camera
(Trustee Christine Thatcher)

Verbal

10.	<u>Good News from the System</u> (Director Camille Williams-Taylor)	Verbal
11.	<u>DDSB Presentation</u>	
(a)	Educational Services Staff Award (Chair Donna Edwards, Director of Education Camille Williams-Taylor)	36-37
(b)	OPSBA Achievement Award (Trustees Deb Oldfield)	Verbal
12.	<u>Recommended Actions</u>	
(a)	Report and Adoption of Any Resolutions: Standing Committee Meeting, October 2, 2023 (Trustee Christine Thatcher)	38-42
(b)	Recommendations from the Governance and Policy Committee Meeting, September 27, 2023 (Trustee Tracy Brown)	
i.	Timing of Organizational Meeting and Clarification of Other Meeting Dates	43-45
ii.	July 10, 2023 Resolution: COVID-19 Update	46-48
iii.	New Privacy Policy and Rescission of Regulation	49-101
iv.	New Trustee Criminal Reference Checks Policy and Rescission of Regulation	102-110
(c)	Consideration of the Integrity Commissioner Findings (General Counsel Patrick Cotter)	Under Separate Cover
13.	<u>Information Items</u>	
(a)	Governance and Policy Committee Report, May 24, 2023 (Trustee Tracy Brown)	111-122
(b)	Audit Committee Meeting Summary (Associate Director David Wright)	123-124
(c)	Audit Committee Annual Report to the Board of Trustees (Associate Director David Wright)	125-128
(d)	Audit Committee Annual Report to the Ministry of Education (Associate Director David Wright)	129-131
(e)	OPSBA Report (Trustee Emma Cunningham)	Verbal

- | | | |
|-----|-----------------------------|---------|
| 14. | <u>Days of Significance</u> | 132-133 |
| 15. | <u>Adjournment</u> | Verbal |

Code of Conduct for Public Meetings 2023-2024



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

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

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

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

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

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

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

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

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

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

APPROVED

MINUTES

The Regular Meeting of the Board

Monday, June 19, 2023

A Regular Meeting of the Durham District School Board was held on this date.

1. Call to Order:

Chair Donna Edwards called the meeting to order at 7:10 p.m.

Members Present: Trustees Michelle Arseneault, Tracy Brown, Emma Cunningham, Stephen Linton, Kelly Miller, Carolyn Morton, Deb Oldfield, Linda Stone (arrived at 7:59 pm and left at 9:45 p.m.), Christine Thatcher, Jill Thompson, Student Trustees Ben Cameron, Lauren Edwards, Gwen Kuyt

Regrets: Trustee Stephen Linton

Officials Present: Director of Education and Secretary to the Board Camille Williams-Taylor Associate Director Jim Markovski, Associate Director David Wright, Superintendents Gary Crossdale, Georgette Davis, Erin Elmhurst, Mohamed Hamid, Margaret Lazarus, Andrea McAuley, Heather Mundy, Stephen Nevills, Kandis Thompson, Interim Executive Lead Kathy Witherow, General Counsel Patrick Cotter

Recording Secretary: Kathy Fitzpatrick

2. Land Acknowledgement

Chair Donna Edwards gave the Land Acknowledgment: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with home to many Indigenous peoples from across Turtle Island (North America). 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.

Chair Donna Edwards shared the process for trustees at Board and Standing Committee meetings when speaking to a motion as per Bylaw 5.12.5. The mover of a motion shall be given the 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, and two minutes on the second occasion, on each debatable motion.

3. O Canada

Trustee Kelly Miller welcomed and introduced the video performance from the Cadarackque Public School's Primary and Junior Choir. Members of this choir range from Grades 1 to 6 and are led by Alicia Gauvreau and Christos Kaldis. In addition to O Canada, the Caddy Choir sang I am a Small Part of the World composed by Sally K. Albrecht & Jay Althouse.

Chair Donna Edwards welcomed the newly elected and re-elected Student Trustees for the 2023-2024 term.

- Pickering/Ajax, Ben Cameron
- Oshawa/Whitby, Neha Kasoju
- Brock/Uxbridge/Scugog, Kayla Hoare

4. Declarations of Interest

There were no declarations of interest at this time.

5. Adoption of Agenda

The agenda was amended to add item 12.(h) Approval of Trustee Professional Development, Trustee Emma Cunningham

2023:RB66

MOVED by Trustee Kelly Miller

SECONDED by Trustee Jill Thompson

THAT THE AMENDED AGENDA BE APPROVED.

CARRIED

6. Minutes

2023:RB67

MOVED by Trustee Emma Cunningham

SECONDED by Trustee Michelle Arseneault

THAT THE FOLLOWING APPROVED MINUTES BE RECEIVED:

- (a) THE REGULAR BOARD MEETING MINUTES OF APRIL 17, 2023.
- (b) THE SPECIAL BOARD MEETING MINUTES OF MAY 1, 2023 (6:55 p.m.).
- (c) THE SPECIAL BOARD MEETING MINUTES OF MAY 1, 2023 (8:00 p.m.).

CARRIED

2023:RB68

MOVED by Trustee Emma Cunningham

SECONDED by Trustee Christine Thatcher

THAT THE FOLLOWING DRAFT MINUTES BE APPROVED:

- (a) THE REGULAR BOARD MEETING MINUTES OF MAY 15, 2023
- (b) THE REGULAR BOARD MEETING MINUTES OF MAY 15, 2023,
CONTINUED ON MAY 23, 2023.
- (c) THE SPECIAL BOARD MEETING MINUTES OF JUNE 5, 2023.

CARRIED

7. Ministry Memorandums-Information Update

Director Camille Williams-Taylor provide the trustees with the following update:

I begin this update offering my condolences to the Pine Ridge Secondary School community as they tragically lost one of their own in the community over the weekend.

As we enter the final weeks of the 2022-2023 school year, it's important to recognize the significant dedication, hard work, and perseverance of all DDSB students and staff throughout the year. I hope that everyone in the DDSB community finds time to reflect on the achievements of the year, celebrate the transitions of students and staff through commencement, graduation, promotion, or retirement, and appreciate the challenges faced and hardships overcome as we anticipate a more relaxed rhythm in the summer months ahead.

The Student Art Gallery opening took place here at the Education Centre on the evening of June 13. The collection of artworks created and curated by students in Grades 7 to 12 with staff support showed incredible talent and creativity. The theme of this year's gallery is *Cultivating a Connected Community* and artists were encouraged to showcase their unique perspectives when creating.

On June 14, staff saw 150 Indigenous students in Grades 4 to 8 from across DDSB come together for Indigenous Student Celebration Day. Students were invited to attend three breakout sessions of their choice, from subjects including Anishinaabe Wellness, Drum Teachings, Land Based Learning, Food Sustainability, Sewing, Stewardship, Spoons and Jigging, Metis Teachings, and Decolonizing and Taking Positive Space on Social Media, all delivered by Indigenous educators, storytellers, Elders, and other special guests.

On June 15, in partnership with Autistic staff, students, and community members, we raised the rainbow infinity flag at the Education Centre. The flag raising recognized Autistic Pride Day, observed annually on June 18. This day was founded by Autistic advocates to celebrate Autistic identity and ways of being. It is important that we continue to listen to and learn from Autistics. As the symbol of Neurodiversity, the

rainbow infinity flag signifies the strength in the diversity of Autistic people and the infinite variations of who people are.

On the evening of June 15, the annual Retirement Event took place in Oshawa. I was honoured to be part of recognizing the service of more than 350 staff from across DDSB who will retire this year and begin the next phase of their lives.

On June 16, the annual Abilities Track and Field Meet took place at the Oshawa Civic Recreation Complex. This event celebrates equity, inclusion, and athletic success for students of all abilities. The day began with participants repeating the athlete's oath: "More powerful than the will to win is the courage to begin." Student athletes from across the DDSB competed in a variety of track and field events throughout the day including long jump, shot put, and ball throw. Family, friends, and staff gathered to cheer on students.

We are well underway in our consultations to gather feedback toward the development of our new Multi-Year Strategic Plan and later this evening a detailed update report will be presented. The multi-year strategic plan acts as a compass that guides collective actions for ongoing student-centered improvement. All DDSB community members are encouraged to get involved and contribute to the conversation on the values, priorities, and strategic direction that are important to them. More information about the multi-year strategic plan process, including the consultation surveys, is available on the DDSB website.

In the coming days we will be celebrating completion events for Senior Kindergarten, Grade 8 and Grade 12 students. Every ending means the recognition of a milestone and anticipation of a new chapter. We congratulate our graduates and offer best wishes to all students and families, a positive end to the school year and for those leaving DDSB, we wish you continued success on the road ahead.

8. Public Question Period

Dylan Reynolds joined the meeting virtually and asked a question regarding the November 22 cyber incident. Staff responded to the question.

Alison Vlad submitted a question regarding flag-raising and recognition of significant dates that was read into the record by staff. Staff responded to the question.

Barbara Eshpeter submitted a question regarding staff absences that was read into the record by staff. Staff responded to the question.

Devon McDonald submitted a question regarding ventilation measures that was read into the record by staff. Staff responded to the question.

9. Report from the Committee of the Whole In Camera

Trustee Christine Thatcher reported on the actions of the Committee of the Whole In Camera June 19, 2023 meeting and confirmed that the following matters were discussed:

- Administrative transfers and placements;
- The disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
- Personnel issues;
- Property matters.

2023:RB69

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Emma Cunningham

THAT THE BOARD APPROVE THE ACTIONS AND ADOPT ANY RESOLUTIONS OF THE JUNE 19, 2023, IN CAMERA MEETING.

CARRIED

10. Good News from the System

Rangita and Ivy from Cadarackque Public School shared good news from across the system on behalf of DDSB students.

The Durham District School Board and Oshawa Fire Department proudly share that Mary, a Grade 6 student at Vincent Massey Public School, has been announced as the 2023 Junior Fire Chief! Mary's award-winning video on the importance of smoke alarms and developing a home escape plan makes her an outstanding Jr. Fire Chief.

Uliana T., a Grade 6 student at Jeanne Sauve Public School, has been recognized for her exceptional submission in the Ontario Schools Cricket Association essay contest. Uliana's essay won her an Honourable Mention Award. Her essay explored how cricket began in England and gradually became more popular in commonwealth Canada. In fact, cricket was the most popular sport in Canada until the turn of the 20th century and Canada's first Prime Minister, Sir John A. MacDonald, even named it Canada's national sport. As time passed, Canada's interest in basketball and hockey took over. However, as more immigrants came to Canada from countries such as India and Pakistan in the 21st century, cricket began to increase in the popularity.

As part of E.B. Phin Public School's Parent Reaching Out Grant activities last month, parents, guardians, and students gathered on a Sunday morning to make cinnamon buns. The school community was excited to be joined by Mrs. Beech, a long-time volunteer and cooking instructor for the City of Pickering. Everyone put on their baking hats and aprons to make some deliciously gooey treats for their families. At the end of the day, students took home the cinnamon buns and put them in the freezer before de-frosting and baking them the following week in honour of Mother's Day.

Each September and October, students show their willingness and ability to support members of the community by helping to find a cure for cancer. This year, DDSB schools

across the District managed to raise an incredible \$266,860 for the Terry Fox Foundation.

Former student Yusuf Hirji was an exceptionally skilled soccer player, and it was his wish that as many students as possible could have an opportunity to play soccer. Pine Ridge Secondary School hosts an annual soccer tournament in Yusuf's name with all funds raised going to the Yusuf Hirji Memorial Bursary, awarded each year to graduating students at Pine Ridge Secondary School who have shown positivity and leadership in the face of adversity.

This year's theme for the Durham Partners Symposium was 'Fostering Resilience in Children - Supporting Mental Health and Social Well-Being'.

On May 27, staff, students, parents, and community members joined Olympian, world champion, author, and TV host Perdita Felicien who explored what it means to chase a dream and overcome the "hurdles" life can put before you. Guests also had the pleasure of listening to therapist, comedian, and published author Natasha Halliday as she shared how to foster and build resilience and demonstrated how we can grow through adversity. Family counsellor and TV personality Alyson Schafer discussed how to navigate emotions to improve mental health and well-being, enabling us to parent effectively.

The Durham District School Board held its annual Student Recognition Night at Sinclair Secondary School to celebrate the achievements of outstanding students. Each secondary school within the DDSB was represented by three students who have been nominated by school staff for their significant contributions to the school community, the positive influence they've had on their peers, or their remarkable efforts to excel in the face of adversity.

On May 17, celebrations occurred at schools throughout the board as they raised the Progress Pride Flag in solidarity to mark the International Day Against Homophobia, Transphobia, and Biphobia. Staff and students joined together to celebrate inclusion and continue building a community where everyone knows they belong.

Students throughout the DDSB gathered at the Education Centre on June 1 for the annual GSA (Gay Straight Alliance) conference. At the conference, guests celebrated this year's theme, 'Unity in the Community.' Returning for another year, Shawnee welcomed students as the 2023 keynote speaker. Shawnee is an Indigenous Two-Spirit singer/songwriter who empowers youth through her music. This event invites active students in their school's GSA to participate in this educational gathering, featuring guest speakers and interactive workshops.

More than 400 students in Grades 7 to 10 attended the Cypher: Black Male Empowerment Conference held at Durham College. Cypher provides Black male students with an opportunity to engage with a wide range of entrepreneurs, community leaders, educators, and Black male role models to explore various academic and career pathways. Students are immersed in a space of Black male brilliance to propel their desires to achieve their full potential. The keynote address was delivered by DDSB graduate and Grammy award winning producer Boi-1da who works with Drake, Rihanna, and other Black role models.

June 19, 2023

DDSB Parents/Guardians, students, and community members from across the District attended the 'The Living Compendium, Community Engagement Evening' held on May 18 at the Abilities Centre. Attendees heard about some of the actions that have been undertaken throughout the District to dismantle anti-Black racism and had an opportunity to provide feedback and ask questions. Student groups and community organizations set up tables to display their work engaging students and supporting the Living Compendium.

Since February 2023, student volunteers and teacher advisors at Ajax High School have been busy organizing their annual Flavours of the World and Multicultural Talent Showcase for May 17. It was a collective effort to make this magnificent night happen, with student voice and leadership at the forefront.

The annual Future City competition recently welcomed more than 500 students in Grades 7 and 8. The annual competition sees students compete in engineering and building cities of the future. The competition uses the engineering design process as a framework to guide students through the creation of their cities, with guidance from mentors and engineering leaders. This year, students from Prince Albert Public School had tremendous success with their design and city development.

Dates of Significance:

June 19	United Empire Loyalists' Day
June 19	Juneteenth
June 21	Summer Solstice
June 21	Litha
June 21	National Indigenous Peoples Day
June 24	St. Jean-Baptiste Day
June 27	Multiculturalism Day
June 28	Stonewall Rebellion Day
June 28	Eid al Adha
June 29-July 2	Gahambar Maidyoshem (Zoroastrian)
July 1	Canada Day
July 14	International Non-Binary People's Day
July 15	World Skills Day
July 18	Nelson Mandela International Day
July 19	Islamic New Year
July 23	Birthday of Emperor Haile Selassie I
July 30	International Day of Friendship
July 30	World Day of Against Trafficking in Persons
Aug 1	Emancipation Day
Aug 7	Simcoe Day
Aug 8	First Day of School - Elementary Modified
Aug 9	Int. Day of the World's Indigenous Peoples
Aug 12	International Youth Day
Aug 17	Marcus Garvey's Birthday
Aug 19	World Humanitarian Day
Aug 22	International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief
Aug 23	International Day for the Remembrance of the Slave Trade and its Abolition

Regular Meeting of the Board Minutes

June 19, 2023

Aug 24	First Day of School – Secondary Modified
Aug 30	Raksha Bhandan
Sept 4	Labour Day
Sept 5	First Day of School – Elementary & Secondary Regular

11. DDSB Presentations(a) Student Trustee Recognition

Chair Donna Edwards on behalf of trustees, thanked outgoing Student Trustees, Lauren Edwards, Gwen Kuyt and re-elected Student Trustee Ben Cameron for the work they have done this school year – advocating for their fellow students, truly making a difference and developing leadership skills.

Director Camille Williams-Taylor representing the Senior Team, acknowledged the work of the Student Trustees who have served the students of Durham Region and the Durham District School Board.

(b) Chairperson's Scholarship Award-2023

Chair Donna Edwards shared that every year since 2003, the Board has recognized a graduating student who exemplifies excellent leadership and citizenship and who has well represented student issues to others with the Chairperson's Scholarship. A committee consisting of the Chairperson of the Board, Donna Edwards, Trustees Emma Cunningham, Kelly Miller, Carolyn Morton and Jill Thompson reviewed the nominations. The Committee decided to award the Chairperson's Scholarship for 2023 to Danielle, a student at Anderson C.V.I.

(c) Abilities Scholarship Award

Superintendent Andrea McAuley introduced Inclusive Student Services System Lead Michelle Crawford-Eade who shared the virtual presentation of Brianna Littman of Eastdale C.V.I., accepting the 2023 Abilities Scholarship Award.

(d) Parent Involvement Committee (PIC) Annual Report

Superintendent Margaret Lazarus introduced the PIC Co-Chairs Huma Choudhary and Jim Van Allen who provided trustees with an overview of the PIC Annual Report on behalf of the Committee.

Trustee questions were answered.

12. Recommended Actions(a) Report and Adoption of Any Resolutions: Standing Committee Meeting Minutes of June 5, 2023

Trustee Christine Thatcher shared with trustees the minutes of the Standing Committee meeting on June, 5 2023.

2023:RB70
MOVED by Trustee Christine Thatcher
SECONDED by Trustee Emma Cunningham

THAT THE BOARD APPROVE THE MINUTES AND ADOPT ANY RESOLUTION OF
THE JUNE 5, 2023 STANDING COMMITTEE.

CARRIED

(b) Consideration of the 2023-2024 Draft Budget

Associate Director David Wright introduced Senior Managers of Finance Melissa Durward and Jennifer Machin who provided the Trustees with an overview of the 2023-2024 draft budget. Trustee questions were answered.

2023:RB71
MOVED by Trustee Carolyn Morton
SECONDED by Trustee Kelly Miller

IT IS RECOMMENDED THAT THE BOARD OF TRUSTEES APPROVE THE
FOLLOWING MOTIONS:

1. THAT THE 2023-2024 DRAFT BUDGET CONTAINING TOTAL REVENUES OF \$1,050,743,433 AND TOTAL EXPENSES OF \$1,050,743,433 BE APPROVED AS PRESENTED.
2. THAT THE 2023-2024 DRAFT IN-YEAR DEFICIT ELIMINATION PLAN OUTLINED IN SECTION 4.2 BE APPROVED AS PRESENTED.

Student Trustee Ben Cameron called for a recorded vote.

The following motion was carried on a recorded vote.

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Michelle Arseneault		Stephen Linton	Linda Stone
Tracy Brown			Shailene Panylo
Emma Cunningham			Jill Thompson
Donna Edwards			
Kelly Miller			
Carolyn Morton			
Deb Oldfield			
Christine Thatcher			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
	Ben Cameron		
	Lauren Edward		
	Gwen Kuyt		

(c) 2023-2024 Inclusive Student Services/Special Education Plan

Superintendent Andrea McAuley shared with trustees the Inclusive Student Services Special Education Plan and programs for the 2023-2024 school year. The DDSB Special Education Plan for 2023-2024 was initially presented to Trustees on June 5, 2023, for information and feedback.

2023:RB72

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Deb Oldfield

IT IS RECOMMENDED THAT THE BOARD OF TRUSTEES CONSIDER THE INCLUSIVE STUDENT SERVICES/SPECIAL EDUCATION PLAN FOR THE 2023-2024 SCHOOL YEAR FOR APPROVAL. ONCE APPROVED, THE SPECIAL EDUCATION PLAN WILL BE SUBMITTED TO THE MINISTRY OF EDUCATION.

CARRIED

(d) SEAC Membership Recommendation Re: Ontario Parents of Vision Impaired Children (OPVIC)

The following motion was approved at the March 23, 2023 SEAC meeting and brought forward to trustees for approval of the recommended membership.

2023:RB73

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Kelly Miller

THAT THE BOARD APPROVE THE SEAC RECOMMENDATION THAT THE ASSOCIATION OF ONTARIO PARENTS OF VISUALLY IMPAIRED CHILDREN (OPVIC) BE APPROVED FOR SEAC MEMBERSHIP, AND THAT CHARMAIN BROWN BE THE REPRESENTATIVE AND JENNA BROWN BE THE ALTERNATE.

CARRIED

(e) Naming of the New Unnamed Beaverton Public School

SUPERINTENDENT ERIN ELMHURST PROVIDED TRUSTEES WITH AN OVERVIEW OF THE DURHAM DISTRICT SCHOOL BOARD (DSB) BOARD OF TRUSTEES SELECT A SCHOOL NAME FOR THE NEW UNNAMED BEAVERTON PUBLIC SCHOOL.

2023:RB74

MOVED by Trustee Carolyn Morton

SECONDED by Trustee Michelle Arseneault

IT IS RECOMMENDED THAT THE DURHAM DISTRICT SCHOOL BOARD TRUSTEES SELECT THE RECOMMENDED CHOICE BY THE NAMING COMMITTEE, BEAVER RIVER PUBLIC SCHOOL, AS THE OFFICIAL NAME OF THE NEW UNNAMED BEAVERTON PUBLIC SCHOOL IN BEAVERTON, ONTARIO.

CARRIED

(f) Consideration of Integrity Commissioner Findings

General Counsel Patrick Cotter provided trustees with information and context as to the process to be followed by the Board of Trustees in considering a report from the Integrity Commissioner.

2023:RB75

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Shailene Panylo

THAT TRUSTEE STONE HAS BREACHED ALL SECTIONS OF THE CODE OF CONDUCT AS NOTED IN THE INTEGRITY COMMISSIONER'S FINDINGS.

The motion was carried on the following recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Michelle Arseneault		Stephen Linton	Tracy Brown
Emma Cunningham			Kelly Miller
Donna Edwards			
Carolyn Morton			
Deb Oldfield			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

Trustee Deb Oldfield put forward the following motion. Trustee Christine Thatcher requested that the motion be separated into three motions.

THAT THE BOARD OF TRUSTEES CENSURE TRUSTEE STONE AND BAR TRUSTEE STONE FROM ATTENDING ALL OF THE BOARD MEETING OF SEPTEMBER 18, 2023 AND IN ADDITION BAR TRUSTEE STONE FROM SITTING ON ALL COMMITTEES OF THE BOARD FROM SEPTEMBER 1, 2023 TO JUNE 30, 2024.

2023:RB76

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Shailene Panylo

1. THAT THE BOARD OF TRUSTEES CENSURE TRUSTEE STONE.

The motion was carried on the following recorded vote:

Regular Meeting of the Board Minutes
June 19, 2023

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Emma Cunningham		Stephen Linton	Michelle Arseneault
Donna Edwards			Tracy Brown
Carolyn Morton			Kelly Miller
Deb Oldfield			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

2023:RB77

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Shailene Panylo

2. THAT TRUSTEE STONE BE BANNED FROM ALL OF THE BOARD MEETING OF SEPTEMBER 18, 2023.

The motion was carried on the following recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Emma Cunningham	Michelle Arseneault	Stephen Linton	Tracy Brown
Donna Edwards	Kelly Miller		
Carolyn Morton			
Deb Oldfield			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

2023:RB78

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Shailene Panylo

3. THAT TRUSTEE STONE BE BARRED FROM SITTING ON ALL COMMITTEES OF THE BOARD, FOR THE PERIOD OF SEPTEMBER 1, 2023, TO JUNE 30, 2024.

Student Trustee Ben Cameron suggested an amendment to the foregoing motion (2023:RB77) that the end date be changed to March 31, 2024.

June 19, 2023

2023:RB79

MOVED by Trustee Emma Cunningham

SECONDED by Trustee Deb Oldfield

THAT THE BOARD OF TRUSTEES BAR TRUSTEE STONE FROM SITTING ON ALL COMMITTEES OF THE BOARD, FOR THE PERIOD OF SEPTEMBER 1, 2023, TO MARCH 31, 2024.

The motion was carried on the following recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Donna Edwards	Michelle Arseneault	Stephen Linton	Emma Cunningham
Deb Oldfield	Carolyn Morton		Tracy Brown
Shailene Panylo			Kelly Miller
Christine Thatcher			
Jill Thompson			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

2023:RB80

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Shailene Panylo

3. THAT THE BOARD OF TRUSTEES BAR TRUSTEE STONE FROM SITTING ON ALL COMMITTEES OF THE BOARD, FOR THE PERIOD OF SEPTEMBER 1, 2023, TO MARCH 31, 2024.

The motion was carried on the following recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Donna Edwards	Michelle Arseneault	Stephen Linton	Emma Cunningham
Deb Oldfield	Carolyn Morton		Tracy Brown
Shailene Panylo			Kelly Miller
Christine Thatcher			
Jill Thompson			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

- (g) Recommendations from the Governance and Policy Committee Meeting, May 24, 2023:

Trustee Tracy Brown brought forward the following policies from the Governance and Policy Committee and the Chair suggested that item i, ii, and iii be moved as one motion.

- i. Rescission of Recognition of Long Service and Retirement of Employees Policy and Regulation
- ii. Rescission of Contests in Art Sponsored by Outside Agencies Policy and Regulation
- iii. Revised French Instruction Policy

2023:RB81

MOVED by Trustee Tracy Brown

SECONDED by Trustee Christine Thatcher

THAT THE BOARD OF TRUSTEES APPROVE THE REVISED FRENCH INSTRUCTION POLICY, THE RESCISSION OF CONTESTS IN ART SPONSORED BY OUTSIDE AGENCIES POLICY AND THE REGULATION AND THE RESCISSION OF THE RECOGNITION OF LONG SERVICE AND RETIREMENT OF EMPLOYEES POLICY AND REGULATION.

CARRIED

- i. Revised Consolidated Bylaws

Trustee Tracy Brown provided trustees with information on the Governance and Policy Committee's recommendation to amend the Consolidated Bylaws.

Section 5.13.5

2023:RB82

MOVED by Trustee Linda Stone

Trustee Stone put forward the following motion to amend section 5.13.5 (c):

TO CHANGE THE LANGUAGE FROM IF TWO OR MORE TRUSTEES ARE CONCERNED ABOUT THE DENIAL OF A PROPOSAL TO *IF ONE TRUSTEE IS CONCERNED ABOUT THE DENIAL OF PROPOSAL.*

The motion was not considered as the motion was not seconded.

2023:RB83

MOVED by Trustee Shailene Panylo

SECONDED by Trustee Deb Oldfield

THAT THE AMENDMENTS AS STATED IN THE REPORT TO SECTIONS 5.13.5 BE ADOPTED.

June 19, 2023

Trustee Linda Stone called for a recorded vote.

The motion was carried on the following recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Michelle Arseneault	Linda Stone	Stephen Linton	
Tracy Brown			
Emma Cunningham			
Donna Edwards			
Kelly Miller			
Carolyn Morton			
Deb Oldfield			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

5.13.14

2023:RB84

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Tracy Brown

THAT THE AMENDMENTS TO, 5.13.14 BE ADOPTED.

CARRIED

5.13.15

2023:RB85

MOVED by Trustee Emma Cunningham

SECONDED by Trustee Tracy Brown

THAT THE AMENDMENTS TO SECTION 5.13.15 BE ADOPTED.

Trustee Linda Stone called for a recorded vote.

The motion was carried on the following recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Michelle Arseneault	Linda Stone	Stephen Linton	
Tracy Brown			
Emma Cunningham			
Donna Edwards			
Kelly Miller			
Carolyn Morton			

Deb Oldfield
 Shailene Panylo
 Christine Thatcher
 Jill Thompson

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Ben Cameron			
Lauren Edward			
Gwen Kuyt			

5.13.16

2023:RB86

MOVED by Trustee Jill Thompson

SECONDED by Trustee Tracy Brown

THAT THE AMENDMENTS TO SECTION 5.13.16 BE ADOPTED.

CARRIED

ii. Revised Board Member Code of Conduct

Trustee Tracy Brown brought forward the Governance and Policy Committee's recommendation to make amendments to the Board Member Code of Conduct.

General Counsel shared that there were changes not reflected in the attached Code of Conduct as approved at the May 24, 2023 meeting of the Governance and Policy Committee. The changes are as follows:

~~6.48~~

~~Trustees should avoid posting any content including posts or comments that could be construed as misrepresenting the views of the Board.~~

6.48

If a Trustee uses any Social Media account for campaign purposed, 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 by 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 accounts remains subject to the Code of Conduct.

~~As set out in section 6.35, a including in respect of Social Media~~

2023:RB87

MOVED by Trustee Emma Cunningham

SECONDED by Trustee

THAT THE BOARD APPROVE ALL OF CHANGES IN THE REVISED BOARD MEMBER CODE OF CONDUCT.

CARRIED

(h) Approval of Trustee Professional Development, Trustee Emma Cunningham

Trustee Emma Cunningham provided trustees with an overview of the Professional Development opportunity regarding antisemitism. The Face It, Fight Conference is taking place on October 16-17, 2023 in Ottawa.

Trustee questions were answered.

2023:RB88

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Tracy Brown

THAT TRUSTEE CUNNINGHAM'S PROFESSIONAL DEVELOPMENT ON ANTISEMITISM IN OTTAWA BE APPROVED FOR A MAXIMUM OF \$1000.00.

CARRIED

13. Information Items

(a) Update: Multi-Year Strategic Plan

Interim Executive Lead Kathy Witherow provided trustees with an update on activities related to the Multi- Year Strategic Planning process since the last update on April 17, 2023.

Trustee questions were answered.

(b) 2023 Official Enrolment Projections

Associate Director David Wright introduced Head of Facilities Services Lisa Bianca who provided information to the Board of Trustees on the October 2023 Official Enrolment Projections (OEP). Copies of the OEP Summary tables are attached as Appendix A.

Trustee questions were answered.

(c) DDSB Summer Learning Programs

Superintendent Erin Elmhurst on behalf of the Senior Team provided trustees with a summary of the Durham District School Board (DDSB) 2023 summer learning opportunities for students (Early Years to Grade 12). This report contains information on a range of differentiated and responsive programs which will be offered to support student well-being, engagement, mental health, and achievement with a focus on the removal of systemic barriers.

Trustee questions were answered.

2023:RB89

MOVED by Trustee Carolyn Morton

SECONDED by Trustee Deb Oldfield

THAT THE BOARD MEETING BE EXTENDED TO 10:30 P.M.

CARRIED

(d) Governance and Policy Committee Report, March 29, 2023

Trustee Tracy Brown shared the minutes of the March 29, 2023, Governance and Policy Committee Meeting.

