

DURHAM DISTRICT SCHOOL BOARD

SPECIAL BOARD MEETING

Tuesday, April 2, 2024

8:15 p.m.

	PAGE
1. <u>Call to Order</u>	Verbal
2. <u>Land Acknowledgement</u>	
<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3. <u>Declarations of Interest</u>	Verbal
4. <u>Adoption of Agenda</u>	Verbal
5. <u>Recommended Actions</u>	
(a) Adoption of Any Resolutions from the April 2, 2024, Committee of the Whole, In-Camera (Trustee Deb Oldfield)	Verbal
(b) Establishing a Vacancy Committee (Executive Lead Robert Cerjanec, General Counsel Patrick Cotter)	1 - 6
6. <u>Adjournment</u>	Verbal

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board

DATE: April 2, 2024

SUBJECT: Establishing a Vacancy Committee

PAGE: 1 of 3

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 provide the Board of Trustees with information on filling the current vacancy as outlined in the *Education Act* and establishing a Vacancy Committee in accordance with the Board's Consolidated Bylaws.

2.0 Background and Analysis

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

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

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

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

The Education Act

Section 221 of the *Education Act* provides for the Board to fill a Trustee vacancy by either:

- i. Requiring the municipality to hold a by-election, or
- ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the Act.

As the vacancy occurred on March 27, 2024, it must be filled by no later than June 25, 2024.

Durham District School Board Bylaws

Section 6.2 of the Consolidated Bylaws (Appendix A) outlines the process of filling a vacancy, and in particular Section 6.2.1 states:

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

3.0 Financial Implications

Depending on the process to fill the vacancy, there may be some costs. Typically, a by-election costs hundreds of thousands of dollars. Should the Vacancy Committee decide on an appointment and interview process, costs to circulate advertisements in Durham Region media outlets would be approximately \$3,000 which can be accommodated within the existing advertising budget. Further information will be included in the staff report provided to the Vacancy Committee.

4.0 Evidence of Impact

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

5.0 Communication Plan

The Trustee vacancy has been posted on the Board's website and social media and further communication will occur, as needed, once the Board and/or the Vacancy Committee determine next steps.

6.0 Conclusion and/or Recommendations

In accordance with Section 6.2.1. of the Consolidated Bylaws, it is recommended that a Vacancy Committee be established and that the Board confirm the Committee's membership in order to begin the process to fill the current vacancy on the Board of Trustees.

7.0 Appendices

Appendix A: Section 6.2 of the Consolidated Bylaws: Vacancy Committee

Report reviewed and submitted by:



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



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations



BYLAWS

Consolidated Bylaws

SECTION 6: FILLING TRUSTEE VACANCIES

6.2 Vacancy Committee

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

6.2.2 For the appointment, there are two options:

- i. appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person as defined under the *Education Act*; or
- ii. consider a broader range of electors for the appointment in which case, the following actions will occur:

(a) Advertising

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

(b) Applications

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

(c) Information Required

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

- i. Confirmation of eligibility to be appointed;
- ii. Why they are interested in the position;
- iii. Background, interests, experience, concerns;
- iv. Other information they think is pertinent.

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

(d) Information Provided

Upon written or verbal indication from an individual that they intend to apply for the position, the following information will be emailed to interested individuals or made available for pick-up from the Trustee Services Coordinator

- i. Durham District School Board Facts Folder;
- ii. These Bylaws including the Member Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

(e) Interviews

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

(f) Voting

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

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

- i. proceed to the second ballot. Their names shall be posted in the Boardroom and on-screen for virtual attendees.

- ii. On the second and subsequent ballots, Trustees shall vote for only one (1) candidate.
 - iii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast, except on the first ballot.
 - iv. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - v. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - vi. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- (g) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.