



**DURHAM DISTRICT SCHOOL BOARD**

**NOTICE OF MEETING**

**GOVERNANCE AND POLICY COMMITTEE  
PUBLIC SESSION**

Chair: Emma Cunningham  
Vice Chair: Kelly Miller

**DATE:** Wednesday, September 25, 2024  
**TIME:** 6:00 p.m.  
**LOCATION:** Hybrid  
**ATTACHMENTS:** Agenda

**Copies to:**  
All Trustees and Student Trustees  
Director of Education  
All Superintendents

**AGENDA - GOVERNANCE AND POLICY COMMITTEE MEETING**  
**Wednesday, September 25, 2024**  
**6:00 p.m.**

		PAGE
1.	<u>Call to Order</u>	Verbal
2.	<u>Land Acknowledgement</u>	Verbal
	<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3.	<u>Declarations of Interest</u>	Verbal
4.	<u>Motion to Approve Agenda</u>	Verbal
5.	<u>Minutes</u>	
	(a) DRAFT minutes of the Governance and Policy Committee meeting of May 29, 2024	1 - 5
6.	<u>Information Items</u>	
7.	<u>Recommended Actions</u>	
	(a) Bylaws – Public Question Period (General Counsel Patrick Cotter, Senior Manager Dervla Kelly)	6 - 13
	(b) Bylaws – Filling Trustee Vacancies (General Counsel Patrick Cotter)	14 - 19
	(c) Electing Members to OPSBA (Trustee Donna Edwards)	Verbal
8.	<u>Other Business</u>	Verbal
9.	<u>Adjournment</u>	Verbal



**DRAFT Minutes – Governance and Policy Committee Meeting  
Wednesday, May 29, 2024 6:00 p.m., Hybrid**

**1. Call to Order**

Trustee Emma Cunningham, Committee Chair, called the meeting to order at 6:02 p.m.

Members Present: Trustees Michelle Arseneault, Donna Edwards, Kelly Miller, Carolyn Morton, Christine Thatcher (virtual), Student Trustees Ben Cameron, Kayla Hoare (virtual)

Regrets: Trustees Tracy Brown, Stephen Linton, Deb Oldfield, Shailene Panylo, Jill Thompson, Student Trustee Neha Kasoju

Staff Present: Director of Education Camille Williams-Taylor, Associate Director Jim Markovski, Associate Director David Wright, General Counsel Patrick Cotter, Superintendent Margaret Lazarus, Superintendent Heather Mundy, Senior Manager Lisa Coppins, Policy Analyst Ahmad Khawaja

Recording Secretary: Gillian Venning

**2. Land Acknowledgment**

Trustee Emma Cunningham 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  
SECONDED by Trustee Kelly Miller

THAT THE AGENDA BE APPROVED.

CARRIED

**5. Minutes**

**(a) Draft minutes of the Governance and Policy Committee meeting of April 24, 2024**

MOVED by Trustee Carolyn Morton  
SECONDED by Trustee Kelly Miller

THAT THE DRAFT MINUTES OF THE APRIL 24, 2024 GOVERNANCE AND POLICY COMMITTEE MEETING BE APPROVED.

CARRIED

**6. Information Items**

**(a) Update: Human Rights Advisory Committee**

Associate Director Jim Markovski shared an overview of the activities undertaken to date towards establishment of the Human Rights Advisory Committee and anticipated next steps.

Discussion took place and trustee questions were answered.

**(b) Update: Anti-Black Racism Advisory Committee**

Associate Director Jim Markovski shared an overview of the activities undertaken to date towards establishment of the Anti-Black Racism Advisory Committee and anticipated next steps.

Discussion took place and trustee questions were answered.

**7. Recommended Actions**

**(a) Rescission of Facilities Services Policies and Regulations**

Associate Director David Wright shared an overview of the report with trustees, noting that following a review, staff have determined that four policies and three regulations under the purview of Facilities Services as outlined in the report are redundant and are therefore being recommended for rescission.

There were no trustee questions.

MOVED by Trustee Donna Edwards  
SECONDED by Trustee Michelle Arseneault

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE FACILITIES SERVICES POLICIES AND REGULATIONS INCLUDED IN APPENDIX A BE RESCINDED AND

### 3

THAT THE MATTER PROCEED TO THE NEXT MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION.