It was noted that the minutes be revised to reflect the following:

Trustee Emma Cunningham attended the meeting virtually.

(e) Special Education Advisory Committee (SEAC) Report, April 20, 2023

Trustees Kelly Miller and Deb Oldfield presented the SEAC meeting minutes to trustees for information.

(f) OPSBA Report

Chair Donna Edwards provided trustees with an update on the OPSBA AGM that took place from June 8-10, 2023.

14. Days of Significance

The dates of significance were shared with trustees for information.

15. Memos

The memos were shared with trustees for their information.

16. Adjournment

2023:RB90

MOVED by Trustee Donna Edwards

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at approximately 10:07 p.m.


Chair


Secretary

19 APPROVED

MINUTES

The Special Meeting of the Board

Monday, July 10, 2023

6:30 p.m.

A Special Meeting of the Durham District School Board was held on this date.

1. Call to Order:

Roll Call: Chair Donna Edwards

The Chair called the meeting to order at 6:30 p.m.

Members Present: Trustees Michelle Arseneault, Emma Cunningham, Stephen Linton, Kelly Miller (virtual), Carolyn Morton, Deb Oldfield, Shailene Panylo, Linda Stone (arrived 6:33pm, left 6:55pm), Christine Thatcher (virtual), Jill Thompson (virtual), Student Trustee Ben Cameron

Regrets: Trustee Tracy Brown

Officials Present: Director of Education and Secretary to the Board Camille Williams-Taylor, Associate Directors Jim Markovski, David Wright (virtual), Executive Lead Robert Cerjanec, General Counsel Patrick Cotter

Recording Secretary: Dorothy Leaver

2. Declarations of Interest

There were no declarations of interest at this time.

3. Land Acknowledgement

Chair Donna Edwards gave the Land Acknowledgment: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island (North America). 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.

Special Meeting of the Board Minutes
July 10, 2023

4. Adoption of Agenda

The agenda was amended to move item 5.(c) COVID 19 Update forward in the agenda as item 5.(b).

2022:SB33

MOVED by Trustee Carolyn Morton

SECONDED by Trustee Emma Cunningham

THAT THE AMENDED AGENDA BE APPROVED.

CARRIED

5. Recommended Action

(a) Adoption of Any Resolutions from the July 10, 2023 Committee of the Whole, In-Camera

2022:SB34

MOVED by Trustee Emma Cunningham

SECONDED by Trustee Carolyn Morton

THAT THE BOARD NOW ADOPT THE RESOLUTIONS OF THE JULY 10, 2023 COMMITTEE OF THE WHOLE, IN-CAMERA, MEETING.

CARRIED

(b) COVID 19 Update

Associate Director Jim Markovski provided trustees with an update on the current COVID-19 situation and recommended the rescinding of a previous Board resolution in relation to current COVID-19 related communication practices in advance of the 2023-2024 school year.

Trustee questions were answered.

2022:SB35

MOVED by Trustee Carolyn Morton

SECONDED by Michelle Arseneault

THAT THE BOARD OF TRUSTEES RESCIND THE FOLLOWING RESOLUTION THAT WAS ADOPTED AT THE JANUARY 5, 2022, SPECIAL BOARD MEETING:

- a. THAT THE DIRECTOR OF EDUCATION, AND/OR HER DESIGNATES, TAKE ALL REASONABLE STEPS TO PUBLICLY REPORT DATA, TO THE EXTENT IT IS AVAILABLE, ON CONFIRMED AND PRESUMED CASES IN DDSB SCHOOLS;
- b. THAT THE DDSB ENSURE FAMILIES AND STAFF HAVE A MECHANISM FOR SELF-REPORTING FOR THOSE WHO HAVE ACCESS TO TESTS;

Special Meeting of the Board Minutes
July 10, 2023

- c. THAT THE BOARD PROVIDE INFORMATION ON SCHOOL AND CLASS CLOSURES AND UNUSUAL RATES OF ABSENTEEISM IN SCHOOL COMMUNITIES; AND
- d. SHOULD THE GOVERNMENT ALTER ITS DIRECTION ON THE COLLECTION OF THIS DATA, THE BOARD WILL REVISIT ITS POSITION.

2023:SB36

MOVED by Trustee Shailene Panylo

SECONDED by Trustee Emma Cunningham

THAT THE BOARD REFER THE RESCINDING OF THE RESOLUTION TO THE NEXT GOVERNANCE AND POLICY COMMITTEE MEETING.

CARRIED

(c) Consideration of Submissions re: Code of Conduct

Chair Edwards shared the following information with trustees:

On June 19, 2023, the Board found that Trustee Stone breached the Code of Conduct.

As required under the Education Act, the Board provided Trustee Stone with written notice of the findings of the breach and of the sanction of censure and provided Trustee Stone until July 5, 2023, to make written submissions to the Board.

Written submissions were received on June 28, 2023.

Chair Edwards shared that the Education Act requires that the Board consider the written submissions made on June 28, 2023, and either confirm or revoke the determinations as to the breach that was made on June 19, 2023.

At the Board meeting held on June 19, 2023, the Board considered the report of the Integrity Commissioner dated May 26, 2023, and the Board determined as follows:

That Trustee Stone breached sections 6.3, 6.4, 6.8, 6.11 and 6.44 of the Code of Conduct. In addition, the Board determined to impose the following sanctions:

1. That the Board of Trustees censure Trustee Stone;
2. That Trustee Stone be barred from all of the Board Meeting of September 18, 2023;
3. That the Board of Trustees bar Trustee Stone from sitting on all Committees of the Board, for the period of September 1, 2023 to March 31, 2024.

Special Meeting of the Board Minutes
July 10, 2023

2023:SB37
MOVED by Trustee Deb Oldfield
SECONDED by Trustee Emma Cunningham

THAT THE BOARD CONFIRM THE DETERMINATION OF BREACHES MADE ON
JUNE 19, 2023;

Trustee Deb Oldfield called for a recorded vote.

The above motion (2023:SB37) was carried on the following recorded vote.

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>
Emma Cunningham	Michelle Arseneault	Tracy Brown	Kelly Miller
Stephen Linton			
Carolyn Morton			
Deb Oldfield			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			
Donna Edwards			

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>
Ben Cameron			

MOVED by Trustee Deb Oldfield
SECONDED by Trustee Stephen Linton

THAT THE BOARD UPHOLD THE SANCTIONS IMPOSED ON TRUSTEE STONE
ON JUNE 19, 2023 WHICH INCLUDE:

1. That the Board of Trustees censure Trustee Stone;
2. That Trustee Stone be barred from all of the Board Meeting of September 18, 2023;
3. That the Board of Trustees bar Trustee Stone from sitting on all Committees of the Board, for the period of September 1, 2023 to March 31, 2024.

Student Trustee Ben Cameron called for a recorded vote.

The above motion (2023:SB38) was carried on the following recorded vote.

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>
Emma Cunningham	Michelle Arseneault	Tracy Brown	Kelly Miller
Stephen Linton			
Carolyn Morton			

Special Meeting of the Board Minutes
July 10, 2023

Deb Oldfield
Shailene Panylo
Christine Thatcher
Jill Thompson
Donna Edwards

Student Trustee Non-Binding Vote

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>
Ben Cameron			


6. Adjournment

2022:SB37
MOVED by Trustee Stephen Linton
Seconded by Trustee Emma Cunningham

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at 7:18 p.m.



Chair



Secretary

24 APPROVED

MINUTES

The Special Meeting of the Board Wednesday, August 2, 2023 3:00 p.m.

A Special Meeting of the Durham District School Board was held on this date.

1. Call to Order:

Roll Call: Chair Donna Edwards

The Chair called the meeting to order at 3:02 p.m.

Members Present: Trustees Michelle Arseneault (virtual), Tracy Brown (virtual), Emma Cunningham (virtual), Donna Edwards (in-person), Stephen Linton (virtual), Deb Oldfield (in-person), Shailene Panylo (virtual), Jill Thompson (virtual), Student Trustee Ben Cameron (virtual)

Regrets: Trustees Kelly Miller, Carolyn Morton, Linda Stone, Christine Thatcher

Officials Present: Camille Williams-Taylor Director of Education and Secretary to the Board (virtual), Associate Directors Jim Markovski (in-person) and David Wright (virtual), Executive Lead Robert Cerjanec (virtual), General Counsel Patrick Cotter (virtual)

Recording Secretary: Dorothy Leaver

2. Declarations of Interest

There were no declarations of interest at this time.

3. Land Acknowledgement

Chair Donna Edwards gave the Land Acknowledgment: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island (North America). 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.

Special Meeting of the Board Minutes
August 2, 2023

4. Adoption of Agenda

The agenda was approved as provided.

5. Recommended Action

(a) Consideration of Trustee Professional Development

Trustee Stephen Linton provided trustees with an overview of the Professional Development opportunity provided by the Canadian Congress of Black Parliamentarians taking place August 9 -11, 2023 in Ottawa. Trustees Tracy Brown, Stephen Linton and Shailene Panylo shared that they are interested in attending the conference and are seeking funding approval from trustees.

Trustee questions were answered.

2022:SB39

MOVED by Trustee Emma Cunningham

SECONDED by Trustee Jill Thompson

THAT TRUSTEES LINTON, BROWN, AND PANYLO BE FUNDED FOR THEIR TRIP TO OTTAWA FOR THE CONGRESS OF BLACK PARLIAMENTARIANS, SUBJECT TO THE BOARD'S TRUSTEE EXPENSE POLICY AND PROCEDURE.

CARRIED

6. Adjournment

2022:SB40

MOVED by Chair Donna Edwards

That the meeting is now adjourned.

The meeting adjourned at 3:12 p.m.



Chair



Secretary

DRAFT

MINUTES

The Regular Meeting of the Board Monday, September 18, 2023

A Regular Meeting of the Durham District School Board was held on this date.

1. Call to Order:

Chair Donna Edwards called the meeting to order at 7:00 p.m.

Members Present: Trustees Michelle Arseneault, Tracy Brown, Stephen Linton, Kelly Miller, Carolyn Morton, Deb Oldfield, Shailene Panylo, Christine Thatcher, Student Trustees Ben Cameron, Kayla Hoare

Regrets: Trustees Emma Cunningham, Jill Thompson, Student Trustee Neha Kasoju

Officials Present: Director of Education and Secretary to the Board Camille Williams-Taylor, Associate Director Jim Markovski, Associate Director David Wright, Superintendents Gary Crossdale, Georgette Davis, Erin Elmhurst, Mohamed Hamid, Margaret Lazarus, Andrea McAuley, Heather Mundy, Stephen Nevills, Martine Robinson, Kandis Thompson, Executive Lead Robert Cerjanec (virtual), General Counsel Patrick Cotter (virtual)

Recording Secretary: Kathy Fitzpatrick

2. Land Acknowledgement

Chair Donna Edwards gave the Land Acknowledgment: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with home to many Indigenous peoples from across Turtle Island (North America). 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.

3. O Canada

4. Declarations of Interest

There were no declarations of interest at this time.

5. Adoption of Agenda

2023:RB91

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Carolyn Morton

THAT THE AGENDA BE APPROVED.

CARRIED

6. Minutes

2023:RB92

MOVED by Trustee Carolyn Morton

SECONDED by Trustee Deb Oldfield

THAT THE FOLLOWING APPROVED MINUTES BE RECEIVED:

- (a) THE REGULAR BOARD MEETING MINUTES OF MAY 15, 2023.
- (b) THE REGULAR BOARD MEETING MINUTES OF MAY 15, 2023,
CONTINUED ON MAY 23, 2023.
- (c) THE SPECIAL BOARD MEETING MINUTES OF June 5, 2023.

CARRIED

2023:RB93

MOVED by Trustee Kelly Miller

SECONDED by Trustee Michelle Arseneault

THAT THE FOLLOWING DRAFT MINUTES BE APPROVED:

- (d) THE REGULAR BOARD MEETING MINUTES OF JUNE 19, 2023
- (e) THE SPECIAL BOARD MEETING MINUTES OF JULY 10, 2023.
- (f) THE SPECIAL BOARD MEETING MINUTES OF AUGUST 2, 2023.

CARRIED

7. Ministry Memorandums-Information Update

Director Camille Williams-Taylor provide the trustees with the following update:

When listening to the DDSB's land acknowledgement today, I am reminded of the historical and ongoing impact of colonization on Indigenous peoples and their territories. The DDSB Land Acknowledgement aims to:

- Bring Indigenous presence and voice to Canadian society and its institutions (e.g., schools);

- Create an opportunity for Indigenous students and staff to begin their day within their cultural context;
- Create an opportunity for all students and staff to acknowledge the land and waters they benefit from; and
- Foster mutual respect and reconciliation.

As captured in the DDSB Land Acknowledgment Procedure, we regularly make the Land Acknowledgement as a sign of respect, presence, assertion and recognition of Indigenous self-determination.

Further to the spirit of reconciliation, we will be recognizing Orange Shirt Day next Friday, September 29, 2023. Since 2013, Orange Shirt Day has been recognized as a day for schools and communities to commemorate survivors of Residential and Indian Day Schools.

As of June 2021, September 30 has also been recognized by the federal government as the annual National Day of Truth and Reconciliation. It is important to recognize and understand the lasting impacts and current realities that continue to impact Indigenous students and families.

While it is important that we acknowledge this day, the learning and actions to remove systemic barriers must be ongoing and consistent. It is a day to honour survivors, their families and communities.

This week and next, many of our schools are going to be building community spirit through participation in the annual Terry Fox Run. Terry Fox was a Canadian who wanted to make a difference in the world and did so through personal sacrifice and a commitment to raising funds for cancer research.

This past July 28, 2023 Terry Fox would have been 65 years old. It is profoundly impactful that the actions he took 40 years ago continue to resonate with Canadians today.

On another note, as we continue gathering feedback toward development of DDSB's new Multi-Year Strategic Plan (MYSP), all members of our community are encouraged to participate in the September 20, 2023 virtual public consultation evening. This phase of consultations has been ongoing since mid-May and we have gathered a significant amount of feedback from students, families, staff and community organizations and individuals to help inform our next steps. For more information about the strategic planning process and to register for the September 20, 2023 virtual public consultation please visit our website at [DDSB.ca](https://ddsb.ca) and click on the MYSP button.

Each spring DDSB staff work to carefully project school enrolment numbers by grade for the upcoming school year. Enrolments then fluctuate in August and early September as students enter and leave the District. In September, enrolment is confirmed through school attendance over the first 2-3 weeks of school with class reorganizations taking place in late-September. This can result in existing classes having a new teacher assigned, or classes being split up in order to accommodate students in order to meet Ministry of Education mandated class size requirements.

For the 2023-2024 school year, the reorganization date is Monday, September 25, 2023. Families whose child(ren) are impacted by any reorganizations will be informed of class placement or educator changes in advance of September 25, 2023. Tonight's report being presented by Associate Director Wright will touch more on the enrollment pressures the DDSB is facing and what we are doing to address it.

A new school year brings a call for new parent, family and guardian volunteers in our school communities. The DDSB Parent Involvement Committee is seeking applications for two parent/guardian representatives from Ajax, Whitby, Pickering, and the North schools, (Brock, Uxbridge, Scugog) as well as one volunteer from Oshawa. Those interested are encouraged to visit DDSB.ca for more information and apply by September 22, 2023.

While the Parent Involvement Committee is a great way to get involved at the District level, families are welcome to get involved in their local school communities by joining their School Community Council.

As September 25, 2023 approaches, I wish Shana Tova to the Jewish community who will be recognizing the High Holiday of Yom Kippur.

DDSB's calendar includes a detailed list of recognized days of celebration and significance and is included in each of our Board meeting agenda packages.

8. Public Question Period

Dylan Reynolds joined the meeting virtually and asked a question regarding the Bell Time Review. Staff responded to the question.

Igor Kras joined the meeting in person and asked a question regarding the accommodation pressures at E. B. Phin Elementary School. Staff responded to the question.

Olga Livshin submitted a question regarding school boundaries and DDSB Policy, that was read into the record by staff. Staff responded to the question.

Tim Morgan submitted a question regarding human rights education for Grades K-12 that was read into the record by staff. Staff responded to the question.

9. Report from the Committee of the Whole In Camera

- (a) Trustee Christine Thatcher reported that the Committee of the Whole met in closed session on September 18, 2023 and discussed matters involving;

The disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian.

2023:RB94

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Carolyn Morton

THAT THE BOARD APPROVE THE ACTIONS AND ADOPT ANY RESOLUTIONS OF THE SEPTEMBER 18, 2023, COMMITTEE OF THE WHOLE, CLOSED SESSION MEETING.

CARRIED

10. Good News from the System

Haniya and Daniel from R.S. McLaughlin CVI share good news from across the system on behalf of DDSB students.

Students from across the District were excited to get back to school for the first day of the new school year. Students met their new teachers, reconnected with old friends, and were introduced to new friends.

Elementary and secondary schools on a modified calendar started school in August while regular calendar students started their school year earlier in September. The Great Beginnings School Success Program supported the learning and development of more than 515 incoming and current Kindergarten students. With the support from Early Childhood Educators, Educational Assistants, Teachers, and childcare partners, Great Beginnings implemented a play-based, developmentally appropriate program to enhance children's skillset, with a strong emphasis on well-being.

50 years ago, Mike Pantelleresco attended G.L. Roberts CVI. When Mike attended G.L. Roberts CVI, he took a path that was more common then and left school for the world of work and did not graduate. After meeting Mike and hearing his story, staff set him up at Durham Continuing Education to finish his studies to receive his diploma. He graduated this June.

The DDSB congratulates Charlie and Nikki, from Captain Michael Vandenbos Public School, on their triumphant success in the Canadian National Bike Race. Charlie and Nikki represented the Durham Region with their talent, speed, and competitive force. Nikki placed first and will move on to represent Canada at the world championships next year.

This year, the DDSB will proudly cheer on former student Emma Sharpless, a member of the Canadian Motorcycle Association, at the 2023 International Six Days of Enduro competition. There is a GoFundMe page set up for Emma, where she will cycle 1km for every \$5 raised.

For the culmination of the Ignite Durham Learning Foundation's (IDLF) Ready to Learn School Supply Drive, IDLF hosted their inaugural Backpack Stuffing event. Staff, community members and trustees came together to stuff more than 700 brand new backpacks filled with school supplies for DDSB students. With these supplies our

students will be able to start the new school year motivated, excited and ready to succeed.

In a heartwarming display of camaraderie and compassion, a group of students led by Eliana A. and her friends Rishayna S., Madeline S., Aiman S., Ambika J. and Ava D. set up a lemonade stand over the summer to raise funds for fellow students in the DDSB. They not only raised more than \$700 for students in support of the IDLF's 'School Supply Drive' initiative but are also inspiring others to lend a helping hand to their peers.

For eight weeks this summer, students experienced fun, learning, and adventure at Durham Forest Summer Day Camp.

The camp featured outdoor and experiential learning activities designed to inspire, educate, and reconnect children to the world around them. Daily programs included orienteering, art, outdoor games, learning about local wildlife, as well as free time to discover the nature around them, read a book, or build a shelter.

Families in Ajax, Whitby, and Pickering attended the second annual Back to School Family Fun and Movie event. It was sponsored by the DDSB Parent Engagement department and coordinated by community partner Durham Family and Cultural Centre. Parents, guardians, and students attended the event held at Pickering High School, that also provided back-to-school supplies as well as connections with community resources.

More than 50 facilities projects were carried out in schools this summer including:

- Classroom and washroom refresh and renovations;
- Mechanical upgrades for ventilation and boilers;
- Asphalt and window replacements;
- Roof replacement and rehabilitation projects;
- Incoming hydro and watermain replacements;
- And lighting upgrades.

Thank you to our amazing Facilities Services team for your hard work and dedication to keeping our schools safe and up to date.

G.L. Roberts CVI recently hosted its 2nd annual Taste of the Trades program. 24 students in Grades 7 and 8 spent three days gaining hands-on experience in the school's shops and culinary labs.

Students were introduced to the many pathways they could take to work in trades. Before heading home on the final day, each student received a T-shirt, apron, and a bag with tools.

Special thanks to the Ontario Youth Apprenticeship Program and to DDSB educators Mike Melnichuk, Jillian Broadley, and Mark Patterson who planned and executed a safe and successful program and gave the students a taste of the trades.

The outdoor education team celebrated the beginning of summer with the start of the DDSB Wilderness Advanced First Aid program at Nonquon Environmental Education

Centre. Attendees spent four days learning from the Compressions 4 You team on advanced first aid tactics and improving on their outdoor risk management practices. Eastdale CVI in partnership with Ignite Durham Learning Foundation provided free breakfast for students on June 21st. Students were able to start their exam day with a delicious and nutritious breakfast served by our Eastdale and IDLF staff, in order to help Eastdale students get ready for their final exams.

A student at Northern Dancer Public School put a lot of thought into how she could make a difference, and learned how she could get freezies donated and sell them for \$1. The result was an outstanding total of \$627, that was generously donated to The Denise House.

Staff and students at Woodcrest Public School won a \$5,000 grant from TreStelle Cheese. Thank you to TreStelle Cheese for making it possible for the school community to purchase their first 3D printers.

Congratulations to students on their academic success during the 2022-2023 school year. Dunbarton High School's graduate Serewaya Latif, recipient of a Schulich Leader Scholarship in Engineering, and Anderson CVI graduate Danielle Burnett, recipient of the DDSB Chairperson's Scholarship.

Dates of Significance:

Sept. 17	Terry Fox National Run Day
Sept. 21	International Day of Peace
Sept. 21	SEAC Meeting
Sept. 23	Autumn Equinox
Sept. 25	Yom Kippur
Sept. 25	Franco-Ontarian Day
Sept. 27	Governance and Policy Committee Mtg
Sept. 27	Rowan's Law Day
Sept. 27	Eid-Maulad-un-Nabi
Sept 29-Oct 6	Sukkot
Sept. 30	Orange Shirt Day
Sept. 30	National Day for Truth and Reconciliation

October	Islamic Heritage Month
	Latin American Heritage Month
	Women's History Month
	Dyslexia Awareness Month
	2SLGBTQI+ History Month
	Autism Awareness Month
	Learning Disabilities Awareness Month
	National Principal's Month
	Neurodivergent Acceptance Month
	Disabilities Awareness Month
	Cyber Security Awareness Month

Oct. 2	National Custodial Workers' Day
Oct. 2	Standing Committee Meeting
Oct. 2	International Day of Non-Violence

Regular Meeting of the Board Minutes

September 18, 2023

Oct. 4	International Walk to School Day
Oct. 5	World Teachers' Day
Oct. 6	P.A. Day - all schools
Oct. 6	Shemini Atzeret begins
Oct. 7	Simchat Torah begins
Oct. 9	Thanksgiving
Oct. 10	World Mental Health Day
Oct. 11	National Coming Out Day
Oct. 11	International Day of the Girl
Oct. 12	Bandi Chor Divas
Oct. 15	Navratri
Oct. 15-21	National Teen Driver Safety Week

11. DDSB Presentations(a) DDSB Summer Learning Program Report

Senior Team shared a video and provided an overview of the report that was a follow up from the June 19, 2023 Board report. The report provided trustees with information on the impact of the Summer Learning Programs 2023.

The programs were offered during the summer month and supported student well-being, engagement, mental health, and achievement with a focus on the removal of systemic barriers.

Trustee questions were answered.

12. Recommended Actions(a) Report and Adoption of Any Resolutions: Standing Committee Meeting Minutes of September 5, 2023

Trustee Christine Thatcher shared with trustees the minutes of the Standing Committee meeting on September, 5 2023.

2023:RB95

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Carolyn Morton

THAT THE BOARD NOW RECEIVE THE MINUTES OF THE SEPTEMBER 5, 2023 STANDING COMMITTEE MEETING AND ADOPT ANY RESOLUTIONS FROM SEPTEMBER 5, 2023 COMMITTEE OF THE WHOLE CLOSED SESSION MEETING.

CARRIED

(b) Short-Term Borrowing Resolution

Associate Director David Wright provided trustees with information on the resolution for short-term borrowing for the 2023-2024 school year, for the Board of Trustees' consideration.

Trustee questions were answered.

2023:RB96

MOVED by Trustee Carolyn Morton

SECONDED by Trustee Michelle Arseneault

IT IS RECOMMENDED THAT THE BOARD OF TRUSTEES APPROVE THE BORROWING RESOLUTION FOR THE 2023-2024 SCHOOL YEAR.

CARRIED

(c) Violence in Schools Ad Hoc Committee Terms of Reference

Trustee Deb Oldfield provided trustees with a review of the proposed Terms of Reference for the Ad Hoc Committee for their consideration.

2023:RB97

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Shailene Panylo

I MOVE THAT THE TERMS OF REFERENCE FOR THE VIOLENCE IN SCHOOLS AD HOC COMMITTEE ESTABLISHED BY RESOLUTION OF THE BOARD DATED MAY 15, 2023, BE AMENDED BY REPLACING THE EXISTING TERMS OF REFERENCE IN THEIR ENTIRETY WITH THE TERMS OF REFERENCE FOUND AT PAGE 167 OF THE AGENDA PACKAGE.

CARRIED

(d) Appointment of Voting Delegate for the OPSBA Board of Directors/ Labour Council

2023:RB98

MOVED by Trustee Deb Oldfield

SECONDED by Trustee Kelly Miller

THAT THE BOARD APPOINT CHAIR DONNA EDWARDS AS THE VOTING MEMBER FOR THE OPSBA BOARD OF DIRECTORS/LABOUR COUNCIL.

CARRIED

13. Information Items

(a) Quarterly Construction and Major Projects Report

Associate Director David Wright introduced Head of Facilities Services Lisa Bianca who provided trustees with an update on the status of construction and major projects as of August 31, 2023. Updates to this report will be provided to trustees on a quarterly basis (January, March, June and September), and will be posted on the Board's website.

Trustee questions were answered.

(b) Pupil Accommodation Plan: Trends, Issues and Future Opportunities
2023-2027

Associate Director David Wright introduced Head of Facilities Services Lisa Bianca who provided information to the trustees on the annual Pupil Accommodation Plan: Trends, Issues and Future Opportunities for 2023-2027.

Trustee questions were answered.

2023:RB99

MOVED by Trustee Christine Thatcher

SECONDED by Trustee Tracy Brown

THAT THE CHAIR AND THE DIRECTOR COMPOSE A LETTER TO BE SENT TO THE MINISTRY OF EDUCATION TO ALLEVIATE THE ACCOMMODATION PRESSURES IN WEST WHITBY.

CARRIED

(c) Special Education Advisory Committee (SEAC) Report, May 25, 2023

Trustees Kelly Miller presented the SEAC meeting minutes to trustees for information.

(d) OPSBA Report

There was nothing to report at this time.

14. Days of Significance

The dates of significance were shared with trustees for information.

15. Adjournment

2023:RB99

MOVED by Trustee Donna Edwards

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at approximately 9:40 p.m.

Chair

Secretary

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board **DATE:** October 16, 2023

SUBJECT: Educational Services Staff Award 2022-2023 **PAGE:** 1 of 2

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

1.0 Purpose

The purpose of this report is to inform the Board of Trustees of the 2022-2023 Educational Services Staff Award winner.

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

3.1 Educational Services Staff Award

At the June 2013 Board meeting, the Board approved the establishment of an annual Educational Services Staff Award. The award is to recognize a staff member/team affiliated with CUPE, consisting of office-clerical-technical staff, custodial and maintenance staff, and Educational Assistants. These staff support the safe operation of schools, keep schools clean and systems operating, and provide program support to teachers and students. The award provides the Board with the opportunity to recognize an educational services staff member who has made an exceptional contribution to the support of students, schools or the growth of others in the Board.

The winner receives an award and \$500 to be allocated by the winner in a manner related to a project/program or initiative of their choice.

4.0 **Analysis**

A Committee consisting of the Chair of the Board, Donna Edwards, Vice Chair of the Board, Christine Thatcher, Dennis Gibbs, President of CUPE Local 218, and Heather Mundy, Superintendent of People and Culture, reviewed nominations and have selected Karen Pender, Educational Assistant at Lakewoods PS as the award recipient for the 2022-2023 school year. Karen Pender was nominated by numerous educators, the administrator and office staff at Lakewoods PS.

Karen Pender has been a part of the Lakewoods PS community for the past 7 years. As an Educational Assistant, Karen's dedication to students is evident. Karen, provides support in the classroom, helps to organize and manage the school Breakfast and Snack Program and volunteers her time to support school fundraising activities. Karen goes above and beyond expectations and is an integral part of the school community. Her cheerful demeanor makes everyone around her feel welcome. Karen connects in a positive way with students and her colleagues. She is sensitive to all student individual learning styles and provides accommodation to ensure student success.

In her spare time, she volunteers as a Sunday school teacher and this year, she has taken on the task of coordinating a weeklong/7-day program for kids. Karen also help to prepare and provide meals to families and community members in need.

Karen is a member of Durham Black Educators Network (DBEN), where she helps Black families navigate the school system. She guides families to find resources and brings awareness to workshops that are relevant to the Black community.

As someone who plays a integral part within the community, Karen Pender is a worthy recipient of the Educational Services Staff Award.

5.0 **Financial Implications**

A \$500 cash award is presented to the recipient of the award to help support the project or initiative of their choice.

6.0 **Communication Plan**

The award recipient is presented with an award at the October Board meeting. Nominees receive a certificate.

7.0 **Conclusion and/or Recommendations**

This report is provided to the Board of Trustees for information.

Report reviewed and submitted by:



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

**Report of the Durham District School Board
Standing Committee Public Session
October 2, 2023**

A meeting of the Standing Committee of the Durham District School Board was held on this date.

1. Call to Order:

The Chair, Christine Thatcher called the meeting to order at 7:08 p.m.

Roll Call: Chair Christine Thatcher

Members Present: Trustees Michelle Arseneault, Tracy Brown, Emma Cunningham (virtual), Donna Edwards, Stephen Linton, Kelly Miller, Carolyn Morton, Deb Oldfield, Shailene Panylo (virtual), Student Trustees Ben Cameron, Kayla Hoare, Neha Kasoju

Regrets: Trustee Jill Thompson

Not In Attendance: Trustee Linda Stone

Officials Present: Director of Education and Secretary to the Board Camille Williams-Taylor, Associate Directors Jim Markovski, David Wright, Superintendents Gary Crossdale, Georgette Davis, Erin Elmhurst, Mohamed Hamid, Margaret Lazarus, Andrea McAuley, Heather Mundy, Stephen Nevills, Kandis Thompson, Martine Robinson, Executive Lead Robert Cerjanec, General Counsel Patrick Cotter

Recording Secretary: Kathy Fitzpatrick

2. Land Acknowledgement

Chair Christine Thatcher gave the Land Acknowledgment: 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.

Trustee Christine Thatcher shared that today's Land Acknowledgement reminds us that this past Saturday, September 30 was recognized by the federal government as the annual National Day for Truth and Reconciliation. It is important to recognize and understand the lasting impacts and current realities

Standing Committee Meeting Minutes

October 2, 2023

that continue to impact Indigenous students and families. In addition, DDSB schools marked Orange Shirt Day on Friday as a day for schools and communities to commemorate Residential School and Indian Day School survivors and engage in age-appropriate learning about the legacies of the residential school system.

3. Declarations of Interest

There were no declarations of interest at this time.

4. Motion to Approve the Agenda

2023:SC29

MOVED by Trustee Donna Edwards

SECONDED by Trustee Stephen Linton

THAT THE AGENDA BE APPROVED.

CARRIED

5. DDSB Presentations(a) Ignite Durham Learning Foundation Update

Executive Director Stacey Lepine-Fisher introduced Chair Neil Joshi, Vice-Chair Mohamed Karatella and Fundraising Development Coordinator Emily Collins who provided information on the foundation's work and shared a video presentation with trustees.

Trustee questions were answered.

(b) Diplôme d'Études en Langue Française (DELF)

Superintendent Margaret Lazarus introduced Program Facilitators Lynda Dortelus and Christina Demaray who provided trustees with an overview of the *Diplôme d'Études en Langue Française (DELF)*, Fall and Spring 2022-2023. A video presentation was shared with trustees.

Trustee questions were answered.

6. Director's Update

Director Camille Williams-Taylor provided trustees with the following update:

October is a month in which we recognize, honour and celebrate the histories, heritages, uniqueness, milestones, bravery and expression of an incredible cross-section of individuals and groups who call Canada, the Durham Region and the DDSB home. Across our schools and communities, students will have opportunities to learn about Islamic History Month, Women's History Month, Dyslexia Awareness Month, Autism Awareness Month, 2SLGBTQI History Month,

Standing Committee Meeting Minutes

October 2, 2023

Learning Disabilities Awareness Month, Latin American Heritage Month, Neurodivergent Acceptance Month and Disabilities Awareness Month.

Beginning last week, the Jewish community continues to celebrate the 7th day festival of Sukkot followed by Simchat Atzeret on the 7th and Simchat Torah on October 8th. Happy holiday to all who celebrate.

Today is National Custodial Workers Day. On behalf of all students, staff and families I extend sincere gratitude to all of our custodial staff. Without you, our learning and working environments would not be operational each day. On Thursday we celebrate World Teachers Day. Teachers in DDSB schools and around the world do so much more than teach – they listen, learn alongside students, comfort, build confidence, innovate, differentiate, support and encourage growth. Thank you for all that you do in classrooms and schools across our District.

As always, a detailed listing of recognized days and months of significance is included in the monthly Board meeting agenda, on the DDSB's website and with posts on social media.

Last Thursday the Not in My Name Holocaust Exhibit opened here at the Education Centre. Professional learning opportunities and resources related to the exhibit and Holocaust education are available for staff and students. Dr. Neil Orlowsky, Chair and Avi Benlolo, Founder of the Abraham Global Peace Initiative opened the exhibit with a presentation to staff. The exhibit tells the important story of the MS St. Louis where a group of Jewish refugees were denied entry into Canada, the United States and Cuba prior to the start of the second world war and explores the intersections of the Holocaust, Antisemitism and Canada's discriminatory immigration policies at that time in history.

On September 23, 2023, 400 DDSB students in Grades 7 to 12 with a passion for music, visual art, musical theatre and dance arrived at the Durham Integrated Arts Camp in Haliburton. Throughout their week-long stay, students were immersed in a creative outdoor culture and learning environment that provided opportunities for development of deeper understandings of their art and their unique abilities. The camp also focused on leadership development for all students, encouraging them to return to their schools and find ways to have a positive, community-based impact. Information about DIAC is always available on our website and the annual planning and registration process takes place each spring.

Earlier this evening we heard from Superintendent Margaret Lazarus and team about the DELF. Students enrolled in DDSB Grade 12 Core and Immersion French courses are eligible to write the Diplôme d'Études en Langue Française (DELF) exam taking place November 14th to 25th. Registration closes Thursday, October 5th. This exam tests students' ability to use French language verbally and in writing in real-life situations. Successful candidates will receive a DELF diploma from France's Ministry of National Education. .

Standing Committee Meeting Minutes

October 2, 2023

Thanksgiving is coming up this weekend and all schools will be closed on Monday. It is my hope that you have an opportunity to gather with your friends and loved ones.

7. Recommended Actions

There were no recommended actions at this time.

8. Information Items(a) Student Trustee Report

Student Trustees provided the following update:

The inaugural Student Senate meeting is taking place on Thursday, October 5 from 8:30 - 11:30 a.m. The student trustees are looking forward to getting to know this year's Senators and electing the Executive Council. Senators will have the opportunity to network, learn about their new leadership role, and what the Student Senate is all about! It is crucial for senators to thoroughly understand and embrace the Senate's values and responsibilities, to allow them to be successful leaders, both at school and beyond. The Student Senate will continue meeting on the first Thursday of each month.

Student trustees met with Director Williams-Taylor to discuss several initiatives that they would like to accomplish during their term. For example, an easy-to-access opportunities database for secondary school students.

Student trustee Ben Cameron attended the OSTA Leadership Team meeting on September 23, 2023. Much time was spent organizing the FGM, which is taking place in October. As well, OSTA put out a statement reaffirming their commitment to students' rights, including trans and queer students, in the education system.

(b) Elementary and Secondary Student Enrolment and Teacher Staffing Update 2023-2024

Superintendent Heather Mundy provided the trustees with an overview of elementary and secondary student enrolment and teacher staffing for the 2023-2024 school year. The Ministry of Education requires school boards to meet specific class size requirements for elementary and secondary as outlined in this report.

Trustee questions were answered.

(c) OPSBA Report

Trustee Donna Edwards provided trustees with an update on the OPBSA Board of Directors meeting that took place on September 23 and 24, 2023.

Standing Committee Meeting Minutes
October 2, 2023

9. Adjournment

2023:SC30

MOVED by Trustee Christine Thatcher

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at approximately 8:02 p.m.

Chair

Secretary

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board **DATE:** October 16, 2023

SUBJECT: Timing of Organizational Meeting and Clarification of Other Meeting Dates **PAGE:** 1 of 4

ORIGIN: Camille Williams-Taylor, Director of Education and Secretary to the Board
 Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations
 Patrick Cotter, General Counsel

1.0 Purpose

The purpose of this report is to bring forward the Governance and Policy Committee's recommendation to amend the terms of the Board's Consolidated Bylaws pertaining to the Board Meeting Schedule and the timing of the annual Organizational Meeting.

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

It is important to accurately maintain current policies and by-laws to support Board governance and system operations.

At the September 27, 2023 meeting of the Governance and Policy Committee meeting, changes to the Consolidated Bylaws were proposed in response to recent amendments to the *Municipal Elections Act, 2006* which impacts the date by which Board's must hold the annual Organizational Meeting. Additional amendments were considered to clarify the scheduling of meetings to more closely align with past and current practice.

4.0 Analysis

Recent amendments to the *Municipal Elections Act, 2006*, backed-up the start of the term of office for Trustees and municipal council members from December 1 (previous) to November 15 (new). This new date needs to be considered when considering the provisions of the Education Act that are tied to the commencement of the term. In this regard, Section 208(4) was also recently amended and now provides, in part, as follows:

- (4) The members shall elect one of themselves to be chair,
- (a) at the first meeting referred to in subsection (2) or (3);

- (b) in each following year, **at the first meeting on or after the anniversary of the date the term of office of the board began**; and
- (c) at the first meeting after a vacancy occurs in the office of chair.

For the DDSB, the first meeting “on or after the anniversary date the term of office of the board began” will be the regular Board meeting scheduled for November 20 (rather than as currently scheduled for December 4). Our Bylaws call for the election of the Chair to be done annually at the Organizational meeting. Therefore, the date of the Organizational Meeting needs to be adjusted.

The committee therefore brings forward the following recommendations:

- (i) An amendment to the terms of the Consolidated Bylaws as follows:

3.2.1 ~~In an election year, t~~The Board will hold the Organizational Meeting within seven days after the day on which the term of office of the board commences and then, in each subsequent year, at the first meeting on or after the anniversary date the term of office of the board began 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. and~~

- (ii) A revision to the current meeting schedule, such that the meetings of November 20 and December 4 be flipped such that November 20 becomes the Organizational Meeting and December 4 becomes the regular board meeting).

In addition, the committee recommends the following revisions to the Consolidated Bylaws so they more closely match the standard meeting schedule and practices of the Board and to align with the required changes to the meeting schedule and by-laws as mentioned above:

3.1.1 An inaugural meeting of the Board shall take place at the first meeting of the Board in November ~~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 Vice-Chair of the Committee of Whole – Standing and appoint the Vice Chair of the Board as the Chair of the Committee of the 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.

.....

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”) except in the summer months of July and August, and in December when a Regular Meeting of the Board will take place. 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.

.....

5.5.1 Regular Meetings of the Board will be held on the third (3rd) Monday of each month, except in the summer months of July and August, and in November and December where the meeting will take place on the first Monday in December, 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.

5.0 Recommendations

That the Board of Trustees consider and adopt:

1. Amendments to Sections 3.1.1, 3.2.1, 4.2.4, 5.5.1 of the Consolidated Bylaws as set out in this report.
2. A revised meeting schedule, such that the meetings of November 20, 2023 and December 4, 2023 be flipped such that November 20 becomes the Organizational Meeting and December 4 becomes the regular board meeting.

Report reviewed and submitted by:



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



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations



Patrick Cotter, General Counsel

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board **DATE:** October 16, 2023

SUBJECT: July 10, 2023 Board Resolution: COVID-19 Update **PAGE:** 1 of 3

ORIGIN: Camille Williams-Taylor, Director of Education and Secretary to the Board
 Jim Markovski, Associate Director, 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 bring forward a matter that was initially referred to the Governance and Policy Committee by the Board of Trustees pursuant to a resolution dated July 10, 2023. At its meeting on September 27, 2023, the Governance and Policy Committee recommended to the Board of Trustees that it rescind the previous Board Resolution in relation to COVID-19 communication practices.

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

At the July 10, 2023 Special Board meeting, staff delivered a report on COVID-19 reporting and recommended the rescission of a Resolution adopted by the Board on January 5, 2022, regarding COVID-19 case reporting and communication. The July 10 report from staff is attached as Appendix A.

Following presentation of the report on July 10, 2023, the Board referred the matter to the Governance and Policy Committee in the following terms:

THAT THE BOARD REFER THE RESCINDING OF THE FOLLOWING RESOLUTION TO THE NEXT GOVERNANCE AND POLICY COMMITTEE MEETING:

THAT THE BOARD OF TRUSTEES RESCIND THE FOLLOWING RESOLUTION THAT WAS ADOPTED AT THE JANUARY 5, 2022, SPECIAL BOARD MEETING:

- a) THAT THE DIRECTOR OF EDUCATION, AND/OR HER DESIGNATES, TAKE ALL REASONABLE STEPS TO PUBLICLY REPORT DATA, TO THE EXTENT IT IS AVAILABLE, ON CONFIRMED AND PRESUMED CASES IN DDSB SCHOOLS;
- b) THAT THE DDSB ENSURE FAMILIES AND STAFF HAVE A MECHANISM FOR SELF-REPORTING FOR THOSE WHO HAVE ACCESS TO TESTS;
- c) THAT THE BOARD PROVIDE INFORMATION ON SCHOOL AND CLASS CLOSURES AND UNUSUAL RATES OF ABSENTEEISM IN SCHOOL COMMUNITIES;
- d) AND SHOULD THE GOVERNMENT ALTER ITS DIRECTION ON THE COLLECTION OF THIS DATA, THE BOARD WILL REVISIT ITS POSITION.

The Governance and Policy Committee considered the matter at its September 27, 2023 meeting and has recommended that the Board of Trustees rescind the Resolution initially passed on January 5, 2022.

4.0 Recommendation

That the Board of Trustees rescind the January 5, 2022 Resolution of the Board which provided as follows:

- a) That the Director of Education, and/or her designates, take all reasonable steps to publicly report data, to the extent it is available, on confirmed and presumed cases in DDSB schools;
- b) That the DDSB ensure families and staff have a mechanism for self-reporting for those who have access to tests;
- c) That the Board provide information on school and class closures and unusual rates of absenteeism in school communities;
- d) And should the government alter its direction on the collection of this data, the Board will revisit its position.

5.0 Appendices

Appendix A: July 10, 2023 COVID-19 Update report to Special Board meeting

Report reviewed and submitted by:



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



Jim Markovski, Associate Director, Equitable Education



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board	DATE: October 16, 2023
SUBJECT: New Privacy Policy and Rescission of Privacy Regulation	PAGE: 1 of 4
ORIGIN: Camille Williams-Taylor, Director of Education and Secretary to the Board Patrick Cotter, General Counsel Phanny Im, Legal Counsel	

1.0 Purpose

- 1.1 The purpose of this report is to bring forward the Governance and Policy Committee's recommendation to replace the *Privacy Policy with a new policy* and rescind the *Privacy Regulation*.

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

- 3.1 The amendments reflect changes to applicable legislation and best practices. The *Privacy Procedure* and *Privacy Breach Protocol (Procedure)* (the "Privacy Procedures") have also been revised for the same purposes and were approved by Administrative Council on September 19, 2023. The revised Privacy Procedures are provided for information.
- 3.2 Staff undertook a review of the *Privacy Policy*, *Privacy Regulation* and *Privacy Procedures* and recommended to the Governance and Policy Committee at the September 27, 2023 meeting that the policy be revised and the regulation rescinded.
- 3.3 The *Privacy Policy*, *Privacy Regulation* and *Privacy Procedures* came into effect in 2012. These proposed amendments are the first amendments proposed to these documents since they came into effect.

4.0 **Analysis**

4.1 ***Privacy Policy***

A summary of the proposed amendments to the Privacy Policy is set out below. Given the extent of the proposed changes, the Committee has recommended that the existing policy be replaced by a new policy.

- a. Addition of 3-pronged commitment: protection of privacy, public right to access, and legal compliance (ss. 1.2).
- b. Addition of scope: applies to DDSB employees, service providers, volunteers, trustees, and other individuals acting on behalf of the DDSB, and applies to all information in the custody or under the control of DDSB (s. 3).
- c. Addition of applicable definitions (s. 4).
- d. Incorporation of the 10 guiding privacy principles outlined in the Privacy Regulation (s. 5).
- e. Addition of a more express delegation of authority from the Board of Trustees, acting in its role as head under MFIPPA, to the Director of Education (ss. 5.1.1).
- f. Deletion of references to personal health information throughout, which is already included within the definition of personal information.
- g. Addition of consequences for non-compliance, and process for exemptions to the policy (s. 6).
- h. Updates to the reference documents, including the addition of the DDSB Human Rights and Indigenous Education policies (s. 8).

4.2 ***Privacy Procedure***

A summary of the amendments made to the Privacy Procedure by Administrative Council is as follows:

- a. Addition of public right to access to objectives (ss. 1.1.2).
- b. Addition of scope to reflect proposed policy amendment (s. 2).
- c. Expansion of definitions section (s. 3).
- d. Reiteration of the procedure objective that privacy legislation may be subject to modification in certain cases by prevailing laws, such as the Ontario Human Rights Code and Charter of Rights and Freedoms (s. 4).
- e. Reference to the DDSB Human Rights Inclusive Design and Accommodation Procedure regarding requests for accommodation with respect to the OSR process and parental consent, such as accommodations for gender identity confidentiality (ss. 4.2, ss. 7.3.7 and ss. 10.4).

- f. Revisions to descriptions of the roles to reflect current practice (s. 5 and throughout procedure).
- g. Addition of other disclosure circumstances, including compassionate circumstances (ss. 8.2).
- h. Clarification/elaboration of certain disclosure circumstances, including Children's Aid Society, Ministry of Education, and Government Eligibility Review Officers (ss. 11.4).
- i. Addition of authority to impose conditions on media on school property (ss. 11.5.5).
- j. Addition of section on privacy in the networked classroom and the use of online educational services, with reference to the Technology Approval Process (s. 12).
- k. Revision to the security and handling section to reflect the proposed information and classification handling procedure and best practices (s. 15).
- l. Deletion of provision allowing destruction of personal information before 1 year upon agreement of both parties (s. 16).
- m. Revisions for clarity throughout.
- n. Amendments to the appendices to ensure legislative compliance, including the addition of contact information.

4.3 Privacy Breach Protocol

A summary of the amendments made to the Privacy Breach Protocol by Administrative Council is as follows:

- a. Revision to the definitions of PI and PHI to provide more detail.
- b. Revisions to 5-step protocol to limit the assumption of a privacy breach at the initiation of the response process (s. 3).
- c. Amendments to the timing of the Privacy Breach report to the last step in the protocol, and to simplify the Privacy Breach Report (ss. 3.5.2).
- d. Deletion of the vendor duty section, as the Board cannot govern a vendor under this procedure (s. 4.5).
- e. Confirmation of the Privacy Officer role, inclusion of the Associate Director of Corporate Services role (e.g., for cybersecurity breaches and insurance reporting), and removal of the role of Superintendent of Education / Employee relations to reflect current practice (s. 5).
- f. Inclusion of coordination with applicable staff when reporting breaches to the IPC (such as breaches by regulated health professionals).
- g. Revisions for clarity throughout.

- h. Enclosure of a simplified Privacy Breach Report form.

5.0 Communication Plan

- 5.1 The revised policy and procedures will be shared with all DDSB staff and posted on the Board's website once the Board of Trustees has had the opportunity to consider the proposed changes to the policy and to rescind the regulation.

6.0 Conclusion and/or Recommendations

That the Board of Trustees rescind the Privacy Regulation and Privacy Policy and adopt the new Privacy Policy attached as Appendix B.

7.0 Appendices

- Appendix A – Privacy Policy
- Appendix B – Draft New Privacy Policy (tracked changes)
- Appendix C – Revised Privacy Procedure (for information only)
- Appendix D – Revised Privacy Breach Protocol (for information only)
- Appendix E – Privacy Regulation

Report reviewed and submitted by:



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



Patrick Cotter, General Counsel



Phanny Im, Legal Counsel

PERSONNEL

Privacy

In the course of meeting its statutory duties and responsibilities, the Durham District School Board collects, uses, retains and discloses personal information as it pertains to student education and personnel employment.

The Board will comply with all applicable provisions in the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act* and any other applicable guidelines in ensuring the protection of an individual's privacy.

The Director of Education or designate is authorized to provide the administrative procedures necessary to implement this policy.

Appendix:

None

Effective Date

2012-02-21

Amended/Reviewed



POLICY

PERSONNEL



POLIC

PERSONNEL

Privacy

1.0 Rationale

- 1.1 In the course of meeting its statutory duties and responsibilities, the Durham District School Board (the “DDSB”) collects, uses, retains and discloses personal information as it pertains to student education, employees, and personnel employment. other individuals acting on behalf of the DDSB.
- 1.2 ~~The Board will comply~~ In respect of this personal information, the DDSB is committed to:
- 1.2.1 Protecting the privacy of individuals and the confidentiality of their personal information;
 - 1.2.2 Recognizing and supporting the public’s right to access to information in the custody and control of the DDSB; and,
 - 1.2.3 Complying with all its obligations under applicable privacy law and other statutes with privacy provisions in, including but not limited to the Education Act, R.S.O. 1990, c. E.2 and its regulations, as amended (the “Education Act”), the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 and its regulations, as amended (“MFIPPA”), the Personal Health Information Protection Act and any other applicable guidelines in ensuring the, 2004, S.O. 2004, c. 3 and its regulations, as amended (“PHIPA”), and the Anti-Racism Act, 2017, S.O. 2017, c. 15 and its regulations, as amended (the “Anti-Racism Act”).
- 1.3 The DDSB meets this commitment through this Policy and supporting procedures and practices.

2.0 Policy Objective

- 2.1 To establish the framework for the DDSB’s compliance with all applicable provisions in the Education Act, MFIPPA, PHIPA, the Anti-Racism Act, and other application legislation.
- 2.2 To structure the framework around the Fair Information Principles of the Canadian Standards Association’s Model Code for the Protection of Personal Information. The CSA Model Code is recognized as a national standard for privacy protection ~~of~~ and is used across Canada as the basis for privacy legislation.
- 2.3 This procedure is to be interpreted and applied in accordance with the DDSB’s commitment to

promoting and upholding Indigenous rights and human rights in all of its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB's Human Rights, Anti-Discrimination and Anti-Racism Policy, the Indigenous Education Policy, the Safe and Respectful Workplace and Harassment Prevention Policy.

3.0 Scope

3.1 This Policy applies to DDSB employees, service providers, volunteers, trustees, and other individuals acting on behalf of the DDSB.

3.2 This Policy applies to all information in the Custody or under the Control of DDSB, including but not limited to the Personal Information of DDSB students, parents, and staff.

4.0 Definitions

In this Policy and supporting procedures,

4.1 “Collect” means to gather, acquire, receive, or obtain the information by any means from any source, and “Collection” and “Collected” has a corresponding meaning.

4.2 “Control” means the power or authority to make a decision about the creation, use or disclosure of a record.

4.3 “Custody” means the keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always be necessary to establish custody, physical possession may be an individual's privacy element of the evidence of custody.

4.4 “Disclose” means to make the information available or to release it to another person, but does not include to use the information, and “Disclosure” has a corresponding meaning.

4.5 “Personal Information” or “PI” means recorded information about an identifiable individual. As defined by MFIPPA, this may include, but is not limited to:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- Any identifying number, symbol or other particular assigned to the individual;
- The address, telephone number, fingerprints or blood type of the individual;
- The personal opinions or views of the individual except if they relate to another individual;
- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- The views or opinions of another individual about the individual, and,

- The individual's name if it appears with other PI relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

4.6 "Privacy" means the right or interest of an individual to control collection, use and disclosure of their Personal Information. Privacy is a legislated right and school boards are required to comply with applicable privacy laws.

4.6 "Use" means to view, handle or otherwise deal with the information, but does not include to disclose the information, and "Use", as a noun, has a corresponding meaning.

5.0 Guiding Principles

5.1 Accountability

The principle of accountability means that an organization is responsible for PI under its Custody or Control and shall designate an individual or individuals who are accountable for the organization's compliance with privacy principles.

5.1.1 The Director of Education ~~or designate~~ is ultimately accountable for compliance with privacy legislation and holds primary responsibility for the implementation of and compliance with this Policy. Pursuant to ss. 49(1) of MFIPPA, the Board of Trustees acting in its role as head of the institution under MFIPPA, delegates its powers and duties under MFIPPA to the Director of Education, including but not limited to its powers under s.49 of MFIPPA to further sub-delegate any such powers or duties in writing to another officer or officers of the Board.

5.1.2 The Director of Education is authorized to provide the administrative procedures necessary to implement this ~~policy~~Policy.

5.1.3 The DDSB is and remains responsible for the protection of PI that is Collected, Used, Disclosed, and retained by individuals who are permitted to handle PI on the DDSB's behalf. The DDSB will use contractual or other means to ensure that a comparable level of protection is applied when PI is handled by Service Providers.

5.2 Identifying Purpose(s)

Personal information is Collected for a purpose identified by the DDSB, and individuals will be notified of the purposes and any other information required by law, at or before the time personal information is collected unless otherwise permitted by law.

5.3 Knowledge and Consent

The knowledge and, in some cases, the consent of an individual is required for the Collection, Use, Retention and Disclosure of personal information, except where otherwise permitted by law.

5.4 Limiting Collection

The Collection of PI shall be limited to that which is necessary for its purposes identified by the DDSB, in accordance with DDSB statutory duties and responsibilities. PI will be collected by lawful means.

5.5 Limiting Use, Retention and Disclosure

PI will not be Used, Retained, or Disclosed for purposes other than those for which it was collected, except with the consent of the individual or as authorized or required by law. PI will be retained in accordance with the specific purpose of the original consent.

5.6 Accuracy

The DDSB shall take reasonable steps to ensure that personal information is accurate, complete, and up to date in order to fulfill the specified purposes for its collection, use, disclosure, and retention. Employees shall keep the DDSB notified of changes to Personal Information.

5.7 Safeguards

Personal information will be secured and protected from unauthorized access, Use, Disclosure, and inadvertent loss or destruction by adhering to safeguards appropriate to the sensitivity of the information.

5.8 Openness and Transparency

The Director of Education or designate will make available to the public specific information about its policies and procedures relating to the management of Personal Information.

5.9 Access and Correction

Procedures adopted under this Policy shall allow an individual to access their Personal Information and give them access to that information in accordance with privacy legislation, subject to any mandatory or discretionary exceptions.

An individual has the right to challenge the accuracy and completeness of the information and request that it be amended as appropriate or to have a letter/statement of disagreement retained on file.

Any individual to whom the Access of their Personal Information has been granted has the right to request that any person/body who has received the Personal Information in the year preceding the correction/statement be notified of the correction/statement.

Upon request, an individual will be advised of any third-party service provider requests for his/her personal information in accordance with privacy legislation.

5.10 Compliance

Procedures adopted under this Policy shall provide for the ability to address or challenge compliance with this Policy to the Director of Education or designate

6.0 Compliance and Exemptions

6.1 Compliance with this Policy and supporting procedures in its entirety is mandatory unless an exception to a specific section is approved by the Privacy Officer, Director of Education, or delegate in writing.

6.2 Failure to comply with the requirements of this Policy and supporting procedures, without a written exception, may result in disciplinary action up to and including termination of employment or termination of contract without notice or compensation.

6.3 At the first reasonable opportunity upon identifying or becoming aware of a breach of this Policy, individuals governed by this Policy must follow the notice requirements and other protocols stipulated in procedures under this Policy.

7.0 Policy Evaluation

7.1 This Policy may be reviewed as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

8.0 Reference Documents

8.1 Policies

Human Rights, Anti-Discrimination and Anti-Racism Policy
Indigenous Education Policy
Safe and Respectful Workplace and Harassment Prevention Policy.

8.2 Supporting Procedures

Privacy (Personnel)
Privacy Breach Protocol
Acceptable and Safe Use Procedure for Computing Technology Safety
Electronic Monitoring
Guidelines for E-Mail
Staff Mobile Phones
Video Surveillance System
Technology Approval Process
Technology Approval Process (Cloud Services): Privacy and Security Assessment Guide

8.3 Legislation

Education Act, R.S.O. 1990, c. E.2
Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
Personal Health Information Protection Act, S.O. 2004, c. 3, Sched. A
Anti-Racism Act, 2017, S.O. 2017, c. 15

Appendix: None_

Effective Date

2012-02-21

Amended/Reviewed

Effective Date:

2012-02-21

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD



PROCEDURE

PERSONNEL

Privacy

Adopted under the Privacy Policy

1.0 Objective

- 1.1 The Privacy Procedure (the “Procedure”) is adopted under the Privacy Policy of the Durham District School Board (the “DDSB” or “Board”) to:
 - 1.1.1 Support the proper Collection, Use, retention, Disclosure of Personal Information held by the DDSB in accordance with applicable legislation; and
 - 1.1.2 Support the process for accessing information under MFIPPA and PHIPA.
- 1.2 This Procedure is to be interpreted and applied in accordance with the DDSB’s commitment to promoting and upholding Indigenous rights and human rights in all of its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB’s [Human Rights, Anti-Discrimination and Anti-Racism Policy](#), the [Indigenous Education Policy](#), the [Safe and Respectful Workplace and Harassment Prevention Policy](#).

2.0 Scope

- 2.1 This Policy applies to DDSB employees, service providers, volunteers, trustees, and other individuals acting on behalf of the DDSB.
- 2.2 This Policy applies to all information in the Custody or under the Control of DDSB, including but not limited to the Personal Information of DDSB students, parents, and staff.

3.0 Definitions

In this Procedure,

- 3.1 “**Collect**” means to gather, acquire, receive, or obtain the information by any means from any source, and “Collection” and “Collected” have a corresponding meaning.
- 3.2 “**Control**” means the power or authority to make a decision about the creation, use or disclosure of a record.
- 3.3 “**Custody**” means the keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always be necessary to establish custody, physical possession may be an element of the evidence of custody.
- 3.4 “**De-Identification**” means to remove any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other

information, to identify an individual. De-identified data is any information that identifies the individual removed.

- 3.5 “**Disclose**” means to make the information available or to release it to another person, but does not include to Use the information, and “Disclosure” has a corresponding meaning.
- 3.6 “**Education Act**” is the *Education Act*, R.S.O. 1990, c. E.2 and its regulations, as amended.
- 3.7 “**Freedom of Information Request**” or “**FOI Request**” is a request under MFIPPA or PHIPA for access to information that is in the custody or control of the DDSB.
- 3.8 “**Information Lifecycle**” refers to the various stages that Records go through, from their creation or acquisition to their final destruction or archiving. Access and privacy laws apply to records at any stage of their lifecycle. The life cycle includes creation, collection, use, maintenance, and disposition (destruction or archiving).
- 3.9 “**Information and Privacy Commissioner of Ontario**” or “**IPC**” is an independent officer of the Ontario Legislature with the powers and duties prescribed by legislation, including MFIPPA and PHIPA. The office of the IPC is an independent body tasked with upholding and promoting open government and the protection of personal privacy in Ontario. The IPC has the authority to conduct investigations, issue orders, enforce fines and review disclosure decisions.
- 3.10 “**Least Privilege**” means the principle of allowing users or applications the least number of permissions necessary to perform their intended function.
- 3.11 “**MFIPPA**” is the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 and its regulations, as amended.
- 3.12 “**Need to Know**” means the principle that the user has a legitimate reason to access something.
- 3.13 “**Personal Information**” or “**PI**” means recorded information about an identifiable individual and includes personal health information. As defined by MFIPPA this may include, but is not limited to:
 - Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
 - Any identifying number, symbol or other particular assigned to the individual,
 - The address, telephone number, fingerprints or blood type of the individual,
 - The personal opinions or views of the individual except if they relate to another individual,
 - Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
 - The views or opinions of another individual about the individual, and/or
 - The individual’s name if it appears with other PI relating to the individual or where the Disclosure of the name would reveal other personal information about the individual.

3.14 **“Personal Health Information” or “PHI”** has the meaning set out in s. 4 of PHIPA. Specifically, it is “identifying information” about an individual that:

- Relates to the physical or mental health of the individual,
- Relates to the provision of health care to the individual,
- Is a plan of service under the *Connecting Care Act, 2019, S.O. 2019, c. 5, Sched. 1*;
- Relates to payments or eligibility for health care or eligibility for coverage for health care,
- Relates to the donation of any body part or bodily substance of the individual or that is derived from the testing or examination of any such body part or bodily substance,
- Is the individual’s health number, and/or
- Identifies an individual’s substitute decision-maker.