CARRIED

#### **(b) Rescission of Equity and Inclusive Education Policy and Regulation**

Superintendent Margaret Lazarus shared an overview of the report with trustees, noting that with the development and implementation of DDSB's Human Rights, Anti-Discrimination and Anti-Racism Policy and procedures, the Equity and Inclusive Education Policy and Regulation are redundant and are therefore recommended for rescission. It was further noted that DDSB is meeting all of the requirements as outlined in PPM 119: *Developing and implementing equity and inclusive education policies in Ontario schools*, through its Human Rights Policy and other policies, including through the Positive School Climates Policy, the Indigenous Education Policy and the Safe and Respectful Workplace and Harassment Prevention Policy.

There were no trustee questions.

MOVED by Trustee Michelle Arseneault

SECONDED by Trustee Carolyn Morton

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE EQUITY AND INCLUSIVE EDUCATION POLICY AND REGULATION BE RESCINDED AND THAT THE MATTER PROCEED TO THE NEXT MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION.

CARRIED

#### **(c) Revised Criminal Background Checks Policy**

Superintendent Heather Mundy shared an overview of the report with trustees, noting that the Criminal Background Checks Policy has been revised to clearly identify the requirement for all employees, volunteers and service providers and other individuals to provide a Criminal Background Check, to clearly delineate the two types of background checks and when each is applicable. As part of the review process, the accompanying Criminal Background Checks Procedure was also revised.

There were no trustee questions.

MOVED by Trustee Michelle Arseneault

SECONDED by Trustee Donna Edwards

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE CRIMINAL BACKGROUND CHECKS POLICY BE REVISED AS SET OUT IN APPENDIX A INCLUDED IN THE AGENDA PACKAGE AND THAT THE MATTER BE CONSIDERED AT THE NEXT MEETING OF THE BOARD OF TRUSTEES.

CARRIED

**(d) Draft Supervisory Officer Recruitment Policy and Rescission of Hiring of Superintendents Policy and Regulation**

General Counsel Patrick Cotter shared an overview of the report, noting that staff are recommending that the current Hiring of Superintendents Policy and Regulation be rescinded and replaced with the new draft Supervisory Officer Recruitment Policy. To uphold good governance practices, the new policy places the hiring of all staff, including Superintendents, within the sole purview of the Director and their delegates, while the Board of Trustees continues to be responsible for the selection and hiring of the Director.

Discussion took place and trustee questions were answered.

MOVED by Trustee Christine Thatcher

THAT DISCUSSION OF THIS POLICY BE DEFERRED TO A FUTURE MEETING OF THE GOVERNANCE AND POLICY COMMITTEE.

Following further discussion and seeing no objection from trustees, the above foregoing motion was withdrawn.

MOVED by Trustee Donna Edwards  
SECONDED by Trustee Carolyn Morton

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND THAT THE BOARD OF TRUSTEES:

- RESCIND THE CURRENT HIRING OF SUPERINTENDENTS POLICY AND THE RELATED REGULATION;
- APPROVE THE UPDATED SUPERVISORY OFFICER RECRUITMENT POLICY; AND,
- THAT THESE MATTERS BE CONSIDERED AT THE NEXT MEETING OF THE BOARD OF TRUSTEES.

CARRIED

**(e) Draft Student Trustee Policy**

General Counsel Patrick Cotter shared an overview of the draft policy, noting that it is being created to ensure a framework is in place to support student trustees in fulfilling their mandate. Student Trustee Ben Cameron noted that over 25 school boards in Ontario already have Student Trustee policies and these were considered in the development of DDSB's draft policy. As part of the policy development process, sections of the Consolidated Bylaws applicable to student trustees have been amended; in some cases sections have been removed completely and placed in the new policy, while others have been revised to align with the new policy.

Discussion took place and trustee questions were answered.

## 5

MOVED by Trustee Carolyn Morton  
SECONDED by Trustee Christine Thatcher

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE STUDENT TRUSTEE POLICY BE ADOPTED AND THAT THE RELEVANT SECTIONS OF THE BYLAWS BE AMENDED IN ACCORDANCE WITH THE REVISIONS PROPOSED IN THE REPORT.