PHI also includes identifying information about an individual that is not PHI listed above but that is contained in a record that includes PHI listed above. Information is “identifying” when it identifies an individual or when it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual.

3.15 **“PHIPA”** is the *Personal Health Information Protection Act, 2004, S.O. 2004, c. 3* and its regulations, as amended.

3.16 **“Privacy Breach”** occurs when personal information is compromised; that is, when it is collected, used, disclosed, retained, or destroyed in a manner inconsistent with privacy legislation.

In the event of a privacy breach, please refer to the [Privacy Breach Protocol](#).

3.17 **“Privacy Incident”** means a real or suspected privacy breach.

3.18 **“Record”** means a record of information, including data in any form, such as a record made, recorded, transmitted or stored in paper or digital form or in other intangible form by electronic, magnetic, optical or any other means, but does not include a mechanism or system for making, sending, receiving, storing, or otherwise processing information.

3.19 **“Safeguard”** refers to measures designed to protect Personal Information regardless of media.

3.20 **“Service Provider”** means a third-party contracted or otherwise engaged to provide services to the DDSB.

3.21 **“Use”** means to view, handle, or otherwise deal with the information, but does not include to Disclose the information, and “Use”, as a noun, has a corresponding meaning.

4.0 Legal Framework

The handling of Personal Information is governed by a legal framework of laws, regulations, standards, and guidelines. MFIPPA and the Education Act are the two main laws that guide access to information and privacy in Ontario's public and separate schools. This Procedure also refers to other applicable legislation, such as PHIPA and the *Child, Youth and Family Services Act*, 2017, S.O. 2017, c. 14, Sched. 1 (the "CYFSA"). These laws also permit or require school boards to Disclose limited Personal Information about students without consent in certain situations.

These laws may be subject to modification by prevailing laws in certain cases, such as the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19 and the *Canadian Charter of Rights and Freedoms*.

4.1 MFIPPA and PHIPA

MFIPPA sets out the rules that school boards and other municipal institutions must follow regarding the Collection, Use, retention, and Disclosure of PI.

PHIPA sets out the rules for Collection, Use and Disclosure of PHI, and *may* apply when students receive health care in school.

4.1.1 Protection. MFIPPA and PHIPPA require that the DDSB protect the privacy of individuals with respect to PI about themselves held by the DDSB, and to provide individuals with a right of access to their own PI. The protection of privacy includes the appropriate Collection, Use, retention, and Disclosure of PI, including the use of appropriate security measures / safeguards to protect information from unauthorized access. Please refer Section 15 of this Procedure and to DDSB procedures on information classification and handling for more information with respect to securing Personal Information.

4.1.2 Access and Correction. MFIPPA also gives individuals a right of access to DDSB records, with some exceptions. PHIPA gives individuals a right of access to their PHI held by DDSB if it engages a Health Information Custodian to collect PHI on its behalf or is deemed to be a Health Information Custodian itself. Both MFIPPA and PHIPA also give individuals the right to correct their PI or attach a statement of disagreement.

4.1.3 Consent. Student PI may require the student and/or the student's parent or guardian to consent to its Use and/or Disclosure. Where a student is under 16, their parent or guardian may exercise the student's privacy rights on the student's behalf.

4.1.4 Staff handling of PI. Staff shall only access, Use and Disclose PI within the Custody and Control of the DDSB in performance of their professional duties.

4.1.5 PI of parents. While the focus of this Procedure is on access to and privacy of student PI, it is important to note that the rights and obligations set out in MFIPPA apply to *any individual's* PI. For example, where a school Collects, Uses or Discloses information about a student's parents, it must protect the privacy of this information.

4.1.6 IPC Complaints. If an individual feels their privacy has been compromised by the DDSB, they file a privacy complaint to the IPC:

The Information and Privacy Commissioner/Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Telephone: (416) 326-3333 or toll free 1-800-387-0073

Email: info@ipc.on.ca
 Website: www.ipc.on.ca

4.2 **The Education Act and the Ministry of Education Ontario Student Record Guideline**

The Education Act is the main law under which schools and school boards operate. It governs how education is delivered to students in Ontario's publicly funded school system. The Education Act contains a number of sections relevant to access and privacy, including rules about access to and the Collection, Use and Disclosure of information contained in the Ontario Student Record (OSR).

4.2.1 These rules may be subject to modification by MFIPPA in certain cases.

4.2.2 PI is Collected in accordance with section 265(1)(d) of the Education Act, which states that information may be Collected in accordance with the Education Act, its regulations, or guidelines issued by the Minister of Education.

4.2.3 Section 266 of the Education Act provides for the establishment of the student's OSR in accordance with the [Ministry of Education OSR Guideline](#). Section 266 of the Education Act requires that every person shall preserve secrecy in respect of the content of an OSR that comes to the person's knowledge in the course of their duties of employment, and no such person shall communicate any such knowledge to any other person except,

- a. as may be required in the performance of their duties; or
- b. with the written consent of the parent or guardian of the student where the student is a minor; or
- c. with the written consent of the student where the student is an adult, which the age of 18 or until they graduate from a secondary school, whichever comes first.

4.2.4 Reference should be made to the DDSB Human Rights Inclusive Design and Accommodation Procedure regarding requests for accommodation with respect to the OSR process.

4.3 **Ontario College of Teachers Act - Professional Misconduct**

The *Ontario College of Teachers Act*, Regulation 437/97 defines the following as professional misconduct for the purposes of section 30(2) of the Act:

Releasing or disclosing information about a student to a person other than the student or, if the student is a minor, the student's parent or guardian. The release or disclosure of information is not an act of professional misconduct if, the student (or if the student is a minor, the student's parent or guardian) consents to the release or disclosure, or if the release or disclosure is required or allowed by law.

4.4 **Ethical Standards for the Teaching Profession (Ontario College of Teachers)**

The Ethical Standards for the Teaching Profession represents a vision of professional practice. The standard of respect states: "Intrinsic to the ethical standard of Respect are trust and fair-mindedness. Members honour human dignity, emotional wellness and cognitive development. In their professional practice, they model respect for spiritual and cultural values, social justice, confidentiality, freedom, democracy, and the environment."

- 4.5 Other laws, regulations, standards, and guidelines may apply to other professionals, including but not limited to regulated health professionals.

5.0 Responsibilities

- 5.1 The **Privacy Officer** is responsible for:

- 5.1.1 Overseeing the responsibilities of the DDSB's privacy program. These responsibilities include the management of Privacy Incidents, Privacy Breaches, privacy risks, privacy complaints, privacy inquiries, access and correction requests, and requests to implement consent directives.
- 5.1.2 Oversight of privacy impact assessments, privacy safeguards, privacy policies and procedures, privacy audit and compliance activities, and privacy training.
- 5.1.3 Supporting the Associate Director, Corporate Affairs with the privacy aspects of the DDSB information technology security program.
- 5.1.4 Providing the Director of Education and/or the Board of Trustees, as the Director of Education may deem appropriate, with relevant information on material privacy matters, including updates on the status of the privacy program, significant or high-risk Privacy Breaches, privacy audit reports, new privacy legislative, and regulatory and industry developments of note.

- 5.2 **Principals, Managers and Superintendents** are, within their sphere of authority, responsible for:

- 5.2.1 Implementing reasonable security measures and safeguards to protect PI.
- 5.2.2 Ensuring that staff are aware of and adequately trained in their responsibilities as set out in this Procedure, the Privacy Policy, and other supporting procedures and guidelines.
- 5.2.3 Ensuring that agreements with service providers contain, where appropriate, privacy protection provisions regarding the protection, Collection, Use, retention and Disclosure of PI.

- 5.3 **Staff** are responsible for:

- 5.3.1 Complying with the Privacy Policy, this Procedure, legislation, applicable professional standards, and DDSB procedures and agreements when using PI.
- 5.3.2 Reporting any suspected privacy breaches of which they are aware to the Privacy Officer.
- 5.3.3 Taking reasonable steps to ensure the PI within their Custody and Control is secured and protected, including following proper procedures and best practices as directed by their Manager/Principal, the Privacy Officer, and as outlined in this Procedure and DDSB information classification and handling procedures.
- 5.3.4 Participating in any mandatory DDSB training regarding their duties and obligations to protect PI.

6.0 Collection and Use of student Personal Information where consent is not required

6.1 School registration

Where student PI is Collected and Used for the provision of educational services in accordance with the Education Act for a student who has registered in the DDSB, consent of the parent/guardian/student is not ordinarily required. However, at time of Collection, individuals must be given notice of:

6.1.1 the legal authority for Collection,

6.1.2 the purpose(s) of its intended Use, and

6.1.3 the title and contact information of an individual who may respond to specific questions regarding the Collection.

6.2 Planning and delivering educational programs and services

In general, teacher(s), principal(s) and supervisory officer(s) may Collect, Use and Disclose a student's PI for the purpose of planning and delivering educational programs and services that best meet student needs.

Educational programs and services include ancillary services such as student transportation. For example, student addresses may be provided to the Durham Student Transportation Services and bus operators for the provision of home to school transportation.

Ordinarily, PI will be Collected directly from the student or parent/guardian for the purposes necessary for the creation and delivery of appropriate educational program(s) for the student or for the proper administration of any other lawfully authorized activity.

6.3 In performance of assigned duties

A student's PI may be Used by officers or employees of the DDSB who need the information, including access to a record, in the performance of their duties – i.e. student PI may be shared internally on a limited need-to-know basis. Use of PI for this purpose is in accordance with MFIPPA and the Education Act.

6.4 Annual Notice of the Collection and Use Student Personal Information

The DDSB shall publish annually a Notice of the Collection and Use Student Personal Information (**Appendix A**) which outlines student PI that is routinely Collected and Used for the provision of educational services to students. This notice statement shall be reviewed by the Privacy Officer and shall be posted on the DDSB websites and included within student handbooks. Consent to the Collection and Use of information as outlined in this notice statement is not required.

6.4.1 Parents/guardians/students are invited to communicate any concerns they may have regarding the Collection and Use of information outlined in this notice statement to their school principal. The principal may consult with their Superintendent of Education and/or the Privacy Officer in addressing concern.

7.0 Collection and Use of student Personal Information where consent is required

7.1 Use and Disclosure of student PI for a purpose other than planning and delivering educational programs and services that best meet student needs or in accordance with the specific exceptions outlined in MFIPPA and PHIPA will generally require written consent.

7.2 Purposes requiring consent including, but are not limited to:

7.2.1 Release of OSR Documents (Appendix B)

7.2.2 Collection and/or Release of Personal Information (Appendix C)

7.2.3 Photographs and Recordings (Appendix D)

7.2.4 Participation in Media or Promotional Activities (Appendix E)

7.3 Parental consent and age for student consent

The rules surrounding the age at which a person can provide consent are different under MFIPPA and the Education Act; both statutes may be subject to modification by prevailing laws in certain circumstances.

7.3.1 Under MFIPPA, an individual having lawful custody (for example, a parent or guardian) of a child under 16 years of age may provide consent on the child's behalf. The child may also provide consent. Once a student turns 16, their parent or guardian may no longer consent on their behalf.

7.3.2 Under the Education Act, the parent or guardian of a student under 18 may provide written consent for the Use or Disclosure of information from the child's OSR. Once a student is 18 or older, the student alone may provide the consent.

7.3.3 Where school boards are required to seek consent for the Use or Disclosure of PI, they should make sure that the person consenting understands what information the DDSB is seeking consent to Use or Disclose, and the purposes for the Use or Disclosure.

7.3.4 Where consent to Collect, Use or Disclose PI is required, consent shall *ordinarily* be sought from a parent/guardian for students under the age of 16 and from the parent/guardian and the student for students 16 to 17. Consent will be sought from students 18 and older unless there are reasons to believe that the student is incapable of consenting on their own behalf (**Appendix C**).

7.3.5 A student who is under 16 will generally have their privacy rights exercised by a parent or guardian, on the student's behalf without specific authorization. Where the student is 16 or 17, both the parent and the student shall consent to the Collection, Use and Disclosure of PI, except in circumstances where the student is not capable to exercise their rights.

7.3.6 Students aged 16 and 17 may withdraw from parental custody. If a student aged 16 or 17 has informed their school principal about such a withdrawal in writing the student's sole consent for the Collection, Use and Disclosure of their PI shall be sufficient authority.

7.3.7 Reference should be made to the DDSB Human Rights Inclusive Design and Accommodation Procedure regarding requests for accommodation with respect to parental consent and age for student consent.

8.0 Disclosure of student Personal Information

8.1 With Consent

If the person to whom the information relates has identified specific information and has consented to its Disclosure, that information may be Disclosed. When dealing with minors, it is a best practice to have consent in writing with an original signature from the parent/guardian and the minor, where the minor is 16 or 17. **(Appendix C)**

8.2 Without Consent

The DDSB may Disclose PI in its custody and control, including from the OSR, without the consent of the parent/guardian/student, in the following circumstances.

8.2.1 Consistent Purpose

Information may be Disclosed for the purpose for which it was obtained or compiled or for a consistent purpose, provided that the individual about whom the information relates might reasonably have expected such a Use or Disclosure of the information.

8.2.2 In Performance of Assigned Duties

PI may be made available to an officer, employee, trustee consultant or agent of the DDSB who needs the record for the performance of duties within their scope of authority and if the information is necessary and proper for the discharge of the institution's functions.

Information shall be limited to that which is necessary for the required purpose.

Under the Education Act, supervisory officers, principals, teachers and designated early childhood educators may Disclose information in the OSR to improve the instruction and other education of the student.

8.2.3 Legal Authority

PI may be Disclosed for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act. MFIPPA prevails over the confidentiality provisions in the Education Act, including those related to OSRs. This means that the DDSB may Disclose a student's PI, including the OSR, if MFIPPA permits it.

Contact your Superintendent of Education; the Superintendent of Education / Employee Relations; or the Privacy Officer with any questions related to Disclosures of this kind.

8.2.4 Law Enforcement

Personal Information (that is not the OSR) may be Disclosed to an institution or a law enforcement agency in Canada to:

- (a) aid an investigation undertaken with a view to a law enforcement proceeding, or
- (b) from which a law enforcement proceeding is likely to result.

In non-urgent situations, police shall provide a written statement that PI is required for

investigative purposes. MFIPPA does not permit ongoing or informal arrangements for the automatic Disclosure of PI to law enforcement agencies.

The contents of the OSR may be made available to the police in the following circumstances:

- (a) with the written permission of the parent or guardian of the student or, where the student is an adult, with the written permission of the student; or
- (b) through a warrant requiring the surrender of an OSR to the police.

8.2.5 Health and Safety

PI may be Disclosed in compelling circumstances affecting the health or safety of an individual, if, upon Disclosure, notification is mailed to the last known address of the individual to whom the information relates.

When Disclosing information under this section, the imminence and reasonableness of the risk to health and safety must be considered and balanced with the invasion of privacy.

The Superintendent of Education and Privacy Officer must be consulted.

8.2.6 Compassionate Circumstances

When there is a need to notify a close relative, friend, or spouse of a parent/guardian of a student who is injured, ill or deceased, school boards may Disclose PI without consent in order to facilitate or enable contact.

For example, if a young student is ill and the student's parent cannot be reached, the school may decide it needs to Disclose this information to someone at the parent's workplace to help make contact with the parent. The information Disclosed by the school should be limited to only that which will "facilitate contact" – in this case, it means that the school could Disclose to the parent's workplace that the child was ill and needs to be picked up, but should not Disclose the nature of the illness or other details.

9.0 Collection, Use and Disclosure of student Personal Health Information

- 9.1 The DDSB utilizes the services of and employs health professionals (e.g., speech language pathologists, psychologists, social workers) who are required to treat PHI in accordance with PHIPA and applicable professional standards.
- 9.2 The health professionals will obtain consent from the parent/guardian/student, when required, prior to providing their services.
- 9.3 The DDSB Collects PHI from health professionals with the consent of the parent/guardian/student and only as is reasonably necessary for the purpose of planning and delivering educational programs and services that best meets student needs.
 - 9.3.1 A signed consent form describing the purposed Use of the PHI is presented to the health professional authorizing the release of the record(s).
 - 9.3.2 PHI may be used for the purposes identified in the consent form and may be shared only with certain DDSB employees and/or Service Providers if it is necessary for them to perform their duties. Ordinarily, these would be DDSB employees who are working

directly with or have responsibility for the student.

- 9.4 Where a student has been diagnosed with an illness, disease or disorder that may be transmitted through bodily fluids, the DDSB's requirement that all releases of bodily fluids require the implementation of Universal Precautions will protect students and staff, without requiring the release of that student's PHI.
- 9.5 Sharing student PHI with certain DDSB employees will only be necessary in limited and specific circumstances requiring the creation of a Student Safety Plan. Consultation with their Superintendent of Education will be necessary before a Safety Plan is created and the student's PHI is shared with staff.

9.6 **Student Health Card Numbers**

The DDSB may receive a student's health card number to facilitate emergency care during a field trip or co-curricular activity. In all such cases, the number shall only be recorded for the trip or activity at issue. The DDSB shall not require parents/guardians/students to provide a health care number as part of the registration process or as a condition of attending school or participating in a field trip or school-related event. Health cards numbers shall not be recorded in the student information system and shall be protected from unauthorized access.

10.0 Parental and student access to Personal Information

Access to OSR and non-OSR student information is governed as follows:

10.1 **Student and parental access to OSR – Informal Requests**

If a student, or their parent or guardian, wants to access the student's PI, they might choose to ask for the information informally – by asking the school/school principal for a particular record.

If an informal request is not appropriate, or the OSR records are numerous and lengthy, they may choose to make a formal access request under the Education Act.

10.2 **Student and parental access to OSR under the Education Act**

A child of any age has the right under the Education Act to examine their OSR.

Subject to the dispute resolution mechanisms outlined in the Education Act, and until the child turns 18 (unless this right is limited by a court order or a separation agreement), all parents/legal guardians have a right to, without the child's consent, at no cost:

- 10.2.1 examine their child's OSR at the school office;
- 10.2.2 request corrections to their child's OSR;
- 10.2.3 request the removal of information from their child's OSR; and
- 10.2.4 request to pick up from the school hard copies of records from their child's OSR (electronic copies and mailed hard copies will not be provided).

Where a student of 16 or 17 has withdrawn from parental control, this right of access would likely not apply and will require assessment of the facts by the Principal, who may consult with the Privacy Officer.

10.3 Student and parental access to Personal Information under MFIPPA

A child of any age has the right to exercise their access rights under MFIPPA. This includes requesting access to general records held by the school or school board and/or to their PI.

Until a child turns 16, anyone having lawful custody of the child has a right under MFIPPA to access the child's record of PI on behalf of the child, without the child's consent being required. If the record is in the OSR, the access rights of parents/guardians extend until the child is 18.

A charge of twenty cents per page may be charged for copies of records (in accordance with MFIPPA).

Principals may consult with their Superintendent or DDSB Legal Services regarding this process.

10.4 Parents' Access

Parents with decision-making responsibility and those with parenting time have a general right to be given information concerning their children's health, education, and welfare unless this right is limited by a court order or a separation agreement. This right exists until the student turns 18 or is 16 or 17 and has removed themselves from parental control. Parents may access an OSR in accordance with the [Ministry of Education OSR Guidelines](#) and other applicable laws.

See Section 11.3 of this Procedure for more information on custody and access orders and agreements.

10.5 Non-OSR information

Parents with decision making responsibility and those with parenting time have a general right to information and may be provided with:

- 10.5.1 an opportunity to attend parent-teacher interviews;
- 10.5.2 report cards, school newsletters, and other similar information; and,
- 10.5.3 other information about their children customarily given to parents.

11.0 Third Party Requests for student Personal Information

11.1 Parent's Lawyer and Litigation

Information shall not be Disclosed to third parties, including a parent's lawyer, without the express consent of the parent/guardian/adult student.

A duly executed release form which clearly identifies the information requested, and includes original or electronic signatures, may be used as authority to release the information to the parent's lawyer. **See Appendix B.**

Staff shall take reasonable care to authenticate the request, which may include contacting the parent/guardian/adult student or requesting identification or credentials.

Consent forms for access to OSR records shall be retained in the OSR. **See Appendix B.**

The ***Request for Release of OSR By Way of SIGNED CONSENT (only) CHECKLIST*** (a copy of which may be obtained from the Privacy Officer) provides additional guidance for responding to OSR requests from law firms.

Staff shall not:

- 11.1.1 provide letters supporting parenting capability or otherwise provide student information for the sole purpose of supporting a parent's litigation;
- 11.1.2 agree to participate in an interview with a parent's lawyer (see section 11.4.4 of this Procedure for requests from the Office of the Children's Lawyer);
- 11.1.3 complete testing or assessment reports that have not been reviewed by DDSB psychological services or that do not comply with established DDSB testing criteria; or
- 11.1.4 provide assessments or opinions on matters other than a student's educational progress or educational needs.

11.2 External Health and Social Service Professionals and Paraprofessionals

When schools are working with external agencies for the provision of services by regulated health professionals, regulated social service professionals and paraprofessionals, school administrators must ensure that informed consent processes are followed as outlined in the as outlined in applicable DDSB policies and procedures for collaboration with external agencies for provision of services.

11.3 Custody and Access Orders and Agreements

- 11.3.1 ***Custodial parental rights.*** Except where limited by legislation, court order, separation agreement, or other legally binding agreement, parents have a right to make inquiries and to be given information as to the health, education, and welfare of the child.
- 11.3.2 ***Parents with Parenting Time.*** A parent with parenting time has the right to make inquiries and be given information as to education including report cards and attendance records, and meeting for a parent/teacher interview. However, School Administrators should be mindful of any limitations of this right that may apply, including requests for information that extend beyond the subject of the child's education.
- 11.3.3 ***Obtaining and Validating court/legal documents.*** School Administrators shall attempt to obtain court orders and/or agreements pertaining to child custody where there exists a reasonable belief that such documents exist. School Administrators shall exercise diligence to ensure that all court orders and agreements pertaining to custody and access are current, accurate, and complete. In the absence a final sealed court order, the Principal may contact both parents to confirm the validity of any court order or agreement between the parties.
- 11.3.4 ***Compliance with orders/agreements.*** School Administrators and staff shall use best efforts to comply with any court order or agreement that *sets out the rights of the parents*. However, neither the DDSB nor the school are responsible for the enforcement of a court order or agreement, nor are they responsible for mediating any dispute between the parties to these document.
- 11.3.5 ***School Records.*** Any court order or agreement, the existence of which the school has become aware, that describes a custody and access arrangement shall be included by the school principal in the OSR.
- 11.3.6 ***Staff access to orders/agreement information.*** All relevant staff shall be made aware of any custody orders regarding their students, which include any limitations on a parent's right to information about a student.

- 11.3.7 **DDSB Support.** School Administrators shall contact DDSB Legal Services and/or their Superintendent of Education for support with respect to any questions or concerns pertaining to the application, interpretation, and legal requirements contained within custody and access orders and agreements.

11.4 Government Agencies or Officials

Government agencies or officials may request student PI in the course of conducting their duties, and MFIPPA permits Disclosure for the purposes of complying with other legislation.

The following are examples of situations where it is mandatory to Disclose student PI, and where consent is not required. However, DDSB employees shall take steps to ensure the request is properly authorized and that the legal authority is valid. If uncertain, staff are to consult with their Superintendent or DDSB Legal Services.

11.4.1 Children's Aid Society

In accordance with the CYFSA, a children's aid society may Collect information about a student under 16 when investigating child protection cases.

The "**duty to report**" under the CYFSA states that if any person – including a teacher or principal – has reasonable grounds to suspect that a child under the age of 16 is in need of protection, they are required to immediately report the suspicion and the information on which it is based to a children's aid society. For more information on the duty to report, see the [DDSB Reporting Children and Youth in Need of Protection Procedure](#).

In accordance with ss.129(4-6) the CYFSA, outside of the duty to report, a person may also choose to report information to the society review team, which is a team each children's aid society establishes to recommend how a child can be protected. Despite the provisions of any other act, a person may Disclose information to this team even if the information is confidential or privileged. No legal action for Disclosing the information can be taken against the person unless they acted maliciously or without reasonable grounds to suspect that a child is in need of protection.

11.4.2 Ministry of Education

In accordance with section 8.1 of the Education Act, the Minister of Education may Collect PI, directly or indirectly, for purposes related to the following matters, and may Use it for those purposes:

- (a) Administering the Education Act and the regulations, and implementing the policies and guidelines made under the Education Act;
- (b) Ensuring compliance with the Education Act, the regulations, and the policies and guidelines made under the Education Act;
- (c) Planning or delivering programs or services that the Ministry provides or funds, in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring, and preventing fraud or any unauthorized receipt of services or benefits related to any of them;
- (d) Planning or delivering extended day programs, allocating resources to them, evaluating or monitoring them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to them;

- (e) Providing for financial assistance related to extended day programs, evaluating or monitoring the provision of the assistance or detecting, monitoring and preventing fraud or any unauthorized receipt of benefits related to the assistance;
- (f) Risk management, error management or activities to improve or maintain the quality of the programs or services that the Ministry provides or funds, in whole or in part;
- (g) Risk management, error management or activities to improve or maintain the quality of extended day programs;
- (h) Risk management, error management or activities to improve or maintain the provision of financial assistance related to extended day programs; or
- (i) Research and statistical activities that relate to education and are conducted by or on behalf of the Ministry.

11.4.3 Local Medical Officer of Health

Section 266 (2.1) of the Education Act states that the following information is available, upon request, to the local Medical Officer of Health serving the area in which the DDSB is located:

- (a) the pupil's name, address and telephone number;
- (b) the pupil's date of birth; and
- (c) the name, address and telephone number of the pupil's parent or guardian.

PI may also be required to support Mandatory Public Health Programs, e.g., communicable disease and oral health, under the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*. Staff shall comply with these requests in accordance with the DDSB [Communicable Diseases](#) procedure.

11.4.4 The Office of the Children's Lawyer

The Office of the Children's Lawyer ("OCL") is appointed by a court to act on a student's behalf as their lawyer. Upon receipt of the signed consent of the parent/guardian, the student's lawyer or their designate may examine an OSR in accordance with the Education Act, may interview staff about the child's academic progress and may interview the student at school if they request to do so.

Before participating in an interview with a lawyer, psychologist, or social worker from the OCL or providing a written assessment to the OCL, DDSB staff members shall seek input from DDSB Legal Services and/or their Superintendent.

DDSB staff members may provide the OCL with the same information that would ordinarily be provided to a parent, as outlined above, including a fair and accurate assessment of a child's educational progress or educational needs.

Teachers and administrators shall take reasonable care to ensure that all factual information conveyed is true and provides a fair, accurate and appropriate assessment of the student.

11.4.5 Youth Criminal Justice Act

The Youth Criminal Justice Act (“YCJA”) protects the privacy and identity of young persons involved in the criminal justice system. The YCJA prohibit all persons, including police, youth courts and school board officials, from Disclosing the identity of a young offender.

However, Disclosure is allowed between police services and school authorities to ensure safety of staff, students, or other persons or when authorized by a court order. The sharing of information must take into account a balance between the need to share information in a timely fashion, particularly when safety is a concern, and the need for personal privacy.

11.4.6 Eligibility Review Officers

These officers may investigate eligibility for government payments under several acts, including the *Ontario Disability Support Program Act, 1997*, the *Ontario Works Act, 1997, S.O. 1997, c. 25, Sched. A*, and the *Family Benefits Act, R.S.O. 1990, c. F.2*.

Eligibility review officers may make a written demand to the DDSB for the production of records. If the officer makes such a demand, the school board or principal must comply and may seek guidance or assistance from DDSB Legal Services in that regard.

11.5 Media Coverage at School

Principals shall ensure that student interaction with the media is conducted in accordance with the [DDSB Handling of Media at the School Level Procedure](#), and with the following guidelines:

11.5.1 Notice

Students must receive written notice of the possibility of media exposure and of the principal’s inability to control or prevent media exposure when a school-sponsored activity occurs off school grounds or when a school-sponsored activity occurs on school grounds but is open to the general public. The required notice is included in the annual *Notification of the Collection and Use of Student Personal Information (Appendix A)* and may also be conveyed on the consent to participate form or sent home on a separate flyer. It may also be published in the student handbook, which is distributed at the beginning of every school year or semester to students.

Knowledge and acceptance of the possibility of media exposure at open events may be made a condition of participation in the activity.

11.5.2 Consent

Even if notice of media exposure has been given, specific consent of the parent/guardian/adult student must be obtained before a member of the media is permitted to photograph or speak to specific students for stories which are of an in-depth nature. (**Appendix D**)

Where it is not possible to get written consent of a parent in advance of a student interview, the principal may accept a verbal consent and shall note on the form that the parent has provided verbal consent.

11.5.3 **Validate media credentials.**

Principals must validate the credentials of any member of the media before inviting them onto school grounds by collecting and recording the following information:

- (a) the name and nature of the media corporation the person represents;
- (b) the topic of the feature/story (e.g., student achievement, school closures, health education);
- (c) the type of information the reporter would like to gather from the student (regardless of what will actually be publicized), e.g., team photo, name of students, school, or individual student photo, opinion on school activity.

11.5.4 **Conduct of interviews.**

Interviews of students by the media shall be conducted under the supervision of a DDSB employee.

11.5.5 **Access denial.**

The Board may impose conditions for attendance by the media on school property. If media representatives breach such conditions, the Board may deny them access to school property, including future access.

12.0 Privacy in the networked classroom and the use of online educational services

- 12.1 The Board shall ensure that all applications are reviewed and approved prior to introduction into the classroom in accordance with the [Technology Approval Process](#).
- 12.2 The Board shall ensure that all application providers are subject to privacy protections at least as comprehensive as the Board is obliged to comply with when Collecting, Using, retaining or Disclosing PI.

13.0 Privacy Breaches

- 13.1 If staff becomes aware of a suspected or actual privacy breach, they must immediately notify their principal/supervisor to ensure that immediate action can be taken to mitigate the impact/results of the breach.
- 13.2 For information about responding to a privacy breach, contact your Superintendent and/or the Privacy Officer at foi.privacy@ddsb.ca. See [Privacy Breach Protocol Procedure 3106](#) for more information.

14.0 Ontario Education Number

- 14.1 The Ontario Education Number (OEN) is a unique number assigned to each person who is enrolled in or who seeks admission to be enrolled in a school.
- 14.2 The Education Act, section 266, allows for the OEN to be Collected, Used, or Disclosed for purposes such as the provision of educational services and for purposes related to education administration, funding, planning, research, and for providing financial assistance to students.

- 14.3 No person shall, Collect, Use, or Disclose another person's OEN except as provided by the Education Act.

15.0 Security and Handling of Personal Information

- 15.1 Reasonable Safeguards must be applied according to the level of sensitivity throughout the Information Lifecycle. Controls can be administrative, physical and/or technical.
- 15.1.1 Administrative Safeguards examples may include: staff training; privacy and security policies procedures and standards; confidentiality agreements; and privacy impact assessments.
 - 15.1.2 Physical Safeguards examples may include: controlled access to locations where PI is stored; identification, screening and supervision of visitors; door and cabinet locks; access cards and keys; paper shredders; and alarm systems.
 - 15.1.3 Technical Safeguards examples may include: authentication and access controls; logging, auditing and monitoring; strong passwords, encryption, maintaining up-to-date software by applying the latest security patches; firewalls; hardened servers; intrusion detection and prevention; anti-virus; anti-spam; and/or anti-spyware software; protection against malicious and mobile code; threat risk assessments; screen savers with passwords; and access control lists.
- 15.2 PI must be released only on a Least Privilege, Need to Know basis consistent with DDSB policies and procedures.
- 15.3 Safeguards should be periodically reviewed to ensure they continue to be reasonable.
- 15.4 Many DDSB departments already have Safeguards in place for Personal Information. Such Safeguards must be reviewed to ensure they comply with the requirements in this Procedure.

Physical Information and Records

- 15.5 Records containing PI shall be always kept secure. To preserve the confidentiality, integrity and availability of Records:
- 15.5.1 Take Records containing PI off-site only when necessary and, whenever practical, the original record shall remain on-site and only copies removed. Original OSRs shall not be removed from the school unless they are being transferred to a new school and must remain at last school of attendance.
 - 15.5.2 Copies of documents containing PI shall be clearly identified as such and destroyed when no longer needed. Original documents containing PI shall be destroyed in accordance with a records retention schedule approved by the Privacy Officer.
 - 15.5.3 A sign-in/sign-out procedure including sign out date to monitor removed files shall be established.
 - 15.5.4 Records containing PI shall be returned to a secure environment as quickly as possible, for example, at the end of a meeting or the end of the day.

- 15.6 All working copies of paper files containing PI shall be returned to the office or a secure environment for destruction. Such records shall never be discarded in an individual's office, home or a public trash or recycling bin.
- 15.7 Visitor access to areas where records containing PI is being worked on or is stored shall be controlled. Unknown persons seen in operational areas shall be questioned. (e.g., Can I help you? Are you looking for someone?)
- 15.8 Areas of the building where PI is stored shall be secured after normal business hours.
- 15.9 Keys and access to locked file cabinets and locked areas shall be controlled and monitored.

Computers, Emails and Electronic Information

- 15.10 Email messages shall not contain PI about an identifiable individual unless necessary. Where it is necessary to include such information in an email, consider using the individual's initials, symbols, or a code rather than a full name to help maintain anonymity of the individual.
- 15.11 Emails and documents containing sensitive PI shall be encrypted in transit and at rest.
- 15.12 Passwords for encrypted files must be communicated through an out-of-band method, e.g., phone, text, portal, in person, mail.
- 15.13 The following email protection options in Microsoft Outlook should be utilized according to the level of sensitivity:
 - (a) *Encrypt Only*: Encrypts the message without additional permissions.
 - (b) *Do not forward*: recipients can read the message but cannot forward, print, or copy the content. The Information Owner has full permission to their message and all replies.
 - (c) *Confidential / All Employees*: requires protection which allows all employees full permissions. Information owners can track and revoke content.
 - (d) *Highly Confidential / All Employees*: allows all employees to view, edit, and reply permissions to this content. Data owners can track and revoke content.
- 15.14 Where possible, computer monitors shall be positioned to minimize unauthorized viewing of the PI displayed on the monitors. Monitors displaying PI shall never be left unattended and password protected screen saver options shall be used during periods of inactivity. These measures shall also be taken while working remotely.
- 15.15 Computer hard drives and file storage media must be rendered unusable when disposed of.

Mobile Devices

- 15.16 Mobile devices include, but are not limited to, laptops/notebook computers, tablets, cellular phones, and removable media (flash drives, memory sticks, removable drives).
- 15.17 All mobile devices must be secured against improper access, such as password protection and/or encryption.

- 15.18 PI shall not be stored on laptop hard drives unless these hard drives are protected by encryption software. If it is necessary to store data containing PI on the hard drive of a laptop, password protect the file and maintain the anonymity of the individual by initials or codes, when and where possible. Staff are encouraged to save documents or files that contain PI to DDSB Network drives or DDSB issued cloud storage media such as OneDrive or Google drive.
- 15.19 PI may not be transmitted to any destination external to DDSB without encryption.

Verbal Communications

- 15.20 When communicating PI, consider the physical setting and try to ensure that no one overhears the conversation, i.e., hallways, main office, etc. public telephones, etc.
- 15.21 When the work environment is not conducive to privacy while collecting or communicating PI, end and reschedule the conversation or move to a more private environment.

16.0 Retention Personal Information

- 16.1 Retention of PI will be subject to legislation and the Board's records retention schedules.
- 16.2 In accordance with MFIPPA, PI that has been Used shall be retained for a minimum of one year. This includes, but not limited to information such as teacher mark records, common assessment data, Individual Education Plans, etc.

17.0 Reference Documents

17.1 DDSB Policies

[Human Rights, Anti-Discrimination and Anti-Racism Policy](#)
[Indigenous Education Policy](#)
[Privacy Policy](#)

17.2 DDSB Procedures

[Acceptable and Safe Use Procedure for Computing Technology Safety](#)

[Collaboration Agreement With External Agencies For Provision Of Services By Regulated Health Professionals, Regulated Social Service Professionals, And Paraprofessionals \(Ministry Of Education Policy/Program Memorandum #149\)](#)

[Communicable Diseases](#)

[Electronic Monitoring](#)

[Guidelines for E-Mail](#)

[Handling of Media at the School Level Procedure](#)

[Human Rights, Anti-Discrimination and Anti-Racism Procedure](#)

[Human Rights Inclusive Design and Accommodation Procedure](#)

[Human Rights Roles, Responsibilities and Accountability Framework](#)

[Privacy Breach Protocol](#)

[Reporting Children and Youth in Need of Protection Procedure](#)

[Staff Mobile Phones](#)

[Student/Family Human Rights Issue, Incident and Complaint Resolution](#)

[Technology Approval Process](#)

[Technology Approval Process \(Cloud Services\): Privacy and Security Assessment Guide](#)

[Video Surveillance System](#)

17.3 Legislation

[Anti-Racism Act, 2017, S.O. 2017, c. 15](#)
[Canadian Charter of Rights and Freedoms](#)
[Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1](#)
[Education Act, R.S.O. 1990, c. E.2](#)
[Family Benefits Act, R.S.O. 1990, c. F.2](#)
[Health Protection and Promotion Act, R.S.O. 1990, c. H.7](#)
[Human Rights Code, R.S.O. 1990, c. H.19](#)
[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)
[Personal Health Information Protection Act, S.O. 2004, c. 3, Sched. A](#)
[Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)
[Ontario Disability Support Program Act, 1997](#)
[Ontario Works Act, 1997, S.O. 1997, c. 25, Sched. A](#)
[Youth Criminal Justice Act \(S.C. 2002, c. 1\)](#)

17.4 Other Documents

Ministry of Education OSR Guideline:
<https://www.ontario.ca/page/ontario-student-record-osr-guideline>

Appendix:

Appendix A: Notification of the Collection and Use of Student Personal Information
 Appendix B: Consent to the Release of OSR Documents
 Appendix C: Consent to the Collection and/or Release of Personal Information
 Appendix D: Photographs and Recording Consent, Waiver and Release
 Appendix E: Consent to Participate in Media or Promotional Activities

Effective Date

2012-06-15

Amended

2023-09-19

Appendix A

Notification of the Collection and Use of Student Personal Information

Legal Authority for Collection of Student Personal Information

The purpose of this communication is to notify you of how the Durham District School Board and your school use the personal information you provide to us in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The MFIPPA is a law that sets guidelines that schools and district school boards must follow when this collecting, using and/or and disclosing students' personal information. Under this Act, personal information refers to recorded information about an identifiable individual.

The Education Act sets out duties and powers of the Board and authorizes school boards to collect personal information for the purpose of planning and delivering educational programs and services which best meet students' needs and for reporting to the Minister of Education as required. This Act requires that the school principal maintain an Ontario Student Record (OSR) for each student attending the school. The OSR is a record of a student's educational progress through school in Ontario and follows students when they transfer schools. The Ontario Student Record Guideline sets out how record is to be managed. The Durham District School Board adheres to this OSR guideline.

Purpose of Collection of Student Personal Information

Under the MFIPPA, personal information may be used or disclosed by the Durham District School Board:

- for the purpose for which it was obtained or a consistent purpose (a purpose consistent for the reason collected);
- to Board officers or employees who need access to the information in the performance of their duties if necessary and proper in the discharge of the Board's authorized functions;
- to comply with legislation, a court order or subpoena or to aid in a law enforcement investigation conducted by a law enforcement agency; and,
- in compelling circumstances affecting health or safety (providing notice of the disclosure is sent to the student's home).

Where Consent is Required

Prior to releasing confidential information for any other purpose, the school will seek informed consent from the parent/guardian for children under 16 years of age, from the parent/guardian and the student where the student is 16 and 17, and from the student where the student is over 18 or the student is 16 or 17 years of age and has withdrawn from parental control, in accordance with both MFIPPA and the Education Act.

It is our practice to include a notice statement on forms used to collect personal information to advise you how we will use and disclose the information.

Routine Uses and/or Disclosures of Student Personal Information

To help you understand how we use the information you provide to us, we draw your attention to the following routine uses and/or disclosures of student personal information so that you may express any concerns you may have regarding the release and sharing of the information:

Please communicate any concerns you have with regards to the sharing of personal information in any or all of the following circumstances by contacting the school principal as soon as possible.

The following will apply unless a written objection is filed with the Principal and an alternative resolution can be found.

- The student's OSR information and achievement data will be used by school and board staff to support the classroom teacher in developing an educational program which best meets the student's needs. Staff working with the classroom teacher or directly with the student may include individuals working in areas such as Special Education, guidance counseling, student success, SERT, Educational Assistant, school administration, staff members of the school improvement team, etc.
- In keeping with the requirements of the *Education Act* and the *Personal Health Information Protection Act*, informed consent will be sought prior to conducting intelligence or behavioural tests, or prior to the involvement of Psychological, Speech and Language or Social Worker staff.
- Secondary schools will receive information about registered Grade 8 students in advance of the student attending the secondary school to help establish an appropriate program for the student.
- The secondary school will share information about each student's progress through secondary school with the student's previous elementary school to support continuous improvement of the elementary school program for all students.
- Student home addressees may be released to the Durham Student Transportation Services and the contracted bus company responsible for transporting students to and from school in order to administer the Board's contracted bus program.
- School activities may be reported in school and Board newsletters, and on school and Board websites. Individual students will only be photographed, recorded (audio/video) and identified with appropriate consents.
- The media, such as newspapers, web-based news services, television and radio, may be invited to the school for the purpose of reporting on newsworthy events or activities such as graduations, student achievements/awards, and current events. Their reports may include non-identifying photos of groups of students. Individual students would only be photographed or identified with appropriate consent. This consent may be given by way of the check box on the back of the **Student Registration** form, or in the case of more in-depth media coverage, a separate consent form will be sent home to parents.

- Parents/guardians/adult students shall be aware that when students participate in extra-curricular or non-compulsory activities off school grounds, the school principal is unable to control or prevent any media exposure which may occur.
- Students may be recorded (video or audio) or photographed by their classroom teacher in school or during school activities as part of their educational program. Photos may be shared with the class and parents as appropriate.
- Students may participate in video conferencing (a technology which allows for two or more locations to interact via simultaneous two-way video and audio transmissions) to support the classroom program. Conferences may be organized with students in other DDSB schools, students in other countries and or as virtual field trips.
- Phone numbers will be used on telephone lists. Examples include:
 - emergency contact lists to facilitate contact with parents during emergencies (e.g., inclement weather);
 - safe arrival programs, which may be staffed by parent volunteers, to contact parents where a student is absent and the parent/guardian has not notified the school of the absence;
 - volunteers, authorized by the Principal, to contact parents regarding school-related activities which benefit the student and the school community and require parent involvement.
- Parents/guardians/adult students are asked to complete Student Medical/Health Data forms for the purpose of developing a medical emergency plan for the student or Administration of Medication in School forms for the purpose of administering medication to the student. Medical emergency plans may be provided to school staff and the Durham Student Transportation Services and/or contracted bus operators to aid in a medical emergency.
- In compliance with the Personal Health Information Protection Act, student health numbers (OHIP) will not be collected; however parents/guardians/students may be invited to volunteer such information for students going on field trips to facilitate medical services if needed.
- Student work (i.e. Artwork, written creations, video and audio creations, and online creations) including student names, may be displayed in the classroom or in school hallways, or may be shared with the public events such as school and board newsletters, web applications, writing/colouring/poster contests, community events, fairs, and similar events/locations outside the school setting.
- Student accidents that take place during school or on school-sponsored activities will be reported to the DDSB insurer. Reports include the name of the injured student(s) and details about the incident as well as the name and contact information of witnesses to the accident.
- Birthday congratulations may be announced over the PA system and/or in the classrooms.

- Class lists with student first names and last initial only may be distributed to other parents for the purpose of addressing greeting cards or invitations in connection with holidays, birthday parties, etc.
- Surveillance equipment may be used in schools and on buses to enhance the safety of students and staff, to protect property against theft or vandalism, and to aid in the identification of intruders and of persons who endanger the health, wellbeing or safety of school community members.
- Student names and/or photographs may be printed in school programs (e.g. commencement or graduation programs, school plays and musical productions, student awards, academic and athletic awards and plaques, school brochures, honour roll and classroom assignment during school and semester start up) and in school yearbooks.
- Student names, school, and classroom designations may be shared with board-approved third party web 2.0 providers for the purposes of registrations and authentications.
- Student work may be stored on board approved third party web 2.0 servers for the purposes of on-line student collaboration, creation and presentation.

Questions regarding the information contained in this notification may be addressed to one or more of the following:

1. School Principal: [SCHOOL MAILING ADDRESS AND PHONE NUMBER]
2. Privacy Officer: 400 Taunton Road East, Whiby, ON L1R 2K6, foi.privacy@ddsb.ca, 905-666-5500

Appendix B

CONSENT TO THE RELEASE OF OSR DOCUMENTS

The Ontario Student Record (OSR) is a compilation of student's educational progress through school in Ontario and follows students when they transfer schools. It is used by school board staff to establish an educational program that best meets the student's needs. The Education Act requires that a school receive the consent of the parent prior to the release of the Ontario Student Record to any other party. Further, the Municipal Freedom of Information and Protection of Privacy Act requires the consent of the individual prior to the release of personal information which includes the Ontario Student Record.

Please note that fees for copies may be applicable. Where the release of information is for a purpose other than the education of the student, a fee for copies may be charged.

Name of Student	D.O.B.
School	Resides with

The Durham District School Board is authorized to provide the following to the institution/individual named below:

<input type="checkbox"/> Complete Ontario Student Record (OSR)	<input type="checkbox"/> OSR Reports (Please Specify):

Organization/individual to receive information (name, address, telephone)

Name (Please Print)	Title
Organization	Address
City, Province	Postal Code, Phone Number
Authorization	
Name of Parent/Legal Guardian/Adult Student	Signature of Parent/Guardian/Adult Student
Signature of Student (For Students 16 or 17 yrs old)	Date

Please be advised that any information collected by this consent, is collected by the Durham District School Board under the authority and restrictions of the Municipal Freedom of Information and Protection of Privacy Act. The information is supplied on the condition and understanding that it be used solely for the purpose of advocating the interests and wishes of the student to whom the information relates. It shall not be used to service the purpose of any other party. A copy of this consent form will be filed with any record which is disclosed as authorized above. Where this information is to be circulated, or disclosed, in whole or in part, in any form (including both verbal and written form) the recipient (above) shall ensure a copy of this consent including this note of legal condition is also provided. Questions about this collection shall be directed to the principal of the student's school or the Privacy Officer for the Durham District School Board at foi.privacy@ddsb.ca.

Appendix C

Consent to the Collection and/or Release of Personal Information

This form authorizes the collection and/or release of personal information for the purpose outlined. This consent is valid for the current school year and may be cancelled or changed by the authorizer in writing at any time, providing action has not already been taken on the basis of this authorization.

<hr/> Name of Student (Please Print)	<hr/> Parent/Guardian/Adult Student (Please Print)
<hr/> Address	<hr/> Home Phone
<hr/> City, Province	<hr/> Postal Code
<hr/> School	<hr/> Date of Birth: (yy/mm/dd)
<hr/> I hereby consent to the collection and/or release of personal information by:	
<hr/> Name (Please Print)	<hr/> Organization/School (Please Print)
<hr/> Phone	<hr/> Address
<hr/> City, Province	<hr/> Postal Code
<hr/> To:	
<hr/> Name (Please Print)	<hr/> Organization/School (Please Print)
<hr/> Phone	<hr/> Address
<hr/> City, Province	<hr/> Postal Code
<hr/> Describe the personal information and the purpose for collecting and/or releasing:	
<hr/>	
<hr/>	
<hr/>	
<hr/> Parent/Guardian/Adult Student Signature	<hr/> Student Signature
<hr/> Date	<hr/> Witness Signature

Information is collected or released under the authority the Education Act and/or the signed authorization of the individual in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of identified above. If you have any questions about the collection of personal information please contact the principal of the School, the Superintendent of Education at [mailing address, phone], or the Privacy Officer at 400 Taunton Road East, Whitby, ON L1R 2K5, foi.privacy@ddsb.ca, 905-666-5500.

Appendix D

Photographs and Recording Consent, Waiver and Release

I hereby grant permission to the Durham District School Board(DDSB) and its agents or representatives to take photographs, videos or audio recordings of me/my child to promote, publicize or explain the DDSB and its activities and functions and for administrative or educational or training purposes as outlined below.

Date	Event and Location (Provide Details)
Who is involved (Name of individual or class)	Describe what is being recorded

Primary Purpose

I further grant to the DDSB and its representatives the right to reproduce, use, exhibit, display, broadcast and distribute and create derivative works of these images and recordings and name in any media now known or later developed. I acknowledge that the DDSB owns all rights to the images and recordings.

I further grant consent under the Municipal Freedom of Information and Protection of Privacy Act to the DDSB to collect, use and disclose my image, voice, likeness and name in the video recordings/photographs for the promoting, publicizing or explaining the DDSB and its activities and for administrative or educational purposes.

Waiver and Release

I hereby waive any right to inspect or approve the use of the images or recordings or of any written copy. I also waive any right to royalties or other compensation arising from or related to the use of the images, recordings, or materials.

I hereby release, and hold harmless the DDSB, its officers, employees or agents from and against any claims, damages or liability arising from or related to the use of the images, recordings or materials.

I have read this document before signing below and I fully understand the contents, meaning and impact of this consent, waiver, and release. This consent, waiver, and release is binding on me, my heirs, executors, administrators and assigns.

I understand that by giving this consent, I am permitting personal information about me or my child to be used as outlined in this form and further understand that if consent were withheld this use would not occur. I have given this consent voluntarily.

Date	School
Name of Student (Please Print)	Student Signature
Parent/Guardian/Adult Student (Please Print)	Parent/Guardian/Adult Student Signature
Witness	Date

Personal information including images and recordings in connection with this form is collected under the authority of the Education Act including s.170, 171, 198, 199, 264 and 265 and in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will be used for promoting, publicizing or explaining the DDSB and its activities and for administrative, educational or training purposes. Personal information may be disclosed to outside service providers for processing and production. If you have any questions about the collection of personal information please contact the principal of the School or the Superintendent of Education at [mailing address, email, phone] or the Privacy Officer at 400 Taunton Road East, Whitby, ON L1R 2K6, foi.privacy@ddsb.ca, 905-666-5500.

Appendix E

CONSENT TO PARTICIPATE IN MEDIA OR PROMOTIONAL ACTIVITIES

Date: _____

Dear Parent/Guardian, Adult Student or Adult Participant:

The Durham District School Board and its schools cooperate with media and other organizations, within reason, to encourage the celebration of school achievements, sharing information about students and staff and their work and to report on newsworthy events. For example, an organization may want to: interview you/your child about a newsworthy event; to film/photograph or record digitally you/your child doing an activity; you/your child's work or accomplishments may be featured or the school may want to enter your child's work in a contest.

We recognize that there are instances where parents may not wish their children to participate in these activities and similarly for students at age of majority and other adults. The notice below provides details regarding the specific activity you/your child are being invited to participate in.

Name of Organization	Purpose
Date	Event and Location (Provide Details)
Who is involved (Name of individual or class) How will it be used? (i.e., newspaper, website, etc.)	Describe what is being recorded

All or portions of the work referred to above will become the property of the organization and may be adapted for other educational or non-educational applications, productions, broadcast, re-broadcast, publication, exhibition, reproduction and/or distribution in various media formats to a number of markets.

CONSENT AND ACKNOWLEDGEMENT

I, being the parent/legal guardian of the student named below or adult student/adult, have read and understand the information provided on this form.

- ☐ I **consent** to my/my child's participation in the activity described above and to the subsequent use as described above.
- ☐ I **do not consent** to my/my child's participation in the activity described above and its subsequent use as described above.

Date	School
Name of Student (Please Print)	Student Signature
Parent/Guardian/Adult Student (Please Print)	Parent/Guardian/Adult Student Signature
Witness	Date

Personal information is collected under the authority of your signed consent and will be used as outlined above. If you have any questions regarding this collection, or the activity, please contact your school principal or the Superintendent of Education at [mailing address, email, phone].

PROCEDURE

PERSONNEL

Privacy Breach Protocol

Adopted under the Privacy Policy

1.0 Objective

This Privacy Breach Protocol (the “Procedure”) has been adopted to allow for a prompt, reasonable and coordinated response should personal information be breached. The Procedure is designed to:

- 1.1.1 provide guidance on all reasonable steps necessary to limit a breach;
- 1.1.2 clarify roles and responsibilities;
- 1.1.3 support effective investigation and containment; and,
- 1.1.4 assist with remediation.

- 1.2 This Procedure is to be interpreted and applied in accordance with the Durham District School Board’s (“DDSB” or “the Board”) commitment to promoting and upholding Indigenous rights and human rights in all of its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB’s [Human Rights, Anti-Discrimination and Anti-Racism Policy](#), the [Indigenous Education Policy](#), the [Safe and Respectful Workplace and Harassment Prevention Policy](#).

2.0 Definitions

In this Procedure,

- 2.1 “**Personal Information**” or “**PI**” means recorded information about an identifiable individual and includes personal health information. As defined by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), this may include, but is not limited to:
- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
 - Any identifying number, symbol or other particular assigned to the individual,
 - The address, telephone number, fingerprints or blood type of the individual,
 - The personal opinions or views of the individual except if they relate to another individual,

- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- The views or opinions of another individual about the individual, and/or
- The individual's name if it appears with other PI relating to the individual or where the Disclosure of the name would reveal other personal information about the individual.

2.2 **“Personal Health Information” or “PHI”** has the meaning set out in s. 4 of the Personal Health Information Protection Act (PHIPA). Specifically, it is “identifying information” about an individual that:

- Relates to the physical or mental health of the individual,
- Relates to the provision of health care to the individual,
- Is a plan of service under the *Connecting Care Act, 2019, S.O. 2019, c. 5, Sched. 1*;
- Relates to payments or eligibility for health care or eligibility for coverage for health care,
- Relates to the donation of any body part or bodily substance of the individual or that is derived from the testing or examination of any such body part or bodily substance,
- Is the individual's health number, and/or
- Identifies an individual's substitute decision-maker.

PHI also includes identifying information about an individual that is not PHI listed above but that is contained in a record that includes PHI listed above. Information is “identifying” when it identifies an individual or when it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual.

2.3 **“Privacy Breaches”** occur when personal information is compromised; that is, when it is collected, used, disclosed, retained, or destroyed in a manner inconsistent with privacy legislation. Ontario school boards/authorities are governed by the following privacy statutes: MFIPPA and the PHIPA.

Simply put, this means personal information has been accessed or viewed by someone who should not have access to it; or it has been collected without proper authority; or it has been used for purposes other than for which it was collected.

Some privacy breaches may be obvious while others may not be as apparent. Examples of potential privacy breaches may include:

- 2.3.1 lost or misplaced personal information--for example, a misplaced student psychological assessment, report card or USB stick containing student marks, etc.;
- 2.3.2 stolen technologies or equipment that may contain personal information--for example, laptops, data drives, disks, PDA's, etc.;
- 2.3.3 disclosure of personal information to an unauthorized person or group--for example, student reports cards or verification sheets given to the wrong student(s), student marks

emailed to wrong person, personal information posted publicly in error, etc.;

- 2.3.4 deliberate disclosure of personal information to an unauthorized person or group for fraudulent or other purposes—for example, a user ID and password for access to personal information is posted on a social networking site, etc.;
- 2.3.5 information used for a purpose not consistent with the reason the information was collected—for example, disclosure of staff contact list for purpose of sales and solicitation; or,
- 2.3.6 information collected in error—for example collected from a third party, or where there is no authorization for the collection.

2.4 **“Privacy Incident”** means a real or suspected privacy breach.

2.5 **“Service Provider”** mean contracted third parties used to carry out or manage programs or services on behalf of the Board, and for the purposes of privacy breach reporting, includes all contractors that collect, use or disclose personal information on behalf of the Board. For example: school photographers; bus operators; external data warehouse services; or extended daycare providers.

3.0 Response Protocol – Five Steps

The following five steps shall be initiated as soon as a Privacy Breach or Privacy Incident occurs: 1) report and assess, 2) containment, 3) investigate, 4) notify, and 5) closure and documentation.

3.1 Step 1 – REPORT AND ASSESS

3.1.1 Report Breach

If you become aware of a possible breach of Personal Information by: 1) an internal source such as a staff member; or 2) an external source such as a third-party contractor, a parent or a student; **the suspected breach shall be promptly reported to your Principal or Manager.** This shall occur even if the breach is only suspected and not yet confirmed. The following information shall be collected to include in the final documentation in Step 5:

- (a) What happened?
- (b) Where?
- (c) When did the Privacy Incident occur?
- (d) How was the Privacy Incident discovered?
- (e) Was any corrective action taken when the Privacy Incident was discovered?

3.1.2 Assess

The Principal or Manager shall assess the information collected to determine whether to take containment steps and notify the Privacy Officer.

If there is a possibility that PI has been collected, used or disclosed without authorization, the Principal or Manager shall take containments steps, per Step 2 below, and shall promptly notify the Supervising Superintendent and Privacy Officer.

3.2 **Step 2 – CONTAINMENT**

Containment involves taking immediate corrective action to put an end to the unauthorized practice.

For example: recovering the records; shutting down the system; revoking/changing computer access codes; or correcting weaknesses in physical or electronic security. The main goal is to alleviate any consequences for the individual(s) whose PI was involved and for the Board.

3.3 **Step 3 – INVESTIGATE**

Once the privacy incident is contained, the Principal or Manager shall consider how best to investigate, with input from the Supervising Superintendent and/or the Privacy Officer as required.

If assistance from an outside expert or investigator is not required, the Principal or Manager shall gather evidence (documentation and statements) to determine the cause and potential impact of the breach by:

- (a) identifying and analyzing the events that led to the Privacy Breach;
- (b) evaluating if it was an isolated incident or if there is risk of further exposure of information;
- (c) determining who was affected by the breach, e.g. students or employees, and how many individuals were affected;
- (d) evaluating the effect of containment activities;
- (e) evaluating who had access to what Personal Information;
- (f) evaluating if Personal Information was lost or stolen; and,
- (g) evaluating if the Personal Information has been recovered.

3.4 **Step 4 – NOTIFY**

Notification helps to ensure that the affected parties can take remedial action, if necessary, and to support a relationship of trust and confidence.

The Principal or Manager shall consult with the Privacy Officer and the Supervising Superintendent (or the Superintendent of Education / Employee Relations for staff breaches, as appropriate) to determine what notifications are required.

3.4.1 **Factors in assessing notification**

In determining if notification to affected individuals is required, the following factors shall be considered:

- a) *Reasonable Expectations*

The affected individual's reasonable expectation of notification shall be considered.

- b) *Statutory Duties*

If the information at issue is in a personal counselling or similar record the Board may have a statutory duty to notify affected individuals under the PHIPA. There is also notification duty in the *Personal Health Information Protection and Electronic Documents Act* that may be triggered in more rare circumstances.

c) *Risk of Physical Harm*

Does the loss or theft of information place any individual at risk of physical harm, stalking, or harassment?

d) *Risk of Identity Theft*

Is there a risk of identity theft or other fraud? How reasonable is the risk? Identity theft is a concern if the breach includes unencrypted information such as names in conjunction with social insurance numbers, credit card numbers, drivers' license numbers, personal health numbers, debit card numbers with password information, or any other information that can be used for fraud by third parties (e.g., financial). (**Appendix #2**).

e) *Risk of Hurt, Humiliation, or Damage to Reputation*

Could the loss or theft of information lead to hurt, humiliation, or damage to an individual's reputation? This type of harm can occur with the loss or theft of information such as mental health records, medical records, or disciplinary records.

f) *Risk of Loss of Business or Employment Opportunities*

Could the loss or theft of information result in damage to an individual's reputation, affecting his/her business or employment opportunities?

3.4.2 **Whether notification to authorities or organizations is required**

Examples of organizations that may need to be notified include:

- a) police, if theft or other crime is suspected;
- b) insurers;
- c) Information and Privacy Commissioner;
- d) credit card companies and financial institutions;
- e) third party contractors or other parties that may be affected;
- f) other DDSB departments or staff; or,
- g) union or other employee groups.

3.4.3 **Notification Timeline**

Affected individuals shall be notified promptly after the Board determines that their PI has been collected, used, and disclosed without authorization.

Depending on the circumstances, notification may occur in stages. For example, the Board may choose to notify before completing an investigation if a suspected breach is widely known or if a breach is very likely. In doing so, the Principal or Manager should

make clear what the Board knows and does not yet know, and commit to further follow-up.

3.4.4 **Method of Notification**

The method of notification shall be guided by the nature and scope of the breach and in a manner that reasonably ensures that the affected individual will receive it. Direct notification, e.g., by phone, letter, email or in person is preferable and shall be used where the individuals are identified.