CARRIED

### (f) Motion: Indigenous Education

Trustee Emma Cunningham handed the Chair to Vice Chair Kelly Miller and provided trustees with an overview of the motion which is being proposed to align with DDSB's ongoing commitment to uphold Indigenous rights as outlined in the 2024-2028 Multi-Year Strategic Plan and in response to continued calls to action towards reconciliation through education.

Discussion took place and trustee questions were answered.

MOVED by Trustee Emma Cunningham  
SECONDED by Trustee Carolyn Morton

THAT THE GOVERNANCE COMMITTEE ASKS STAFF TO PREPARE A REPORT ON ALL THE POLICIES CURRENTLY RELATED TO INDIGENOUS EDUCATION AND HOW THEY ALIGN WITH OUR NEW STRATEGIC PLAN. WE'D ALSO LIKE TO SEE THE IMPACT SINCE THESE POLICIES WERE IMPLEMENTED.

DEFEATED

### 8. Other Business

There was no other business discussed.

### 9. Adjournment

MOVED by Trustee Emma Cunningham

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at 6:56 p.m.

## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Governance and Policy Committee

**DATE:** September 25, 2024

**SUBJECT:** Bylaws – Public Question Period

**PAGE:** 1 of 5

**ORIGIN:** Patrick Cotter, General Counsel  
Dervla Kelly, Senior Manager, Public Affairs

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.

### 1.0 **Abstract**

This report provides an overview of public participation mechanisms at the Durham District School Board (DDSB) in relation to the bylaws regarding public question periods. This report follows up on the Governance and Policy Committee meeting held on April 24, 2024, where a motion to eliminate sections 5.13.13 to 5.13.16 of the Bylaws was proposed and deferred. This report contains a recommended action.

### 2.0 **Purpose**

The purpose of this report is to provide the Board of Trustees with an update on public engagement practices, including the current public question period and to recommend amendments to the Bylaws to remove public questions at Board meetings.

### 3.0 **Background**

At the Governance and Policy Committee Meeting on April 24, 2024, a motion proposing to delete sections 5.13.13 to 5.13.16 of the DDSB Bylaws, which govern public question periods during Board meetings, was moved. However, a motion to defer the discussion to a future meeting of the Governance and Policy Committee was moved, which took precedence.

### 4.0 **Analysis**

#### **Current Structure**

As has been previously reported to this Committee, a jurisdictional scan has taken place of similar school boards, and no other school board reviewed provides for public



questions by members of the public at Board meetings. In particular, there is no public question period during board meetings at the Ottawa, York, and Toronto District School Boards.

While the DDSB has allowed public questions during Board meetings for some time, there were significant changes made in 2023, in an effort to address concerns with the process. In particular, the prior process had resulted in significant disruption to the proper functioning of board meetings, including the need for multiple recesses to be called and the public being cleared from the gallery. Safety concerns were raised by trustees, staff and members of the public in attendance at board meetings. There was threatening behaviour and vulgar slurs made at these meetings.

In response to challenges and disruptions at Board meetings in 2023, the Governance and Policy Committee undertook a detailed review of, and brought forward recommended changes to, the provisions of the Bylaws to provide additional clarity around the public question period process, including time limits, making provision for hybrid participation, providing trustees with copies of any questions that were not approved, and providing clarity around the use of supplemental questions. Pre-approval and vetting of questions was necessary to ensure that questions were not 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.

These changes were intended to ensure that the business of the Board could move forward in a timely and professional manner. While it appears that these changes have achieved their objective, there is an issue as to whether this rigid, albeit entirely appropriate, process facilitates meaningful public engagement and whether there are other authentic and appropriate means for meaningful public engagement. This report attempts to provide some insight into that subject matter for the Committee's consideration.

Many of the questions are operational in nature, which is within the purview of the Director of Education (rather than policy questions which would be within the purview of the Board of Trustees).

### **Meaningful Public Engagement**

Members of the DDSB community have the opportunity to engage with the DDSB in many different forms and formats. Below, we highlight some of the key forms of engagement:

- The DDSB engages students, staff, community members and families in a variety of feedback approaches including, but not limited to facilitated sessions, pop-up events, surveys, virtual webinars, sketchnotes, working groups,

Thoughtexchanges, emails, conversations, and focus groups. In 2023-2024 there were 40 different data collections with over 31,000 points of contact. In the 2022-2023 school year, there were 46 different data collections with over 126,000 points of contact. Whether the questions invite sharing opinions, reflections, experiences, preferences, or concerns, each opportunity for engagement designed with the participants in mind. The feedback provided through these opportunities is used to fulfill legislative requirements such as the School Climate and Student Well-Being Survey, or Multi-Year Strategic Planning, events and issues that emerge throughout the school year.