Where it is not possible to determine the affected individuals (for example, when a student information system has been breached), posted notices, media releases, website notices or letters to all students or staff shall be considered.

3.4.5 **Who is Responsible for Notification**

Ideally, the individual(s) shall be notified by the department associated with the breach. For example, where the breach is for student information, the Principal of the school shall be responsible for providing notification; where the breach is for staff information, Human Resource Services shall be responsible for providing notification. The Supervising Superintendent or the Superintendent of Education / Employee Relations may be referred to as a contact for questions, as applicable.

3.4.6 **Notification shall include:**

- (a) description of the incident and timing;
- (b) description of the information involved;
- (c) the nature of potential or actual risks or harm;
- (d) what mitigating actions were/are being taken;
- (e) appropriate action for individuals to take in order to protect themselves against harm;
- (f) a contact person for questions or to provide further information; and/or,
- (g) contact information for the Information and Privacy Commissioner of Ontario.

3.5 **Step 5 – CLOSURE AND DOCUMENTATION**

3.5.1 **Prevention plan and corrective action**

Once the breach has been resolved, the Supervising Superintendent or Associate Director, Corporate Services, as the case may be, shall work with the Principal or Manager to develop a prevention plan or take corrective actions, if required, and in doing so shall consult with the Privacy Officer.

The extent of the prevention plan or corrective actions shall be determined by the significance of the breach and whether it was systemic or isolated. These may include: audits, review of policies, procedures, and practices; employee training; or review of service delivery partners. Consideration shall be given to testing and evaluating a prevention plan or corrective actions to determine if they have been implemented correctly, as well as notifying appropriate stakeholders of any changes or preventative

measures that have been implemented.

3.5.2 Privacy Breach Report

The Principal or Manager shall complete a Privacy Breach Report (**Appendix #1**) in consultation with the Privacy Officer and forward a final copy to the Privacy Officer. If litigation is contemplated, the Privacy Officer may direct that the completion of a Privacy Breach Report be deferred.

4.0 Response Protocol – Service Providers

- 4.1 The Board will follow a similar process for responding to breaches and suspected breaches experienced by service providers. The response shall be led by the Privacy Officer or delegate, who shall seek appropriate assurances from the service provider about:
 - 4.1.1 the interim measures taken by the service provider to contain the incident and re-secure data;
 - 4.1.2 the information the service provider will give to the Board so it can meet its notification and other obligations to individuals;
 - 4.1.3 the service provider's plan for communication, which should not create problems or challenges for the Board's own communication plan; and,
 - 4.1.4 the final measures taken by the service provider to prevent a recurrence.
- 4.2 These dealings with service providers may be taken in contemplation of litigation (and subject to litigation privilege).

5.0 Roles and Responsibilities

- 5.1 **All Employees** are responsible for:
 - 5.1.1 being alert to the potential for PI to be compromised, and playing a role in identifying, notifying, and containing a breach;
 - 5.1.2 notifying their supervisor immediately, or, in their absence, the Privacy Officer, upon becoming aware of a breach or suspected breach; and,
 - 5.1.3 where possible, containing the suspected breach by suspending the process or activity that caused the breach to be determined on a case-by-case basis.
- 5.2 **Principals and Managers** are responsible for:
 - 5.2.1 promptly alerting their Supervising Superintendent or Associate Director, Corporate Affairs as the case may be, and the Privacy Officer of a breach or suspected breach, and working with their Supervising Superintendent or supervisor as the case may be to implement the five steps of the response protocol;
 - 5.2.2 informing affected individuals if required, and responding to questions or concerns with input from the Supervising Superintendent and/or Privacy Officer as appropriate;
 - 5.2.3 investigating with or without the assistance of the Privacy Officer and/or outside experts

or providing outside investigators access to information;

5.2.4 for all incidents processed beyond Step 1 in the Response Protocol, completing, and forwarding a Privacy Breach Report to the Privacy Officer (See **Appendix #1**); and

5.2.5 Obtaining advice and guidance from the Privacy Officer as necessary to meet their responsibilities.

5.3 **Supervising Superintendent/Associate Director** is responsible for:

5.3.1 ensuring that all five steps of the response protocol are implemented;

5.3.2 supporting the Principal or Manager in responding to the breach;

5.3.3 responding to questions from the public regarding the breach;

5.3.4 briefing senior management and trustees as necessary and appropriate;

5.3.5 reviewing internal investigation reports and approving required remedial action;

5.3.6 monitoring implementation of remedial action;

5.3.7 ensuring that those whose Personal Information has been compromised are informed as required; and

5.3.8 obtaining advice and guidance from the Privacy Officer as necessary to meet their responsibilities.

5.4 The **Privacy Officer** is responsible for:

5.4.1 providing legal advice and guidance to others with duties under this Procedure;

5.4.2 in consultation with the Associate Director, Corporate Services, retaining and instructing outside experts and investigators as appropriate;

5.4.3 As appropriate, and in consultation with the Associate Director of Corporate Services, reporting the breach to the Board's insurer;

5.4.4 reporting the Privacy Breach to the Information and Privacy Commissioner of Ontario where appropriate, and coordinating with the applicable staff with respect to this reporting as appropriate;

5.4.5 working jointly with the Associate Director, Corporate Affairs, in liaising with service providers who are experiencing privacy incidents;

5.4.6 receiving and reviewing Privacy Breach Reports with a view to maintaining the Board's overall privacy protection program and, if litigation is contemplated, directing that the completion of a Privacy Breach Report be deferred, as appropriate; and

5.4.7 consulting with the Associate Directors on appropriate reporting to the Director of Education and the Administrative Council on containment and mitigation issues in

relation to any Privacy Breach.

6.0 Reference Documents

6.1 Policies

[Privacy Policy](#)

6.2 Procedures

[Privacy Procedure \(Personal\)](#)

[Acceptable and Safe Use Procedure for Computing Technology Safety](#)

[Electronic Monitoring](#)

[Guidelines for E-Mail](#)

[Staff Mobile Phones](#)

[Video Surveillance System](#)

[Technology Approval Process](#)

[Technology Approval Process \(Cloud Services\): Privacy and Security Assessment Guide](#)

6.3 Other Documents

[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)

[Personal Health Information Protection Act, S.O. 2004, c. 3, Sched. A](#)

[Protection and Electronic Documents Act \(S.C. 2000, c. 5\)](#)

Appendix:

Appendix 1: Privacy Breach Report Template

Appendix 2: Identity Theft Frequently Asked Questions

Effective Date

2012-06-15

Amended

2023-09-19

Appendix #1 - PRIVACY BREACH REPORT

To be completed by the Principal or Senior/Manager and forwarded to the Privacy Officer (foi.privacy@ddsb.ca) at Step 5 of the Privacy Breach Protocol

Step 1 – Report and Assess

- a. When did the Board discover the incident?
- b. Who discovered it?
- c. How?

Step 2 – Containment

- a. What steps did the Board take to contain the incident?
- b. By whom?
- c. When?

Step 3 – Investigation

- a. How many individuals were affected?
 - i. Who? (include names, DDSB job titles (if applicable), whether students, parents, service providers, the public, etc.)
- b. What information was exposed?¹
 - i. How?
- c. What caused the incident?

¹ Note: personal information (PI) is information about an identifiable or potentially identifiable individual and includes personal health information and opinions about the individual. Personal health information (PHI) means information about an individual that pertains to the individual's health, including information about an individual's physical or mental health, receipt of health care services and health number. Please see sections 3.14 and 3.15 of the DDSB Privacy Breach Protocol for more detailed definitions for PI and PHI.

Step 4 – Notify

- a. Did the Board notify any affected individuals?
 - i. Who?
 - ii. When?
- d. Through what means?

Step 5 – Closure

- a. What actions did the Board take to prevent a recurrence?
- e. What actions will the Board take to prevent a recurrence?
 - i. By when?
 - ii. Who is responsible?

REPORT COMPLETED BY _____

DATE _____

Appendix #2

Identity Theft Frequently Asked Questions

For use when government issued ID or credit cards have been breached

What is Identity Theft?

Identity theft occurs when your personal information is used without your knowledge or consent to commit a crime such as fraud or theft. This may occur because identity thieves steal personal information and use it to impersonate you and commit crimes in your name. Identity thieves can manipulate your information and invade your personal and financial life. They can use stolen identity to conduct spending sprees, open a new bank account, divert mail, apply for loans, credit cards and social benefits, rent apartments and even commit more serious crimes.

In addition to names, addresses and phone numbers, identity thieves look for:

- Social insurance numbers;
- Driver's licence numbers;
- Credit card and banking information;
- Bank cards;
- Calling cards;
- Birth certificates;
- Passports.

What to do if Government Issued Documents are Lost or Stolen

If your birth certificate, driver's licence, social insurance card or any other government issued document is lost or stolen, notify the issuing authority right away so the document can be cancelled and a new one issued. You can also access this key contact information by visiting your nearest Ontario Government Information Centre or by phoning 414-326-1234 or toll-free 1-800-267-8097.

You may wish to take additional precautions such as placing a security/fraud alert on your credit bureau file, which flags the file for added security by potential lenders. You may also want to consider periodically obtaining a copy of your credit report and have any fraudulent transactions deleted. For your reference, the following is contact information for the three major credit card reporting agencies:

- Equifax – 1-800-525-6285
- Experian – 1-888-397-3742
- TransUnion – 1-800-680-7289

I've Taken All The Recommended Steps. Now What?

The following measures can help ensure that the identity theft is resolved and does not recur:

- Keep a log of all your phone calls. Write down the name of anyone you talked to, what he or she told you and the date your conversation occurred.
- In complex cases, you may want to follow up in writing with contacts you've made on the telephone or in person.
- Keep all originals of supporting documentation, like police reports and letters to and from companies. Send copies only.
- Keep old files even if you believe the case has been resolved. Errors can reappear on your credit reports or your information can be re-circulated.

Where Can I Get More Information About Identity Theft?

Canadian Consumer Information Gateway - <http://www.consumerinformation.ca/> Safe Canada - http://www.safecanada.ca/identitytheft_e.asp Consumer Identity Theft Kit - <http://cmcweb.ca/eic/site/cmc-cmc.nsf/eng/fe00084.html>

Adapted from the Ontario Ministry of Community and Social Services - http://www.sse.gov.on.ca/mcs/en/Pages/Identity_Theft.aspx

REGULATION

PERSONNEL

Privacy

1.0 Purpose

The Durham District School Board collects personal information as required and authorized by law for the purpose of providing for the education of students and the employment of Board personnel.

The management of the personal information collected for these purposes is in accordance with the provisions of the *Education Act*, *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and the *Personal Health Information Protection Act (PHIPA)*.

2.0 Guidelines

The protection of personal information held by the DDSB is guided by the principles contained in the Ontario School Board/Authorities Privacy Standard.

2.1 Accountability and Responsibility

Under MFIPPA, individuals responsible for managing the personal information in their custody and control may designate an individual within their school board authority as an agent to assist with compliance with privacy legislation. The DDSB authorizes the Director of Education or designate for this purpose.

Under PHIPA, individuals responsible for managing the personal health information in their custody and control may designate an individual within their school board authority as an agent to assist with compliance with privacy legislation.

2.2 Specified Purposes

The purpose(s) for which personal information is collected, and individuals shall be notified of the purposes and any other information required by law at or before the time personal information is collected.

2.3 Consent

Personal information is collected for the provision of educational services for students and employment with the Board. The knowledge and in some cases, the consent of an individual is required for the collection, use, retention and disclosure of personal information, except where otherwise permitted by law.

2.4 Limiting Collection

The collection of personal information shall be limited to that which is necessary for its specified purposes in accordance with its statutory duties and responsibilities.

2.5 Limiting Use, Retention and Disclosure

Personal information shall be not used, retained, or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as authorized or required by law. Personal information shall be retained in accordance with the specific purpose of the original consent.

2.6 Accuracy

The DDSB shall ensure that personal information is accurate, complete, and up-to-date in order to fulfill the specified purposes for its collection, use, disclosure, and retention. Employees shall keep the DDSB notified of changes to personal information.

2.7 Safeguards

Personal information shall be secured and protected from unauthorized access, use, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

2.8 Openness and Transparency

The Director of Education or designate shall make available to the public specific information about its policies and practices relating to the management of personal information.

2.9 Access and Correction

Upon request, the Director of Education or designate shall allow an individual to access his/her personal information and give him/her access to that information in accordance with privacy legislation, subject to any mandatory or discretionary exceptions.

An individual has the right to challenge the accuracy and completeness of the information and request that it be amended as appropriate or to have a letter/statement of disagreement retained on file.

Any individual to whom the disclosure of the personal information has been granted in the year preceding a correction has the right to be notified of the correction/statement.

Upon request, an individual will be advised of any third party service provider requests for his/her personal information in accordance with privacy legislation.

2.10 Compliance

An individual shall have the ability to address or challenge compliance with these principles to the Director of Education or designate.

Appendix:

None

Effective Date

2012-02-21

Amended/Reviewed

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board **DATE:** October 16, 2023

SUBJECT: New Trustee Criminal Reference Checks Policy and Rescission of Regulation **PAGE:** 1 of 3

ORIGIN: Camille Williams-Taylor, Director of Education and Secretary to the Board
 Heather Mundy, Superintendent of Equitable Education, People & Culture
 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 the Governance and Policy Committee's recommendation to rescind the Trustee Criminal Reference Checks Regulation and replace the Policy with a new draft version.

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 and Analysis

Staff undertook a review of the Trustee Criminal Reference Checks Policy and Regulation, included in Appendix A, and recommended to the Governance and Policy Committee that the regulation be rescinded and the policy replaced with a new version, included in Appendix B.

The table below outlines the policy and regulation recommended for revision and rescission including staff's rationale in bringing forward the recommendation.

Table 1 – Trustee Criminal Reference Check Policy and Regulation

Name	Type	Recommendation	Rationale
Trustee Criminal Reference Checks	Policy	Replace	Created in 2008, and last updated in 2013. Relevant provisions of the regulation have been moved over into the policy and incorporates the two lines that were in the policy. The revision also includes language to

			require Vulnerable Sector Screening in addition to Criminal Background Checks with clearer instructions for new and returning trustees, and updated data security measures relating to storage and retention.
Trustee Criminal Reference Checks	Regulation	Rescind	Created in 2008 and last updated in 2013. Rescinded in accordance with the Board mandated phase out of regulations, content added to revised policy above.

The Governance and Policy Committee adopted the following resolution:

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE TRUSTEE CRIMINAL REFERENCE CHECKS REGULATION BE RESCINDED AND THAT THE POLICY BE REPLACED IN ACCORDANCE WITH THE DRAFT POLICY FOUND AT PAGE 95 OF THE AGENDA PACKAGE AND THAT THE MATTER BE CONSIDERED AT THE OCTOBER 16, 2023 REGULAR BOARD MEETING.

4.0 **Financial Implications**

Not applicable.

5.0 **Evidence of Impact**

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

6.0 **Communication Plan**

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

7.0 **Conclusion and/or Recommendations**

That the Board of Trustees rescind the Trustee Criminal Reference Checks Regulation and replace the Policy with the new draft policy as noted in Appendix B.

8.0 **Appendices**

Appendix A: Current Trustee Criminal Reference Checks Policy and Regulation
 Appendix B: New Trustee Criminal Reference Checks Policy

The report was reviewed and submitted by:



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



Heather Mundy, Superintendent Equitable Education, of People & Culture



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

PERSONNEL

Trustee Criminal Reference Checks

- 1.0 The Durham District School Board recognizes the importance of providing a safe educational environment for all students and staff in the Board.
- 2.0 Durham District School Board Trustees are required to provide a Criminal Reference Check in accordance with this policy and its accompanying regulation.

Appendix:

None

Effective Date

2008-01-12

Amended/Reviewed

2013-11-21

REGULATION

PERSONNEL

Trustee Criminal Reference Checks

1.0 Guiding Principles

- 1.1 Trustees are leaders in our community.
- 1.2 Trustees interact with children within our school system.
- 1.3 Trustees have a legacy and a responsibility to ensure the safety of students and employees for the present and for the future.

2.0 Administration of the Criminal Background Check

- 2.1 The Criminal Reference Check (CRC) shall consist solely of information regarding outstanding criminal code charges and/or convictions for which a pardon has not been granted.
- 2.2 The Criminal Reference Check will be collected and administered by the Director of Education, acting in his/her capacity as Secretary to the Board.
- 2.3 Trustees who have not served in the immediately prior term shall provide, to the Director of Education, a Criminal Reference Check, not more than six months old (as determined from the date on the CRC document), within two months of being sworn in as a Trustee for the Durham District School Board.
- 2.4 The CRC shall be maintained in a secure location by the Director of Education.
- 2.5 The Director of Education will examine the reference checks to identify any areas of concern regarding risk posed to students, employees, and Board property and equipment in the context of the Trustee's role. Mitigating factors shall include:
 - the length of time since any conviction
 - rehabilitative or other efforts undertaken.
- 2.6 If the Director of Education determines that the content of the CRC poses a risk as noted in 2.5 above, then the Director shall notify the Chair of the Board of the concern. The Chair shall consider the concern and take any action which he/she believes warranted under Durham District School Board By-Law #9.

3.0 Administration of the Annual Offense Declaration

- 3.1 Trustees shall provide a signed annual Offense Declaration to the Director by September 1 of each year in which the Trustee is serving, listing all of the Trustee's charges and/or convictions for offenses under the Criminal Code (Canada) up to the date of the declaration:
 - which are not included in the CRC provided by the Trustee to the Director, and
 - for which a pardon has not been granted.
- 3.2 The Director shall notify the Chair of any Trustees who do not provide an Offense Declaration; the Chair shall investigate and take any action which he/she believes warranted under DDSB By Law – *Trustee Determination and Distribution*.

- 3.3 The Annual Offense Declaration shall be maintained in a secure location by the Director of Education.
- 3.4 The Director of Education will examine the Offense Declaration to identify any areas of concern regarding risk posed to students, employees, and Board property and equipment in the context of the Trustee's role. Mitigating factors shall include:
- the length of time since any conviction
 - rehabilitative or other efforts undertaken
- 3.5 If the Director of Education determines that the content of the Offense Declaration poses a risk as noted in 3.4 above, then the Director shall notify the Chair of the Board of the concern. The Chair shall consider the concern and take any action which he/she believes warranted under Durham District School Board By Law – *Trustee Determination and Distribution*.

4.0 Communication

- 4.1 The requirement to provide a Criminal Reference Check and annual offense declaration shall be placed in the description of the role of the Trustee (DDSB By Law – *Filling Trustees Vacancies on the Board of Education*).
- 4.2 This policy and its accompanying regulation will be placed in the Trustee information package role description.
- 4.3 This policy and regulation will be placed in the information given to persons interested in seeking election for the position of Trustee for the Durham District School Board.

Appendix:

None

Effective Date

2008-01-12

Amended/Reviewed

2013-11-21

POLICY

CORPORATE SERVICES

Trustee Criminal Reference Checks

1.0 Rationale

- 1.1 The Durham District School Board (DDSB) recognizes the importance of providing safe learning and working environments for all students and staff at the Board.
- 1.2 In the course of operational responsibilities, Trustees engage with vulnerable persons, including children and students, who are at a greater risk of being harmed by a person in authority.
- 1.3 Criminal Reference Checks and Vulnerable Sector Checks mitigate risks associated with those working with the vulnerable sector.
- 1.4 Trustees have a responsibility to ensure the safety of students and employees at the Board.

2.0 Policy Objective

- 2.1 The purpose of this policy is to outline the requirement of DDSB Trustees to provide Criminal Reference Checks and Vulnerable Sector Checks.
- 2.2 This policy is to be interpreted and applied in accordance with the District's commitment to promoting and upholding Indigenous rights and human rights in all of its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB's Indigenous Education Policy, the Human Rights, Anti-Discrimination and Anti-Racism Policy (the "Human Rights Policy"), the Safe and Respectful Workplace and Harassment Prevention Policy and related procedures.

3.0 Definitions

In this policy,

- 3.1 **Vulnerable Persons:** A vulnerable person is defined as a person who, because of their age, disability, or other circumstances, whether temporary or permanent, are in a position of dependence on others, or are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.

4.0 Policy

- 4.1 DDSB Trustees are required to provide a Criminal Reference Check (CRC) including a Vulnerable Sector Check (VSC) and an Annual Offense Declaration to mitigate risks associated with working with vulnerable persons in the DDSB community.

5.0 Administration of the Criminal Background Check

- 5.1 The Criminal Reference Check shall consist solely of information regarding outstanding criminal code charges and/or convictions for which a pardon has not been granted.
- 5.2 The Criminal Reference Check will be collected and administered by the Director of Education (or designate), acting in their capacity as Secretary to the Board.
- 5.3 Trustees who have not served in the immediately prior term shall provide, to the Director of Education, a Criminal Reference Check including a Vulnerable Sector Check, not more than six months old (as determined from the date on the CRC document), within two months of being sworn in as a Trustee for the Durham District School Board.
- 5.4 The collection, storage, and retention shall be subject to the same procedures applicable to DDSB employee Criminal Reference Checks.
- 5.5 The Director of Education will examine the reference checks to identify any areas of concern regarding risks posed to students, employees, and Board property and equipment in the context of the Trustee's role.
- 5.6 If the Director of Education determines that the content of the CRC poses a risk as noted in 5.5 above, then the Director will implement operational actions to ensure the safety of students, employees, and Board property and equipment respecting confidentiality of all matters pertaining to the collection of CRCs. The Director will bring forward an in camera report if they deem that any concerns from the CRC may impact trustee participation at Board or Committee meetings.

6.0 Administration of the Annual Offense Declaration

- 6.1 Trustees shall provide a signed Annual Offense Declaration to the Director by September 1 of each year in which the Trustee is serving, listing all of the Trustee's charges and/or convictions for offenses under the Criminal Code (Canada) up to the date of the declaration:
 - which are not included in the CRC provided by the Trustee to the director, and
 - for which a pardon has not been granted.
- 6.2 The Director shall notify the Chair of any Trustees who do not provide an Offense Declaration; the Chair shall investigate and take any action deemed warranted under DDSB By-Laws.
- 6.3 The Annual Offense Declaration shall be maintained in a secure location by the Director of Education. The collection, storage, and retention shall be subject to the same procedures applicable to employee Offense Declarations.
- 6.4 The Director of Education will examine the Offense Declaration to identify any areas of concern regarding risk posed to students, employees, and Board property and equipment in the context of the Trustee's role.
- 6.5 If the Director of Education determined that the content of the Offense Declaration poses a risk as noted in 6.4 above, then the Director shall notify the Chair of the Board of the concern. The Chair shall consider the concern and take any action deemed warranted under DDSB By-Laws.
- 6.6 The cost of the Criminal Reference Check shall be reimbursed and the expense shall be claimed and processed in accordance with the Trustee Expense Procedure.

- 6.7 Trustees shall also provide notification, within 48 hours, of any new charges or convictions that have occurred after the submission of the Annual Offense Declaration and Criminal Reference Check

7.0 Communication

- 7.1 The requirement to provide a Criminal Reference Check and annual offense declaration shall be placed in the description of the role of the Trustee (DDSB By-Laws Section 6 – Filling Trustees Vacancies on the Board of Education).
- 7.2 This policy will be placed in the Trustee information package.
- 7.3 This policy will be placed in the information given to persons interested in seeking election for the position of Trustee for the Durham District School Board.

8.0 Evaluation

- 8.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

Appendix:
None

Effective Date:
2008-01-12

Reviewed and Amended:
2013-11-21
2023-09-XX



Minutes - Governance and Policy Committee Meeting
Wednesday, May 24, 2023, 6:00 p.m., Hybrid

1. Call to Order

Trustee Tracy Brown, Committee Chair, called the meeting to order at 6:06 p.m.

Members Present: Trustees Emma Cunningham (virtual, arrived 7:00 p.m.), Donna Edwards, Kelly Miller, Carolyn Morton, Shailene Panylo, Christine Thatcher, Jill Thompson, Student Trustee Ben Cameron (virtual)

Not in Attendance: Trustees Michelle Arseneault, Stephen Linton, Deb Oldfield, Linda Stone, Student Trustees Gwen Kuyt, Lauren Edwards

Staff Present: Director of Education Camille Williams-Taylor, Associate Director Jim Markovski, General Counsel Patrick Cotter, Interim Executive Lead Kathy Witherow, Superintendents of Education Stephen Nevills, Heather Mundy, Margaret Lazarus, Policy Analyst Ahmad Khawaja (virtual), Communications Manager Cory Wilkins

Guests: Lori Lukinuk

Recording Secretary: Gillian Venning

2. Land Acknowledgment

Trustee Tracy Brown gave the Land Acknowledgement: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with home to many Indigenous peoples from across Turtle Island (North America). 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.

3. Declarations of Interest

There were no declarations of interest.

4. Approval of Agenda

MOVED by Trustee Carolyn Morton

THAT THE AGENDA BE APPROVED.

5. Approval of Minutes – March 29, 2023

MOVED by Trustee Stephen Linton

THAT THE DRAFT MINUTES OF THE MARCH 29, 2023 GOVERNANCE AND POLICY COMMITTEE MEETING BE APPROVED.

CARRIED

6. Recommended Actions**(a) Rescission of Recognition of Long Service and Retirement of Employees Policy and Regulation and Revised Procedure**

Superintendent of People and Culture Heather Mundy introduced the report, noting that staff have undertaken a review of this policy and regulation which has resulted in revisions to the procedure and a recommendation to rescind both the policy and regulation as they are now dealt with through the revised procedure and in the Safe and Respectful Workplace and Harassment Prevention Policy.

There were no Trustee questions.

MOVED by Trustee Donna Edwards

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE RECOGNITION OF LONG SERVICE AND RETIREMENT OF EMPLOYEES POLICY AND REGULATION BE BROUGHT FORWARD FOR RESCISSION AT THE NEXT REGULAR BOARD MEETING.

CARRIED

(b) Rescission of Contests in Art Sponsored by Outside Agencies Policy and Regulation

Superintendent of Equitable Education Stephen Nevills introduced the report, noting that staff have undertaken a review of the Contests in Art Policy and regulation. It is recommended that the policy as outlined in the report be rescinded as it is either redundant or dealt with through other DDSB policies and procedures or Ministry of Education directives. It is recommended that the regulation as outlined in the report be rescinded in accordance with the Board's direction to phase out Regulations.

There were no Trustee questions.

MOVED by Trustee Christine Thatcher

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE CONTESTS IN ART SPONSORED BY

OUTSIDE AGENCIES POLICY AND REGULATION BE BROUGHT FORWARD FOR RESCISSION AT THE NEXT REGULAR BOARD MEETING.

CARRIED

(c) Revised French Instruction Policy and Procedure

Superintendent of Equitable Education Margaret Lazarus introduced the report, noting that staff have undertaken a review of the French Instruction Policy and Procedure to ensure alignment with the DDSB's Indigenous Education Policy and the Human Rights, Anti-Discrimination and Anti-Racism Policy as well as a proposed name change to the French Programs Policy and Procedure.

Trustee questions were answered.

MOVED by Trustee Carolyn Morton

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND THAT AT THE NEXT REGULAR BOARD MEETING THE BOARD OF TRUSTEES ADOPT THE REVISED FRENCH INSTRUCTION POLICY, INCLUDING THE ADDITIONAL CHANGE TO SECTION 2.2 TO INCLUDE THE TERM ABLEISM AND ANTI-ABLEISM AFTER ANTI-DISCRIMINATORY, INCLUDING A NAME CHANGE TO FRENCH PROGRAMS POLICY.

CARRIED

(d) Bylaw Amendments Referred to the Governance and Policy Committee

General Counsel Patrick Cotter introduced the report, noting that at the May 15, 2023 Board meeting and May 23 continuation of the Board meeting, several sections of the draft revised Bylaws were approved, while revisions to sections 5.13.5 and 5.13.15 proposed by the Governance and Policy Committee were referred back to the Committee for further discussion. Suggested revised language was provided in the report for trustees to consider that is based on a recent Divisional Court decision (Gillies v. Bluewater DSB) that is included in Appendix A of the report.

The Committee reviewed each section of the Bylaws that were referred back to the Committee as well as additional related sections and discussion followed.

Section 5.13.5:

MOVED by Trustee Shailene Panylo
SECONDED by Trustee Jill Thompson

THAT THE PREAMBLE TO SECTION 5.13.5 BE AMENDED TO INCLUDE 'IN CONSIDERING WHETHER TO GRANT APPROVAL:' AFTER 'SHALL' AND THAT SECTION 5.13.5 (a) BE AMENDED TO INCLUDED 'CONSIDER' AS THE FIRST WORD OF THE SUBSECTION SO THAT THE REVISED 5.13.5 PREAMBLE AND SUBECTION (a) READ AS FOLLOWS:

ANY APPLICATION TO PRESENT AT COMMITTEE OF THE WHOLE-STANDING COMMITTEE MAY BE APPROVED AT THE GOOD FAITH DISCRETION OF THE CHAIR OF THE COMMITTEE OF THE WHOLE-STANDING, WHO SHALL, IN CONSIDERING WHETHER TO GRANT APPROVAL:

(a) CONSIDER IF AN OPPORTUNITY FOR PRESENTATION IS AVAILABLE THROUGH ANY OTHER PUBLIC CONSULTATION PROCESS, WHICH SHALL BE UTILIZED PRIOR TO APPROVAL BEING GIVEN;

CARRIED

MOVED by Trustee Carolyn Morton
SECONDED by Trustee Christine Thatcher

THAT IN ADDITION TO THE REVISIONS TO SECTION 5.13.5 (b) AS NOTED IN THE REPORT, SUBSECTION (b) BE FURTHER AMENDED TO REMOVE THE WORD 'PROPER' AND THAT THE REVISED 5.13.5 (b) READ AS FOLLOWS:

CONSIDER IF THE MATTER IS A MATTER WITHIN THE 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;

CARRIED

MOVED by Trustee Christine Thatcher
SECONDED by Trustee Shailene Panylo

THAT SECTION 5.13.5 (c) BE AMENDED TO INCLUDE 'WITH A SUMMARY NOTE AS TO THE NATURE OF THE PRESENTATION AND THE BASIS OF THE DENIAL.' AFTER 'BY EMAIL' AND THAT THE REVISED 5.13.5 (c) READ AS FOLLOWS:

CONSIDER WHETHER THE PROPOSED PRESENTATION WOULD BE CONSISTENT WITH THE BOARD'S COMMITMENTS AND STATUTORY DUTIES AND RESPONSIBILITIES UNDER THE EDUCATION ACT, THE ONTARIO HUMAN RIGHTS CODE, THE BOARD'S HUMAN RIGHTS POLICY AND/OR THE BOARD'S INDIGENOUS EDUCATION POLICY. IF THERE IS CONCERN WITH THE MANNER IN WHICH A PROPOSED PRESENTATION IS DESIGNED OR FRAMED, THE REQUESTER IS TO BE GIVEN AN OPPORTUNITY TO RECTIFY THE ISSUE PRIOR TO ANY DENIAL. IF THE DENIAL IS MAINTAINED, THE PROPOSED PRESENTATION SHALL NONETHELESS BE CIRCULATED TO ALL TRUSTEES BY EMAIL WITH A SUMMARY NOTE AS TO THE NATURE OF THE PRESENTATION AND THE BASIS OF THE DENIAL.

MOVED by Trustee Stephen Linton
SECONDED by Trustee Carolyn Morton

THAT THE ABOVE FOREGOING MOTION BE AMENDED TO INCLUDE THE FOLLOWING TWO NEW SENTENCES AT THE END: 'ANY TRUSTEE CONCERNED ABOUT THE DENIAL OF A PROPOSAL MAY BRING A MOTION AT THE NEXT MEETING OF THE BOARD FOR CONSIDERATION OF THE PRESENTATION. ANY MOTION IS NOT DEBATABLE AND SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION.' AND THAT THE REVISED 5.13.5 (c) READ AS FOLLOWS:

CONSIDER WHETHER THE PROPOSED PRESENTATION WOULD BE CONSISTENT WITH THE BOARD'S COMMITMENTS AND STATUTORY DUTIES AND RESPONSIBILITIES UNDER THE EDUCATION ACT, THE ONTARIO HUMAN RIGHTS CODE, THE BOARD'S HUMAN RIGHTS POLICY AND/OR THE BOARD'S INDIGENOUS EDUCATION POLICY. IF THERE IS CONCERN WITH THE MANNER IN WHICH A PROPOSED PRESENTATION IS DESIGNED OR FRAMED, THE REQUESTER IS TO BE GIVEN AN OPPORTUNITY TO RECTIFY THE ISSUE PRIOR TO ANY DENIAL. IF THE DENIAL IS MAINTAINED, THE PROPOSED PRESENTATION SHALL NONETHELESS BE CIRCULATED TO ALL TRUSTEES BY EMAIL WITH A SUMMARY NOTE AS TO THE NATURE OF THE PRESENTATION AND THE BASIS OF THE DENIAL. ANY TRUSTEE CONCERNED ABOUT THE DENIAL OF A PROPOSAL MAY BRING A MOTION AT THE NEXT MEETING OF THE BOARD FOR CONSIDERATION OF THE PRESENTATION. ANY MOTION IS NOT DEBATABLE AND SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION.

MOVED by Trustee Shailene Panylo
SECONDED by Trustee Emma Cunningham

THAT THE ABOVE FOREGOING MOTION BE AMENDED WITH THE FOLLOWING CHANGES TO THE TWO NEW SENTENCES AT THE END: 'IF TWO OR MORE TRUSTEES ARE CONCERNED ABOUT THE DENIAL OF A PROPOSAL, A MOTION MAY BE BROUGHT AT THE NEXT MEETING OF THE BOARD FOR CONSIDERATION OF THE PRESENTATION AND SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLDE THE PROPOSED PRESENTATION. ANY MOTION IS DEBATABLE AND, WHERE APPROPROATE, THE BOARD MAY MOVE INTO CLOSED SESSION OF COMMITTEE OF THE WHOLE TO CONSIDER THE MATTER SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION.' AND THAT THE REVISED 5.13.5 (c) READ AS FOLLOWS:

CONSIDER WHETHER THE PROPOSED PRESENTATION WOULD BE CONSISTENT WITH THE BOARD'S COMMITMENTS AND STATUTORY DUTIES AND RESPONSIBILITIES UNDER THE EDUCATION ACT, THE ONTARIO HUMAN RIGHTS CODE, THE BOARD'S HUMAN RIGHTS POLICY AND/OR THE BOARD'S INDIGENOUS EDUCATION POLICY. IF THERE IS CONCERN WITH THE MANNER IN WHICH A PROPOSED PRESENTATION IS DESIGNED OR FRAMED, THE REQUESTER IS TO BE GIVEN AN OPPORTUNITY TO RECTIFY THE ISSUE PRIOR TO ANY DENIAL. IF THE DENIAL IS MAINTAINED, THE PROPOSED PRESENTATION SHALL NONETHELESS BE CIRCULATED TO ALL TRUSTEES BY EMAIL WITH A SUMMARY NOTE AS TO THE NATURE OF THE PRESENTATION AND THE

116

BASIS OF THE DENIAL. IF TWO OR MORE TRUSTEES ARE CONCERNED ABOUT THE DENIAL OF A PROPOSAL, A MOTION MAY BE BROUGHT AT THE NEXT MEETING OF THE BOARD FOR CONSIDERATION OF THE PRESENTATION AND SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION. ANY MOTION IS DEBATABLE AND, WHERE APPROPRIATE, THE BOARD MAY MOVE INTO CLOSED SESSION OF COMMITTEE OF THE WHOLE TO CONSIDER THE MATTER SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION.

MOVED by Trustee Shailene Panylo
SECONDED by Trustee Stephen Linton

THAT THE ABOVE FOREGOING MOTION BE AMENDED TO REMOVE THE LAST SENTENCE AND TO ADD THE FOLLOWING ADDITIONAL SENTENCES: 'PROVIDED THERE IS A TWO-THIRDS MAJORITY TO HAVE THE MOTION DEBATED, THE CHAIR WILL DECLARE THE MOTION TO BE ON THE FLOOR AND IT IS DEBATABLE. WHERE APPROPRIATE, THE BOARD MAY MOVED INTO CLOSED SESSION OF COMMITTEE OF THE WHOLE TO DEBATE THE MATTER. IN THE ABSENCE OF A TWO-THIRDS MAJORITY, THE MOTION IS NOT DEBATABLE AND THE CHAIR SHALL CALL A VOTE.'

Following discussion to clarify the amendments to the original motion, it was determined that the amendments to Section 5.13.5 (c) would be dealt with through three separate motions as follows:

Motion 1:

THAT THE FOLLOWING BE INCLUDED IN SECTION 5.13.5 (c):

PROVIDED THERE IS A TWO-THIRDS MAJORITY TO HAVE THE MOTION DEBATED, THE CHAIR WILL DECLARE THE MOTION TO BE ON THE FLOOR AND IT IS DEBATABLE. WHERE APPROPRIATE, THE BOARD MAY MOVED INTO CLOSED SESSION OF COMMITTEE OF THE WHOLE TO DEBATE THE MATTER. IN THE ABSENCE OF A TWO-THIRDS MAJORITY, THE MOTION IS NOT DEBATABLE AND THE CHAIR SHALL CALL A VOTE.

The motion was carried on a recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Emma Cunningham		Michelle Arseneault	
Donna Edwards		Deb Oldfield	
Stephen Linton		Linda Stone	
Kelly Miller			
Carolyn Morton			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			
Tracy Brown			

Student Trustees

Ben Cameron

Lauren Edwards

Gwen Kuyt

Motion 2:

THAT THE FOLLOWING BE INCLUDED IN SECTION 5.13.5 (c):

IF THE DENIAL IS MAINTAINED, THE PROPOSED PRESENTATION SHALL NONETHELESS BE CIRCULATED TO ALL TRUSTEES BY EMAIL WITH A SUMMARY NOTE AS TO THE NATURE OF THE PRESENTATION AND THE BASIS OF THE DENIAL. IF TWO OR MORE TRUSTEES ARE CONCERNED ABOUT THE DENIAL OF A PROPOSAL, A MOTION MAY BE BROUGHT AT THE NEXT MEETING OF THE BOARD FOR CONSIDERATION OF THE PRESENTATION AND SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION.

The motion was carried on a recorded vote:

Yes

Emma Cunningham

Donna Edwards

Stephen Linton

Kelly Miller

Carolyn Morton

Shailene Panylo

Christine Thatcher

Jill Thompson

Tracy Brown

NoAbsent

Michelle Arseneault

Deb Oldfield

Linda Stone

AbstainStudent Trustees

Ben Cameron

Lauren Edwards

Gwen Kuyt

Motion 3:

THAT 5.13.5 (c) BE AMENDED TO THE FOLLOWING:

CONSIDER WHETHER THE PROPOSED PRESENTATION WOULD BE CONSISTENT WITH THE BOARD'S COMMITMENTS AND STATUTORY DUTIES AND RESPONSIBILITIES UNDER THE EDUCATION ACT, THE ONTARIO HUMAN RIGHTS CODE, THE BOARD'S HUMAN RIGHTS POLICY AND/OR THE BOARD'S INDIGENOUS EDUCATION POLICY. IF THERE IS CONCERN WITH THE MANNER IN WHICH A PROPOSED PRESENTATION IS DESIGNED OR FRAMED, THE REQUESTER IS TO BE GIVEN AN OPPORTUNITY TO RECTIFY THE ISSUE PRIOR TO ANY DENIAL. IF THE DENIAL IS MAINTAINED, THE PROPOSED PRESENTATION SHALL NONETHELESS BE CIRCULATED TO ALL TRUSTEES BY EMAIL WITH A SUMMARY NOTE AS TO THE NATURE OF THE PRESENTATION AND THE BASIS OF THE DENIAL. IF TWO OR MORE TRUSTEES ARE CONCERNED

118

ABOUT THE DENIAL OF A PROPOSAL, A MOTION MAY BE BROUGHT AT THE NEXT MEETING OF THE BOARD FOR CONSIDERATION OF THE PRESENTATION AND SHALL REFERENCE THE SUMMARY NOTE BUT NOT INCLUDE THE PROPOSED PRESENTATION. PROVIDED THERE IS A TWO THIRDS MAJORITY TO HAVE THE MOTION DEBATED, THE CHAIR WILL DECLARE THE MOTION TO BE ON THE FLOOR AND IT IS DEBATABLE. WHERE APPROPRIATE, THE BOARD MAY MOVE INTO CLOSED SESSION OF COMMITTEE OF THE WHOLE TO DEBATE THE MATTER. IN THE ABSENCE OF A TWO THIRDS MAJORITY, THE MOTION IS NOT DEBATABLE AND THE CHAIR SHALL CALL A VOTE.

The motion was carried on a recorded vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Emma Cunningham		Michelle Arseneault	
Donna Edwards		Deb Oldfield	
Stephen Linton		Linda Stone	
Kelly Miller			
Carolyn Morton			
Shailene Panylo			
Christine Thatcher			
Jill Thompson			
Tracy Brown			
<u>Student Trustees</u>			
Ben Cameron		Lauren Edwards	
		Gwen Kuyt	

MOVED by Trustee Shailene Panylo
SECONDED by Trustee Stephen Linton

THAT 5.13.15 (d) BE AMENDED TO THE FOLLOWING:

CONSIDER THE TIME AVAILABLE FOR PRESENTATIONS AT A GIVEN MEETING AND WHETHER ALLOWING THE PROPOSED PRESENTATION WILL ALLOW THE COMMITTEE OF THE WHOLE-STANDING SUFFICIENT TIME TO CONDUCT ITS BUSINESS.

CARRIED

Section 5.13.15:

MOVED by Trustee Jill Thompson
SECONDED by Trustee Donna Edwards

THAT 5.13.15 BE AMENDED TO INCLUDE 'THE QUESTION' AFTER 'OTHERWISE LIMIT' AND THAT THE REVISED SECTION 5.13.15 READ AS FOLLOWS:

THE BOARD RESERVES THE RIGHT TO DENY AN INDIVIDUAL OR PARTY THE OPPORTUNITY TO ASK A QUESTION, OR TO OTHERWISE LIMIT THE

QUESTION WHERE THE QUESTION IS DESIGNED OR FRAMED IN A MANNER THAT WOULD BE CONTRARY TO THE BOARD'S COMMITMENTS AND STATUTORY DUTIES AND RESPONSIBILITIES UNDER THE EDUCATION ACT, THE ONTARIO HUMAN RIGHTS CODE, THE BOARD'S HUMAN RIGHTS POLICY AND/OR THE BOARD'S INDIGENOUS EDUCATION POLICY AND PROCEDURES. IF THERE IS CONCERN WITH THE MANNER IN WHICH A PROPOSED QUESTION IS DESIGNED OR FRAMED, THE REQUESTER IS TO BE GIVEN AN OPPORTUNITY TO RECTIFY THE ISSUE PRIOR TO ANY DENIAL. IF THE DENIAL IS MAINTAINED, THE PROPOSED QUESTION SHALL NONETHELESS BE CIRCULATED TO ALL TRUSTEES BY EMAIL.

CARRIED

Section 5.13.16:

MOVED by Trustee Kelly Miller

SECONDED by Trustee Shailene Panylo

THAT SECTION 5.13.16 BE AMENDED TO (1) REMOVE SUBSECTION (a) AND REPLACE IT WITH THE CURRENT SUBSECTION (b) AND (2) THAT THE FOLLOWING BE ADDED AS THE NEW SUBSECTION (b): THE APPROVED QUESTION SHALL BE DISPLAYED ON THE SCREENS IN THE BOARDROOM; AND (3) THAT THE CURRENT SUBSECTION (c) BE REVISED TO: 'THE QUESTIONER SHALL BE ALLOWED TO ASK THE APPROVED QUESTION. AT THE DISCRETION OF THE CHAIR, THE QUESTIONER MAY BE PROMPTED IF FURTHER CLARIFICATION IS REQUIRED ON THE ANSWER PROVIDED AND/OR DIRECT THE QUESTIONER TO THE EMAIL ADDRESS TO WHICH THE QUESTION MAY BE SUBMITTED;' AND (4) THAT THE CURRENT SUBSECTION (d) BE REVISED TO: 'THE QUESTIONER SHALL HAVE THE OPTION TO ASK THEIR QUESTION IN-PERSON OR VIRTUALLY SUBJECT TO AVAILABILITY AND AT THE DISCRETION OF THE CHAIR;' AND (5) THAT THE REMAINING SUBSECTIONS BE RENUMBERED SO THAT SECTION 5.13.16 READS AS FOLLOWS:

- A) 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;
- B) THE APPROVED QUESTION SHALL BE DISPLAYED ON THE SCREENS IN THE BOARDROOM;
- C) THE QUESTIONER SHALL BE ALLOWED TO ASK THE APPROVED QUESTION. AT THE DISCRETION OF THE CHAIR, THE QUESTIONER MAY BE PROMPTED IF FURTHER CLARIFICATION IS REQUIRED ON THE ANSWER PROVIDED AND/OR DIRECT THE QUESTIONER TO THE EMAIL ADDRESS TO WHICH THE QUESTION MAY BE SUBMITTED;
- D) THE QUESTIONER SHALL HAVE THE OPTION TO ASK THEIR QUESTION IN-PERSON OR VIRTUALLY SUBJECT TO AVAILABILITY AND AT THE DISCRETION OF THE CHAIR;
- E) THE QUESTIONER OR, IF THE QUESTIONER PREFERS, THE CHAIR, SHALL READ THE QUESTION;

- F) THE QUESTION SHALL BE ADDRESSED BY THE CHAIR WHO MAY DIRECT STAFF TO ANSWER;
- G) QUESTIONS TO INDIVIDUAL TRUSTEES OR STAFF WILL NOT BE ADDRESSED AT PUBLIC QUESTION PERIOD;
- H) INDIVIDUAL TRUSTEES WILL NOT RESPOND OR COMMENT ON QUESTION.

CARRIED

Section 5.13.14:

MOVED by Trustee Jill Thompson
SECONDED by Trustee Stephen Linton

THAT 5.13.14 BE AMENDED TO INCLUDE THE FOLLOWING NEW SENTENCE: 'IN ORDER TO COMPLETE THE BUSINESS OF THE BOARD, PUBLIC QUESTION PERIOD SHALL NOT EXCEED 30 MINUTES. TIME MAY BE EXTENDED IN EXTENUATING OR SPECIAL CIRCUMSTANCES AT THE DISCRETION OF THE CHAIR OR A MAJORITY OF THE BOARD. ANY APPROVED QUESTIONS NOT ANSWERED AT THE BOARD MEETING, SHALL BE RESPONDED TO THROUGH THE WEBSITE.' SO THAT THE REVISED 5.13.14 READS AS FOLLOWS:

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. IN ORDER TO COMPLETE THE BUSINESS OF THE BOARD, PUBLIC QUESTION PERIOD SHALL NOT EXCEED 30 MINUTES. TIME MAY BE EXTENDED IN EXTENUATING OR SPECIAL CIRCUMSTANCES AT THE DISCRETION OF THE CHAIR OR A MAJORITY OF THE BOARD. ANY APPROVED QUESTIONS NOT ANSWERED AT THE BOARD MEETING SHALL BE RESPONDED TO THROUGH THE WEBSITE.

CARRIED

MOVED by Trustee Donna Edwards
SECONDED by Trustee Shailene Panylo

THAT ANY CHANGES TO THE CONSOLIDATED BYLAWS GO FORWARD TO THE NEXT REGULAR BOARD MEETING AS A RECOMMENDED ACTION.

CARRIED

(e) Revised Board Member Code of Conduct

General Counsel Patrick Cotter introduced the report, noting that it is being presented for consideration with revisions to Sections 6.44 to 6.51 as requested by the Committee at the March 29, 2023 meeting.

MOVED by Trustee Stephen Linton
SECONDED by Trustee Kelly Miller

THAT SECTIONS 6.44 AND 6.45 OF THE BOARD MEMBER CODE OF CONDUCT BE REVISED AS NOTED IN APPENDIX A.

CARRIED

MOVED by Trustee Kelly Miller
SECONDED by Trustee Donna Edwards

THAT SECTION 6.46 OF THE BOARD MEMBER CODE OF CONDUCT AS NOTED WITH STRIKETHROUGH IN APPENDIX A BE DELETED.

CARRIED

MOVED by Trustee Christine Thatcher
SECONDED by Trustee Carolyn Morton

THAT SECTIONS 6.46 AND 6.47 OF THE BOARD MEMBER CODE OF CONDUCT BE REVISED AS NOTED IN APPENDIX A.

CARRIED

MOVED by Trustee Donna Edwards
SECONDED by Trustee Jill Thompson

THAT SECTION 6.48 OF THE BOARD MEMBER CODE OF CONDUCT BE DELETED.

CARRIED

MOVED by Trustee Carolyn Morton
SECONDED by Trustee Christine Thatcher

THAT THE BOARD MEMBER CODE OF CONDUCT BE REVISED TO INCLUDE THE UNNUMBERED PARAGRAPH BELOW SECTION 6.48 IN APPENDIX A.

CARRIED

MOVED by Trustee Carolyn Morton
SECONDED by Trustee Christine Thatcher

THAT SECTION 6.49 OF THE BOARD MEMBER CODE OF CONDUCT BE DELETED.

CARRIED

MOVED by Trustee Carolyn Morton
SECONDED by Trustee Christine Thatcher

THAT ANY CHANGES TO THE BOARD MEMBER CODE OF CONDUCT AS OUTLINED IN PAGE 85 OF THE AGENDA GO FORWARD TO THE NEXT REGULAR BOARD MEETING AS A RECOMMENDED ACTION.

CARRIED

7. Information Items

(a) Process for Adding Items to Meeting Agendas

General Counsel Patrick Cotter introduced the report, noting that it outlines the process for agenda planning and having matters placed on meeting agendas.

There were no trustee questions.

8. Adjournment

MOVED by Trustee Stephen Linton

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at 9:24 p.m.

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT****REPORT TO:** Durham District School Board**DATE:** October 16, 2023**SUBJECT:** Audit Committee Meeting Summary**PAGE:** 1 of 2**ORIGIN:** Camille Williams-Taylor, Director of Education and Secretary to the Board
David Wright, Associate Director of Corporate Services and Treasurer of the Board**1.0 Purpose**

The purpose of this report is to provide the Board of Trustees with a summary from the September 20, 2023 Audit Committee meeting public session.

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

The primary purpose of an Audit Committee is to provide oversight of the financial reporting process, the audit process, the company's system of internal controls and compliance with laws and regulations and is governed by Ontario Regulation 361/10: Audit Committee.

The Audit Committee is comprised of three Trustees and two External Members and meetings include the Director, Associate Director of Corporate Services, Business staff, External Auditors and Regional Internal Auditors. Meetings typically take place in March, June, September and November.

4.0 Analysis

The following is a summary of the September 20, 2023 meeting:

- Public Session
 - Approval of the March 22, 2023 public meeting minutes;
 - A report entitled 'Audit Committee Annual Report to the Board of Trustees' was presented and approved to be brought to the October Board meeting;
 - A report entitled 'Audit Committee Annual Report to the Ministry of Education' was presented and approved to be brought to the October Board meeting;
 - The next meeting is scheduled for November 9, 2023.

5.0 Financial Implications

N/A

6.0 Evidence of Impact

Maintaining compliance with Ontario Regulations.

7.0 Communication Plan

N/A

8.0 Conclusion

This report is provided to the Board of Trustees for information.

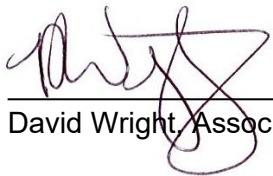
9.0 Appendices

N/A

Report reviewed and submitted by:



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



David Wright, Associate Director of Corporate Services and Treasurer of the Board

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT****REPORT TO:** Durham District School Board**DATE:** October 16, 2023**SUBJECT:** Annual Audit Committee Report
to the Board of Trustees**PAGE:** 1 of 2**ORIGIN:** Camille Williams-Taylor, Director of Education and Secretary to the Board
David Wright, Associate Director of Corporate Services and Treasurer of the Board**1.0 Purpose**

The purpose of this report is to update the Board of Trustees on the duties performed by the Durham District School Board's (DDSB) Audit Committee for the fiscal year ended August 31, 2023.

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

The Education Act Ontario Regulation 361/10; s.15 (3) states:

“Reporting

15. (3) An audit committee of a board shall submit a report to the board in each fiscal year on or before a date specified by the board, and at any other time as may be requested by the board, that includes,

- (a) a summary of the work performed by the committee since the last report;
- (b) an assessment by the committee of the board's progress in addressing any findings and recommendations that have been made by the internal or external auditor;
- (c) a summary of the matters addressed by the committee at its meetings;
- (d) the attendance record of members of the committee; and
- (e) any other matter that the committee considers relevant.”

The purpose of this report is to summarize the Audit Committee's actions for the prior fiscal year.

This report is provided annually to the Audit Committee for review and approval and is then presented to the Board of Trustees at the following Board meeting for information.

4.0 Analysis

At the September 20, 2023 Audit Committee Meeting, the DDSB Annual Audit Committee Report to the Board of Trustees was presented, which summarized the Audit Committee's actions for the year ended August 31, 2023. This report is attached as Appendix A.

5.0 Financial Implications

N/A

6.0 Evidence of Impact

Maintaining compliance with Ontario Regulations.

7.0 Communication Plan

N/A

8.0 Conclusion

This information is provided to the Board of Trustees for information.

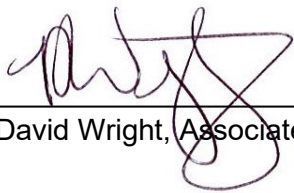
9.0 Appendices

Appendix A – DDSB Annual Audit Committee Report to the Board of Trustees

Report reviewed and submitted by:



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



David Wright, Associate Director of Corporate Services and Treasurer of the Board

Durham District School Board

Annual Audit Committee Report to the Board of Trustees

For the year ended August 31, 2023

This report summarizes the Audit Committee's actions for the year ended August 31, 2023.

Audit Committee Members

The following members served on the Committee for the 2022-2023 year:

Donna Edwards – Trustee Representative (term ended November 2022)
 Carolyn Morton – Trustee Representative (term ended November 2022)
 Scott Templeton – Trustee Representative (term ended November 2022)
 Michelle Arseneault - Trustee Representative (term commenced November 2022)
 Stephen Linton - Trustee Representative (term commenced November 2022)
 Shailene Panylo - Trustee Representative (term commenced November 2022)
 Olufunke Majebi – External Member
 Leslie Miller – External Member

At the December 2021 Board Meeting, the Board of Trustees moved to appoint trustee representatives on a bi-annual basis at the Board's organizational meeting. Election of the Chair will occur at the first Audit Committee meeting after the organizational meeting.

In accordance with the Committee Terms of Reference approved by the Board on October 17, 2011, the External Members are appointed for a three-year term.

In addition, regular attendees at the Committee meetings were:

- Partner, Deloitte LLP, External Auditors
- Regional Internal Audit Manager
- Senior Regional Internal Auditor
- Director of Education
- Associate Director of Corporate Services and Treasurer of the Board
- Senior Managers of Finance
- Internal Auditor

Meetings

Four meetings took place for the 2022-2023 year. The members in attendance at each meeting were as follows:

Member's Name	September 21, 2022	November 10, 2022	March 22, 2023	June 21, 2023
Donna Edwards	P	P	X	X
Carolyn Morton	P	A	X	X
Scott Templeton	P	P	X	X
Michelle Arseneault	X	X	P	A*
Stephen Linton	X	X	P	A
Shailene Panylo	X	X	P	A
Olufunke Majebi	P	A	A	A**
Leslie Miller	P	P	P	P

P = Present, A = Absent, X = Not an active member of the Committee at that time

*experienced technical difficulties

**scheduled to attend late but meeting was adjourned

Governance

The Audit Committee operated throughout the fiscal year ended August 31, 2023. All of the members satisfied the eligibility requirements in accordance with Ontario Regulation 361/10.

External Auditors

The External Auditors, Deloitte LLP, were appointed to provide auditing services for the fiscal years 2022-2026.

External Auditors were present at the November, March and June meetings, during which the Audit Committee:

- Received and approved the Audit Plan for the year ended August 31, 2022;
- Reviewed the annual engagement letter confirming their independence;
- Received the audit findings report and audit opinion on the annual financial statements for the year ended August 31, 2022.

Regional Internal Auditors

The relationship with the Regional Internal Auditors has been productive and private meetings were held during the year. The Committee reviewed and approved the 2022-2023 Audit Plan.

Summary of the Work Performed

The following is a summary of the work undertaken by the Audit Committee in the last twelve months:

- Reviewed the Audit Committee report to the Board of Trustees for the year ended August 31, 2022;
- Reviewed the Audit Committee report to the Ministry of Education for the year ended August 31, 2022;
- Reviewed the annual agenda plan;
- Reviewed the External Audit Findings Report and Management Representation Letter for the year ended August 31, 2022;
- Presented the Audited Financial Statements for the year ended August 31, 2022;
- Reviewed the Board's OSBIE/Litigation items;
- Provided Deloitte's Audit Planning Report for the year ending August 31, 2023;
- Reviewed Regional Internal Audit Team's Internal Audit Update Reports;

Conclusion

By the signature noted below, we attest that to the best of our knowledge we have discharged our duties and responsibilities under Ontario Regulation 361/10.

On behalf of the Audit Committee:

Leslie Miller
Audit Committee Chair

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT****REPORT TO:** Durham District School Board**DATE:** October 16, 2023**SUBJECT:** Annual Audit Committee Report
to the Ministry of Education**PAGE:** 1 of 2**ORIGIN:** Camille Williams-Taylor, Director of Education and Secretary to the Board
David Wright, Associate Director of Corporate Services and Treasurer of the Board**1.0 Purpose**

The purpose of this report is to provide information to the Board of Trustees on the Durham District School Board's (DDSB) Annual Audit Committee Report to the Ministry of Education, for the year ended August 31, 2023.

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

The Education Act Ontario Regulation 361/10; s.15 states:

“Reporting

15. (1) An audit committee of a board shall submit to the board on or before a date specified by the board an annual report that includes,

- (a) any annual or multi-year audit plan of the board's internal auditor;
- (b) a description of any changes made to a plan referred to in clause (a) since the last report of the committee;
- (c) a summary of the work performed by the internal auditor since the last annual report of the committee, together with a summary of the work the auditor expected to perform during the period, as indicated in the plan referred to in clause (a);
- (d) a summary of risks identified, and findings made by the internal auditor; and
- (e) a summary of any enrolment audits planned by the internal auditor. O. Reg. 361/10, s. 15 (1); O. Reg. 204/15, s. 3 (1).

(2) A board who receives a report under subsection (1) shall submit the information described in clauses (1) (c) and (e) to the Minister in each fiscal year on or before a date specified by the Minister.”

The purpose of this report is to summarize the Regional Internal Audit Team’s actions for the prior fiscal year.

This report is provided annually to the Audit Committee for review and approval and is then presented to the Board of Trustees at the following Board meeting for information. The report is required to be forwarded to the Ministry of Education on or before a date specified by the Minister, typically January 15.

4.0 Analysis

At the September 20, 2023 Audit Committee Meeting, the DDSB Annual Audit Committee Report to the Ministry of Education was presented, which summarized the Regional Internal Audit Team’s actions for the year ended August 31, 2023. This report is attached as Appendix A.

5.0 Financial Implications

N/A

6.0 Evidence of Impact

Maintaining compliance with Ontario Regulations.

7.0 Communication Plan

Appendix A will be submitted to the Ministry of Education, as required by O. Reg 361/10.

8.0 Conclusion

This report is provided to the Board of Trustees for information.