- Parents/Guardians often access the classroom educator(s) as their first point of contact to answer educational and/or operational questions at the classroom or school level.
- School supports teams (which includes but is not limited to Special Education Resource Teacher, Librarian, office staff, etc.) and school administrators are available to answer any questions that may require additional attention.
- Parents/Guardians may participate in local School Community Council Meetings to present questions of a general nature pertaining the system or school matters as local participants of the School Board.
- Parents/Guardians may reach out to the Family of Schools Superintendent's Office, which is supported by a Family of Schools System Lead, for additional support, whether on school or system issues.
- Parents/Guardians may submit emails to the DDSB General Inquiries inbox. The Communications Department reviews the emails and directs them to the appropriate department for a response. On average, we receive 150 emails per week from the public that are directed to the appropriate staff personnel for response.
- Parents/Guardians may add comments and direct messages to the various DDSB social media platforms (Instagram, X, Facebook). On average, we receive 170 direct messages per week from the public via our social channels.
- The DDSB conducts public consultations and surveys (Thoughtexchanges) to support strategic planning, policy development, and for other key District initiatives.
- DDSB's Public Concerns and Engagement Procedure provides a transparent process through which parents/guardians and community members can bring forward concerns or matters to be addressed, with different pathways available whether an issue concerns matters in the classroom, school or across the system.

Of course, the Board of Trustees is also uniquely and directly engaged in community engagement in many different ways. Some of the key aspects of engagement would include:

- The Standing Committee meetings permit presentations to the Committee by members of the public.
- The Board has established Advisory Committees, namely – the Anti-Black Racism Advisory Committee and Human Rights Advisory Committee to provide input and advice to the Board of Trustees.

- There are a number of statutory Advisory Committees which engage trustees directly with members of the public on key issues of public interest. These committees include the Special Education Advisory Committee, the Parent Involvement Committee, the Supervised Alternative Learning Committee, amongst others.
- Members of the DDSB community may always connect with and raise issues of concern with their local Trustee.

### **Legislative Commitment**

The DDSB is committed to maintaining transparency, inclusiveness, and opportunities for public engagement, in compliance with provincial governance frameworks.

### **Policy Context**

The current review of the public question period aligns with the District's ongoing evaluation of public engagement strategies and reflects a broader discussion on optimizing Board meeting efficiency.

### **Regulatory Requirement**

There is no regulatory requirement that mandates school boards to hold a public question period during their meetings. While transparency and public engagement are encouraged under the Education Act, how school boards choose to facilitate public participation is left to their discretion. Boards are required to operate in an open and transparent manner, but can determine the specific mechanisms, such as surveys, consultations, or committees, to engage with the public.

### **Risks and Opportunities**

As trustees consider the recommended resolution some potential risks and opportunities might be considered.

#### *Risks:*

- Potential public perception of reduced transparency.

#### *Opportunities:*

- Opportunity to further mitigate derailment of the Boards' business.
- Cultivate and grow more authentic means engaging the voices of the members of the DDSB community with trustees and staff.
- Consistency in approach with other school boards.
- Improved meeting efficiency and resource allocation.

## 5.0 Financial Implications

N/A

## 6.0 Strategic Links

The DDSB carries out its Multi-Year Strategic Plan commitment to Ignite Connection through engagement with students, families, staff and community members as valued contributors, building trust and shared purpose through listening, communication and action, and fostering opportunities to meet, learn from and inspire each other and this is demonstrated in many different forms and formats as noted throughout the report.

## 7.0 Communication/Implementation Plan

If any revisions to the Bylaws are adopted, updates will be communicated to all relevant staff, education partners and the broader community. The revised Bylaws will be posted on the DDSB website, the agenda template will be adjusted accordingly and the Board will continue to promote other avenues for public participation.

## 8.0 Conclusion/Recommended Action

This report outlines the significant efforts of the District and the Board of Trustees for meaningful public engagement. Should the Committee determine to amend the Bylaws around public question period at Board meetings, members of DDSB community would continue to have multiple avenues for meaningful engagement.