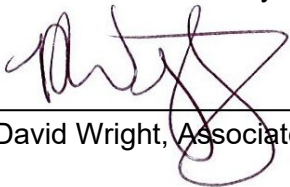
9.0 Appendices

Appendix A – DDSB Annual Audit Committee Report to the Ministry of Education

Report reviewed and submitted by:



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



David Wright, Associate Director of Corporate Services and Treasurer of the Board

**Audit Committee
Annual Report to the Ministry of Education
For the year ended August 31, 2023**

District School Board Name: Durham District School Board

Fiscal Year: 2022-2023

Re: Annual Audit Committee Report to the Ministry of Education, as per
Ontario Regulation 361/10

Regional Internal Audit Team

2022-2023

During the 2022-2023 fiscal year, the following internal audit was completed by August 31, 2023:

- Legislative Compliance Phase Two
- Strategic Risk Assessment

2023-2024

Based on the Regional Internal Audit Plan, we are expecting the following audits for 2023-2024:

- Stakeholder Communication Review
- Risk Monitoring Process Review
- Consulting Support
- Follow Up on Previous Audits

On behalf of the Audit Committee:

Leslie Miller
Audit Committee Chair

October 2023

2SLGBTQI History Month
Autism Awareness Month
Disabilities Awareness Month
Dyslexia Awareness Month
Islamic History Month
Latin American Heritage Month
Learning Disabilities Awareness Month
National Principal's Month
Neurodivergent Acceptance Month
Women's History Month

October 2:	National Custodial Worker's Day
October 4:	International Walk to School Day
October 5:	World Teachers' Day
October 6-8:	Shemini Atzeret and Simchat Torah
October 9:	Thanksgiving
October 10:	World Mental Health Day
October 11:	National Coming Out Day
October 11:	International Day of the Girl
October 12:	Bandi Chor Divas
October 15:	Navratri
October 15 – 21:	National Teen Driver Safety Week
October 16:	Birth of the Bab
October 16:	World Food Day
October 17:	Birth of Bahá'u'lláh
October 18:	Early Childhood Educators' Appreciation
October 20 – 24:	Day Durga Puja
October 22 – 26:	Bus Safety Week
October 24:	Dussehra
October 31:	Halloween
October 31:	Samhain

November 2023

Albanian Heritage Month
Hindu Heritage Month

November 1:	All Saints Day
November 1:	Karva Chauth
November 2:	Dia de los Muertos
November 2:	Take Our Kids to Work Day
November 5 – 11:	Treaties Recognition Week
November 7:	National Inuit Day
November 8:	Indigenous Veterans Day
November 11:	Remembrance Day

November 12:	Diwali
November 13 – 19:	Transgender Awareness Week
November 13:	International World Kindness Day
November 14:	World Diabetes Day
November 16:	Louis Riel Day
November 19 – 25:	Anti-Bullying Awareness and Prevention Week
November 20:	Transgender Day of Remembrance
November 20:	World Children's Day
November 24:	Holodomor Memorial Day
November 25:	Day of the Covenant
November 25:	International Day for the Elimination of Violence Against Women
November 28:	Ascension of Abdu'l-Bahá
November 29:	IDLF Giving Tuesday
November 29 :	International Day of Solidarity with Palestinian People
November 30:	Guru Nanak Jayanti

Under Separate Cover

Consideration of the
Integrity Commissioner
Findings

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board

DATE: October 16, 2023

SUBJECT: Process Re: Integrity Commissioner Report

PAGE: 1 of 4

ORIGIN: Patrick Cotter, Legal Counsel

1.0 Purpose

The purpose of this report is to provide trustees with information and context as to the process to be followed by the Board of Trustees in considering a report from the Integrity Commissioner.

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 Discussion of Process

3.1 Relevant Code Provisions

Section 4.6 of the Complaint Protocol within the Board's Code of Conduct provides, in part, as follows:

- (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 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*.

.....

- (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.

3.2 Determination as to Alleged Breach

So, the Board of Trustees must consider the Integrity Commissioner's Report and based on the contents of that report, make its own determination as to whether there has been a breach (or breaches) of the Code of Conduct and, if it finds a breach or breaches, it must then decide on any sanction.

In accordance with the provisions of the Education Act, the Board of Trustees is to consider the Integrity Commissioner's Report at a Board meeting and is only entitled to enter into closed session discussions if the "alleged breach involves any of matters described in section 207 (a) to (e)" (per: section 218.3(10)). Similarly, under the Board's Code of Conduct, the report is to be made public subject only to the requirements of section 207. There is nothing in the report that would engage section 207 of the Education Act.

The trustee that is the subject of the complaint is permitted to attend at the Board meeting but is not entitled to vote.

3.3 Available Sanctions

If there is a finding of breach of the Code of Conduct, the Education Act stipulates that the Board of Trustees may impose one or more of the following sanctions:

- 1) Censure of the member.
- 2) Barring the member from attending all or part of a meeting of the board or a meeting of a committee of the board.
- 3) Barring the member from sitting on one or more committees of the board, for the period of time specified by the board.

3.4 Process if there is a Finding of Breach

If there is a finding of a breach, then the Board must provide the trustee with written notice of the finding and of any sanction. The trustee would then have an opportunity to make written submissions to the Board. The window for making written

submissions is 14 days.

If written submissions are received within the 14-day window, then the Board must convene a second meeting to consider the written submissions and determine whether to confirm or revoke the finding(s) of breach. The determination as to whether to confirm or revoke the original determination of breach must be done in public together with the decision to confirm, vary or revoke a sanction. This second public meeting must be held within 14 days of the receipt of any written submissions. A chart summarizing the process is attached as Appendix B.

4.0 Integrity Commissioner's Findings as to Breach

In accordance with the process outlined above, the Integrity Commissioner has delivered a report dated October 5, 2023 (attached as Appendix A), which includes the following finding:

In my view, Trustee Stone contravened the Code of Conduct by posting the impugned Tweets and Re-Tweets cited in this Report.

...

For these reasons, I find that Trustee Stone contravened sections 6.1, 6.3, 6.4, 6.8, 6.11, and 6.44 of the Code. I recommend that the Board also make such a finding.

5.0 Integrity Commissioner's Recommendation as to Sanction

The Integrity Commissioner's report includes the following recommendations as to sanctions:

In accordance with the above findings, should the Board of Trustees also adopt same, I would make the following recommendations as to sanctions:

1. *I recommend that the Board censure Trustee Stone.*
2. *I recommend that Trustee Stone be barred from attending one meeting of the Board.*
3. *I recommend that Trustee Stone be barred from sitting on any committees of the Board for a suitable duration to be determined by the Board.*

6.0 Board Determinations

Based on the foregoing, the Board of Trustees needs to determine:

1. Whether Trustee Stone, by virtue of her social media activity, referenced in the Integrity Commissioner's report, breached the *Code of Conduct*.
2. If there is a finding of breach, the appropriate sanction. Available sanctions are:
 - a. Censure of the member.
 - b. Barring the member from attending all or part of a meeting of the

- board or a meeting of a committee of the board.
- c. Barring the member from sitting on one or more committees of the board, for the period of time specified by the board.

7.0 Conclusion and/or Recommendations

This report is provided for information as the Board considers the report of the Integrity Commissioner. Trustees should make reference to the following attachments:

1. Attached as Appendix A is the report of the Integrity Commissioner dated October 5, 2023.
2. Attached as Appendix B is a chart summarizing the process and timeline.
3. Attached as Appendix C are the relevant sections of the Education Act.

Report reviewed and submitted by:



Patrick Cotter, General Counsel



ADR
CHAMBERS

Integrity Commissioner Office
for Durham District School Board

MICHAEL L. MAYNARD

Integrity Commissioner

E-mail: mmaynard@adr.ca

October 5, 2023

SENT BY EMAIL TO:

Trustee Cunningham
Trustee Oldfield
Student Trustee Cameron

And To:

Trustee Linda Stone

And To:

DDSB Board of Trustees
c/o Chair Donna Edwards and Patrick Cotter (General Counsel)

Re: DDSB Code of Conduct Investigation Report (the "Report")
File Nos. IC-24974-0623, IC-25051-0623, and IC-25236-0723

INTRODUCTION

Introduction

This is my Report respecting three separate applications for inquiry ("Complaint(s)") under the Durham District School Board's ("DDSB" or "Board") Trustee Code of Conduct ("Code") concerning the conduct of Trustee Linda Stone ("Trustee Stone" or the "Respondent"). I carried out this investigation pursuant to the terms of my January 18, 2021 appointment as Integrity Commissioner ("IC") for the Board, and in accordance with the Board's Complaint Protocol ("Protocol").

The Complaints were filed with the Office of the Integrity Commissioner ("Office") as follows:

- Complaint **IC-24974-0623** was initially received from Trustee Cunningham on June 21, 2023, with all duly executed forms submitted on June 27, 2023.
- Complaint **IC-25051-0623** was filed by Trustee Oldfield, with all duly executed forms submitted on June 26, 2023.
- Complaint **IC-25236-0723** was filed by Student Trustee Cameron, with all duly executed forms submitted on July 6, 2023

I determined that these matters are within my jurisdiction and mandate, and are neither frivolous, vexatious, nor made in bad faith. I decided to investigate and report on these matters together as they are substantially similar in nature. In this Report, Trustee Cunningham, Trustee Oldfield, and Student Trustee Cameron are collectively referred to as the “Complainants”.

A Durham-area resident also contacted our office after the above matters were filed about similar subject matter, but that individual ultimately did not file the required forms to commence a formal complaint. Their concern was accordingly not included in this process.

Inquiry Process

I followed a process that ensured procedural fairness to all Parties. That process included:

- Reviewing written submissions of the Parties (i.e., the Complainants and the Respondent) and supporting materials and facilitating the exchange of those submissions between the respective Complainants and Respondent;
- Reviewing the relevant portions of the Code, applicable legislation, and caselaw;
- Providing an opportunity for one-on-one interviews to all Parties;
- Providing an advance draft of this report to the Respondent, who was afforded an opportunity to provide comments thereon;
- Providing the Final Report to all Parties and the Board.

As with all matters before the Integrity Commissioner, the civil “balance of probabilities” standard of proof was applicable to this matter.

The overall timeline for this investigation and Report factor in the multiplicity of Complaints filed over two weeks, plus time allotted for the anticipated receipt of the additional potential complaint which ended up not being formalized. As noted, I also provided the Respondent with a discretionary review and comment period.

THE COMPLAINTS

All three Complaints concerned Trustee Stone's social media activity, particularly content she posted or shared via X (then known as Twitter). For the sake of familiarity, I will be referring to these posts as "Tweets".

The Impugned Tweets

Trustees Cunningham and Oldfield referenced the following Tweets:

- On or around June 19, 2023, Trustee Stone posted on her Twitter account:

"This is a massive problem! A child who identifies as a cat has serious mental health issues and yet teachers, directors of education, staff will go along with it. A child cannot identify as a cat! There is no such thing as trans species."

- She followed up approximately two hours later with the following Tweet:

"When I suggested that a child with gender dysphoria should be assessed by a psychologist I was told that I was advocating for conversion therapy. This is all so dangerous for children. Teachers will affirm any, even trans species, identity a child wants."

In respect of these Tweets, Trustee Cunningham asserted that:

"Trustee Stone has been made aware several times that the content she posts on her personal social media accounts includes content that is offensive to the trans community. Despite this, she continues to share misinformation and harmful Tweets."

Trustee Oldfield asserted that:

"[...] Trustee Stone's comments undermine the public confidence not only in Trustee Stone but also in the Board of Trustees as a whole. Tweeting unfounded, trans-phobic comments show[s] a lack of understanding of the challenges of some members of the 2SLGBTQI+ community and calls into

question a Board of Trustees' ability to govern effectively on those matters [...]. Trustee Stone's actions and comments have the ability to skew public perception and risk all DDSB Trustees being seen as supporting these ideologies."

Student Trustee Cameron referenced the following Tweets:

- June 20, 2023:

"What can you do if school boards state that your identity is whatever you chose. A cat, cow, fish, moose, black, white, brown, girl, boy, Indigenous. The choices are endless and will be affirmed and respected. No mental health crisis, just affirmation."

- On or about June 20, 2023, Trustee Stone shared a Tweet from Irish psychotherapist and author Stella O'Malley that linked to an article in the British newspaper *The Telegraph* titled "Schools let children identify as horses, dinosaurs... and a moon". Ms. O'Malley's Tweet stated:

"Any adult who participates in a child identifying as a cat is colluding and enabling the dehumanization of this child. Don't do it."

- On or around June 21, 2023, a Twitter account called "Freedom" (understood to be Trustee Stone's account under a pseudonym she was then adopting) shared a Tweet from British author J.K. Rowling, which stated:

"Cis" is ideological language, signifying belief in the unfalsifiable concept of gender identity. You have a perfect right to believe in unproveable essences that may or may not match the sexed body, but the rest of us have a right to disagree, and to refuse to adopt your jargon.

- On or around June 28, 2023, the same Twitter account called "Freedom" shared a Tweet by Kirralie Smith, an Australian political activist known for her anti-Trans views. Ms. Smith linked to an article on her website "Binary Australia" titled "A clinical psychologist with 50 years experiences issues a dire warning," and she stated:

"Self ID laws are a gift to serious sex offenders."

Student Trustee Cameron asserted that Trustee Stone's Tweets were variously "discriminatory", "transphobic", and "not constructive or respectful [...]". He

further described the Tweets as: “hateful and harmful”.

RESPONSE

Trustee Stone provided the following brief written Response to my Office by email (addressed to me) on June 28, 2023:

“If the information around the student identifying as a cat in the UK has been debunked I will delete the tweets. I have not seen that it was but I will check. My tweets were prior to any debunking. However, if a child did think they were a cat, and teachers accepted that, it would be cause for concern as my tweets indicated. I had asked someone at our board in a conversation, if a child identified as a cat would that be accepted, and the answer was yes. The ridiculousness of this whole conversation is indicative of a problem in the system, hence parents are protesting all across Canada.

To be honest Micheal [sic], I think you’ve already made up your mind around these complaints so I’m not saying anything further as my words could be used against me as my tweets are. I’ll save you some time and maybe tax payers some money, proceed with the report. I think I already know what it’s going to say.”

REPLY

Trustee Cunningham provided the following Reply to my Office on July 5, 2023:

“Correction to Trustee Stone’s response: The DDSB has said, repeatedly, that identifying as a cat is not accepted in schools—both in the media and in personal response to the trustee by the Director. Trustee Stone is spreading misinformation intended to dehumanize transgender individuals for her own agenda and not based on any truth.

Please see below for a public statement made in 2022 by the DDSB, and the attachment for Trustee Stone’s personal response from the Director.

<https://www.durhamradionews.com/archives/160141>

The UK story was indeed debunked. At no point did anyone identify themselves as a cat.

<https://www.theguardian.com/commentisfree/2023/jun/26/girl-didnt->

[identified-as-a-cat-post-truthpolitics-media-gender-identity](#)

This “cat identity” story is a hoax that has been spread world-wide. I have seen several people on Facebook say that their sister’s friend’s cousin’s child has a litter box in their school’s bathroom. But no one—no one!—has ever been able to provide evidence that this is indeed the case.

Should Trustee Stone be able to provide verifiable photographs of a litter box in a school bathroom or a written statement in a school’s handbook, I will concede the point. Otherwise, this line of thought and the resulting tweet is straight out of the transphobic playbook.”

Trustee Cunningham also provided copies of email correspondence she was cc’d on (as a Board Member) between Trustee Stone and the Director of Education. Their exchanges included:

- June 21, 2023 – Trustee Stone to Director Williams-Taylor:

Hello Camille,

There have been articles recently about students in the UK identifying as cats. Would we allow this to happen at the DDSB?

- June 27, 2023 – Trustee Stone to Director Williams-Taylor:

Hi Camille,

Not sure if you saw this question. It might seem odd but your answer will be very helpful for trustees who are not sure about this. I know we’ve discussed before and I know what your answer was so I just needed other trustees to know also.

- June 27, 2023 – Director Williams-Taylor to Trustee Stone:

Good afternoon Linda:

I do recall you raising this comment as, what I thought was, a sidebar comment in a conversation we had in the winter. To my recollection, it was not a matter that we pursued in discussion.

This cat narrative infers a parallel between people who identify as cats

with transgender identities, and as such, is transphobic in nature. It is a comment that is intended to interfere with our real obligation to protect transgender rights.

Human individuals have the right to gender identity and gender expression. These rights are protected under the law, and we have a policy in place that charges all of us with protecting these rights as members of the DDSB community.

On July 10, 2023, Trustee Oldfield sent an email to me advising that Trustee Stone's Response did nothing to alter her assertions.

INTERVIEWS

All Parties were offered the opportunity to participate in an interview. Trustee Cunningham confirmed that she had provided all of her relevant information in writing. It was determined that I had no further questions for her, so no interview was required. Trustee Oldfield likewise was not interviewed. As noted, Trustee Stone declined to be interviewed. I spoke with Student Trustee Cameron on August 15, 2023.

Interview with Student Trustee Cameron

Student Trustee Cameron advised that he became aware of the impugned Tweets while scrolling through Twitter. He made the following points respecting each:

- The J.K. Rowling Tweet “dehumanizes and erases the existence of trans people. It talks about ideology – the idea that being trans is an idea and a choice.” The Tweet is “dismissive”, and its use of a word like “jargon” here is “disrespectful”. The Tweet “basically says ‘I am not going to respect trans people’.”
- The Stella O'Malley Tweet “distracts from the reality of trans people,” and “basically says: ‘If your kid can't be a dog, then how can they change their gender?’” The tweet references “dehumanizing” a child, but it “dehumanizes trans people by drawing that parallel” (i.e., to animals).
- The Kirralie Smith Tweet “links trans people to sex offenders” and is accordingly “disrespectful”.
- Trustee Stone's Tweet about identifying as animals and other races is “a

straw man argument”, and she is “not engaging with the truth.” She “has access to information that the public does not,” and “she has asked questions and been told that these things are not happening” at the DDSB. He also said “[t]he idea that people can be cats and cows is not true. The idea of choices being endless is false. It [i.e., policies and practices re: recognizing preferred pronouns] is about affirming trans people. [Trustee Stone] is spinning it in a disingenuous way. She is engaging with arguments that no one is making to be disrespectful and delegitimize trans people.”

CITED CODE SECTIONS

Trustees Cunningham, Oldfield, and Student Trustee Cameron all alleged that Trustee Stone contravened sections 6.3, 6.4, 6.8, 6.11, and 6.44 of the Code of Conduct. Trustee Oldfield additionally alleged that Trustee Stone contravened section 6.1. The cited Code sections read as follows:

- 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.*
- 6.3 *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.*
- 6.8 *Trustees shall serve and be seen to serve in a constructive, respectful, conscientious and diligent manner.*
- 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.*
- 6.44 *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 media.*

EDUCATION ACT

I additionally consider the following sections of the *Education Act* relevant to these matters:

Board responsibility for student achievement and effective stewardship of resources

169.1 (1) *Every board shall,*

(a) promote student achievement and well-being;

(a.1) promote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability;

(a.2) promote the prevention of bullying;

Duties of board members

218.1 *A member of a board shall,*

(a) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this Act, the regulations and the guidelines issued under this Act, including but not limited to the board's duties under section 169.1;

[...]

(e) uphold the implementation of any board resolution after it is passed by the board;

[...]

(g) maintain focus on student achievement and well-being; and

(h) comply with the board's code of conduct.

ANALYSIS

Did Trustee Stone Contravene the Code?

In my view, Trustee Stone contravened the Code of Conduct by posting the impugned Tweets and Re-Tweets cited in this Report.

It is unfortunate that I am again faced with a case of Trustee Stone's irresponsible social media use. I note that this is not my Office's first or even second investigation into similar conduct by Trustee Stone.

Trustee Stone occupies a privileged position at the table where local education policy is established. She no doubt understands perfectly well that this role comes with significant social responsibility. Her public statements about public education matters will likely and reasonably be interpreted by members of the community as information pertaining to the DDSB. When Trustee Stone tweets about "*teachers, directors of education, staff*", it can be reasonably inferred to include DDSB teachers, the DDSB's Director of Education, and other DDSB staff. When a Trustee tweets about education policies and practices, it is reasonably assumed to be about their own Board's policies and practices. To put it plainly, what a Trustee communicates publicly reflects back on the Board.

Given this reality, and the history of previous substantiated complaints against her over conduct which tread similar ground, it is astonishing that Trustee Stone continues to be so reckless on social media. She unquestionably knows the eyes of the community are upon her, and that many people look to her for information and leadership (as they do with any school board Trustee). When her Tweets contain misinformation that can mislead people to believe things that are simply untrue, it does nothing to advance the interests of the Board or the population it serves.

Trustee Stone tweeted that children identifying as animals will be affirmed without question in their new species identity by school boards – a claim which Trustees Cunningham and Oldfield and Student Trustee Cameron flatly rejected. Director of Education Williams-Taylor described the very framing of such a discussion as "transphobic in nature". All of this was already highlighted by the DDSB in a public statement in 2022, which was shared by Trustee Cunningham in her Reply submissions (above) which made the DDSB's stance clear:

"Students in DDSB schools express themselves and their identities in many ways. The DDSB is committed to supporting safe, welcoming and inclusive

environments for all students and staff. [...] This includes affirming identities, and where required, meeting the duty to accommodate needs based on protected grounds of discrimination under the Human Rights Code and the DDSB's Human Rights, Anti-Discrimination and Anti-Racism Policy and procedures. Identifying as a furry is not one of these grounds.

The school board believes the rumours are actually transphobic or homophobic in nature." [emphasis mine].

What else, then, can be said about such Tweets as those posted by Trustee Stone other than to call them misinformation and scaremongering? How are such Tweets in the public interest? How could this serve the DDSB and its stakeholders, or square with a Trustee's fiduciary duty to the Board or their obligations under the *Education Act* and Board policy? There was no evidence provided to me, nor any that I could find, that suggests the DDSB affirms trans-species identities, or that such a notion is even remotely rooted in reality. Around the time of the impugned Tweets, there was some social media turbulence about children in the United Kingdom and the United States identifying as cats and having litterboxes placed in their classrooms – but none of it appeared to be true. I am not aware of Trustee Stone ever publishing a retraction to atone for her own involvement in spreading such misinformation.

In my view, a Trustee who spreads misinformation concerning Board policy and/or educational practices fails to meet the standard established by the Code of Conduct. I find that such actions represent a failure on Trustee Stone's part to discharge her duties "loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board." I likewise find that such actions represent a failure by Trustee Stone to "uphold the dignity of the office". Tweets that draw blurry lines between trans people and sex offenders, or which strongly imply that trans identities are merely part of an "ideology" (as opposed to being lived experiences), are disrespectful and unconstructive, and probably deliberately so. None of the impugned Tweets helped to make the DDSB an inclusive environment for all people – they did the opposite. They ran contrary to the human rights of DDSB students and others by infringing on their dignity and sense of worth within the DDSB community. For these things to be shared by a DDSB Trustee is inappropriate, offensive, and wrong. I find that Trustee Stone failed to meet the high standard of care required of her position.

For these reasons, I find that Trustee Stone contravened sections 6.1, 6.3, 6.4, 6.8, 6.11, and 6.44 of the Code. I recommend that the Board also make such a finding.

Additional Observations

I wish to be clear that this report does not concern a Trustee's rights and responsibilities to contribute meaningfully to the governance of the Board through the policy-making process. There is always room for respectful discussions about the best policy choices to meet the needs of DDSB students and their families – and Trustees may not always agree about those policy choices. This case is not about policy or good faith engagement with policymaking. This case only concerns compliance with the Code of Conduct by an individual who agreed to be bound by it as a condition of taking her role. A Trustee has a fiduciary duty to the Board, and an obligation not to cause harm to it or to undermine its institutional integrity. Trustee Stone is in a position of trust and authority. In spite of this, she opted to spread misinformation, engaged in problematic rhetoric, and shared discriminatory opinions contrary to the rights of members of a marginalized community. She did so on a public platform where she is recognized in the community as a DDSB Trustee.

In my view, neither the existence of the Code nor the enforcement thereof represents an unjust incursion into Trustee Stone's freedom of expression. In its simplest terms, this matter is about disrespectful rhetoric, misinformation, and online mischief by a public official who ought to know better, and who by her role is in fact obliged to do better.

Trustees are free to hold whatever opinions they wish and have some reasonable latitude to bring forth those opinions *in good faith* through policy development processes and discussions at the Board. But Trustees are not free to advocate anti-human rights positions, engage in discriminatory rhetoric, or spread misinformation that destabilizes, undermines, or otherwise calls into question the fundamental human rights of members of the community. These rules are established by law, and enforceable via the Code of Conduct that the Board has adopted to govern itself.

RESPONDENT TRUSTEE COMMENTS

As noted in the body of this Investigation Report, Trustee Stone was provided with an opportunity to review and respond to my draft findings. Though there is no requirement to do so, I consider it a best practice and proceeded accordingly.

Trustee Stone offered several comments by email on October 5, 2023 (the date of this Report). Among those comments, she indicated I should proceed to publish my draft report "*as is or however you choose.*"

She indicated that someone told her that a student identifying as a cat would be accepted as such but determined not to “*throw the person [...] under the bus.*” She further stated, “[...] *my colleagues and yourself still do not understand what is going on in schools and the harms to children and families,*” and “[...] *my colleagues chose to attack me again and again, keeping their heads in the sand not willing to communicate with parents or myself. A very dysfunctional board.*” She concluded: “*My colleagues would do themselves a favour to become more educated on the issues instead of constantly complaining. I suggest you all read, Lost In Trans Nation, by Marion Grossman.*”

By way of a second email, Trustee Stone added:

“One more thing Michael, my opinion, based on facts, is not misinformation. I was not talking about our board policies. Not everything I say is pertaining to the DDSB, in fact most of my comments have nothing to do with our board. I am an individual with thoughts, opinions, ideas and free expression, it is not all around DDSB. My comments are not transphobic or hateful, you are basing that on the opinion of three people who might need, as I mentioned, more education around the issues.”

Trustee Stone’s comments do not change my view of the facts of this case, nor my findings and recommendations. She continues to attempt to distance her public persona and public comments from her public duties as a Trustee. As indicated in this report, it is not possible to neatly disentangle her public statements from her public duties. This is especially so when she makes sweeping negative comments about things happening (which are not *actually* happening) in public education, and which are contrary to the protected rights of people who access public education via the DDSB. Trustee Stone is recognized in the community as a DDSB Trustee and her comments about public education are going to be interpreted as being related to the DDSB and/or will reflect on the DDSB as an institution – a reality which the Trustee continuously and, I believe conveniently, fails to acknowledge.

If Trustee Stone believes there are genuine policy concerns in respect of the DDSB, she is in a position to formally challenge those policies. She is welcome to persuade her colleagues to make policy changes, so long as she does so respectfully and within the bounds of the role as established by law.

CONCLUSION

I have concluded that Trustee Stone breached the Code of Conduct.

However, the ultimate authority to determine whether a Trustee breached the Board's Code does not rest with me as Integrity Commissioner – rather, it lies with the Board itself.

Section 218.3 (2) of the *Education Act* states:

“(2) If an alleged breach is brought to the attention of the board under subsection (1), the board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached the board's code of conduct.”

Through its appointing by-law, the Board of Trustees has entrusted inquiries about Code of Conduct complaints to its appointed Integrity Commissioner.¹

Such inquiry having now been made, the Board is now required by law to consider the results of my inquiry and make its own determination regarding whether Trustee Stone has in fact breached the Code of Conduct.

If the Board determines that Trustee Stone breached the Code, s. 218.3 (3) of the *Education Act* (as follows) allows a limited range of permissible sanctions:

If the Board determines that the Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:

- a) Censure of the Trustee.*
- b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.*
- c) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.*

In accordance with the above findings, should the Board of Trustees also adopt same, I would make the following recommendations as to sanctions:

- 1. I recommend that the Board censure Trustee Stone.**
- 2. I recommend that Trustee Stone be barred from attending one meeting of the Board.**

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

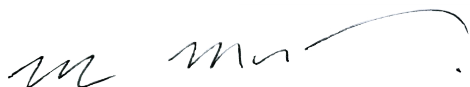
3. I recommend that Trustee Stone be barred from sitting on any committees of the Board for a suitable duration to be determined by the Board.

I confirm that a copy of this Final Report has been provided directly to the Parties and to the Board via its Chair and General Counsel.

Pursuant to the requirements of the *Education Act*, I ask that this Final Report be published on an open DDSB meeting agenda and be considered by the Board of Trustees at its earliest opportunity.

I now consider this matter to be concluded.

Respectfully,

A handwritten signature in dark ink, appearing to read 'M. Maynard', with a long, sweeping horizontal stroke extending to the right.

Michael L. Maynard
Integrity Commissioner

APPENDIX B

Timeline	Action
Oct 16, 2023	<p>Public meeting to consider the report of the Integrity Commissioner.</p> <p>Trustees will have two tasks in this meeting:</p> <ul style="list-style-type: none">a) Make their own assessment, based on the report of Integrity Commissioner, as to whether there has been a breach of the Code of Conduct (i.e. accept or reject, in whole or in part, the findings articulated in the Integrity Commissioner's Report);b) If the Board determines that there has been a breach (or breaches) of the Code, then Trustees will consider and vote on the sanction to be imposed.
By Nov 1, 2023 (approx.)	<p>If there is a finding of breach, the trustee is provided with written notice and an opportunity to make submissions in writing as to the decision (s) of the Board.</p>
By Nov 15, 2023 (approx.)	<p>The Board will reconvene a public meeting to consider any written submissions by the trustee and render a decision to confirm or revoke the decision of October 16, 2023 as to breach or breaches and, if necessary, to confirm, vary or revoke any decision as to sanction made on October 16, 2023.</p>

APPENDIX C

The relevant provisions of the *Education Act* provide as follows:

- 218.3
- (1) A member of a board who has reasonable grounds to believe that a member of the board has breached the board's code of conduct may bring the alleged breach to the attention of the board.
 - (2) If an alleged breach is brought to the attention of the board under subsection (1), the board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached the board's code of conduct.
 - (3) If the board determines under subsection (2) that the member has breached the board's code of conduct, the board may impose one or more of the following sanctions:
 1. Censure of the member.
 2. Barring the member from attending all or part of a meeting of the board or a meeting of a committee of the board.
 3. Barring the member from sitting on one or more committees of the board, for the period of time specified by the board
 - (6) If a board determines that a member has breached the board's code of conduct under subsection (2),
 - (a) the board shall give the member written notice of the determination and of any sanction imposed by the board;
 - (b) the notice shall inform the member that he or she may make written submissions to the board in respect of the determination or sanction by a date specified in the notice that is at least 14 days after the notice is received by the member; and
 - (c) the board shall consider any submissions made by the member in accordance with clause (b) and shall confirm or revoke the determination within 14 days after the submissions are received.
 - (7) If the board revokes a determination under clause (6) (c), any sanction imposed by the board is revoked.
 - (8) If the board confirms a determination under clause (6) (c), the board shall, within the time referred to in that clause, confirm, vary or revoke the sanction.
 - (9) If a sanction is varied or revoked under subsection (7) or (8), the variation or revocation shall be deemed to be effective as of the date the original determination was made under subsection (2).

- (10) Despite subsection 207 (1) but subject to subsection (11), the part of a meeting of the board during which a breach or alleged breach of the board's code of conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207 (2) (a) to (e).
- (11) A board shall do the following things by resolution at a meeting of the board, and the vote on the resolution shall be open to the public:
 - 1) Make a determination under subsection (2) that a member has breached the board's code of conduct.
 - 2) Impose a sanction under subsection (3).
 - 3) Confirm or revoke a determination under clause (6) (c).
 - 4) Confirm, vary or revoke a sanction under subsection (8). 2009, c. 25, s. 25.
- (12) A member who is alleged to have breached the board's code of conduct shall not vote on a resolution to do any of the things described in paragraphs 1 to 4 of subsection (11).
- (13) The passage of a resolution to do any of the things described in paragraphs 1 to 4 of subsection (11) shall be recorded in the minutes of the meeting.