It is recommended that the Governance and Policy Committee recommend to the Board of Trustees that sections 5.12.13 through 5.12.16 of the DDSB Bylaws be deleted in order to remove Public Question Period from the Board agenda and that the matter proceed to the next meeting of the Board of Trustees.

## 9.0 Appendices

Appendix A – Bylaws, Section 5.12, Public Participation in Meetings

Report reviewed and submitted by:




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Patrick Cotter, General Counsel




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Dervla Kelly, Senior Manager, Public Affairs



# BYLAWS

## Consolidated Bylaws

### 5.12 Public Participation in Meetings

- 5.12.1 In keeping with the Board's Policy on Public Consultation, the Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole – Standing.
- 5.12.2 In order to obtain permission to make a presentation to the Committee of Whole – Standing, the person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole – Standing. A presenter to the Committee of Whole – Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.
- 5.12.3 Any application submitted to the Director shall be forwarded to the Chair of the Committee of Whole - Standing.
- 5.12.4 An email requesting permission to present to the Committee of Whole - Standing shall:
- (a) State the matter to be discussed;
  - (b) Include materials intended to be distributed to trustees and/or be presented at the meeting;
  - (c) Provide the name of any organization or interested party to be represented;
  - (d) Confirm the authority of the spokesperson.
- 5.12.5 Any application to present at the Committee of Whole – Standing Committee may be approved at the good faith discretion of the Chair of the Committee of Whole – Standing who shall, in considering whether to grant approval:
- (a) Consider if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
  - (b) Consider 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;

- (c) 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 a concern with the manner in which a proposed presentation is designed or framed, the requester is to be given an opportunity to rectify the issues 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 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.
  - (d) Consider the time available for presentations at a given meeting and whether allowing the proposed presentation will allow the Committee of Whole – Standing sufficient time to conduct its business.
- 5.12.6 The Chair of Committee of the Whole-Standing shall inform the members of the Board when an application has been denied, including the rationale.
  - 5.12.7 The Chair may waive the eight working days' notice period.
  - 5.12.8 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.
  - 5.12.9 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing prior to her or his opportunity to present.
  - 5.12.10 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole – Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.
  - 5.12.11 Presenters shall be restricted to topics outlined in the application.
  - 5.12.12 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.
  - 5.12.13 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.
  - 5.12.14 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.

5.12.15 The Board reserves the right to deny an individual or party the opportunity to ask a question, or to otherwise limit a 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.

5.12.16 The following procedure applies to public question period:

- (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 questions posed.

## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Governance and Policy Committee

**DATE:** September 25, 2024

**SUBJECT:** Bylaws – Filling Trustee Vacancies

**PAGE:** 1 of 2

**ORIGIN:** Patrick Cotter, General Counsel

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.

### 1.0 **Abstract**

This report provides an overview of the options and process through which the Durham District School Board (DDSB) fills a vacancy on the Board of Trustees in accordance with applicable legislation and the Bylaws. There is a recommended action for trustees' consideration.

### 2.0 **Purpose**

The purpose of this report is to provide the Committee with proposed revised Bylaw language for the filing of a trustee vacancy, and to seek approval to adopt the recommended adjustments.

### 3.0 **Background & Analysis**

In the spring of 2024, the Board of Trustees went through the process of filling a trustee vacancy by appointment. In that process, the Board reviewed applications and heard presentations from 37 candidates during a special board meeting which consumed virtually a full day including multiple rounds of confidential polling.

The process and subsequent debriefing revealed that there may be room to streamline the process.

Proposed revised language to the Bylaws is attached as Appendix A.



#### **4.0 Communication/Implementation Plan**

If any revisions to the Bylaws are adopted, updates will be communicated to all relevant staff, education partners and the broader community. The revised Bylaws will be posted on the DDSB website.

#### **5.0 Conclusion/Recommended Action**

There appears to be room to streamline the process for filling a trustee vacancy, while still providing a robust and transparent process.

It is recommended that the Governance and Policy Committee recommend to the Board of Trustees that Section 6.2 of the Bylaws be amended as noted in Appendix A of this report and that the matter proceed to the next meeting of the Board of Trustees.

#### **6.0 Appendices**

Appendix A – Proposed Revised Language to Section 6.2 of the Consolidated Bylaws

Report reviewed and submitted by:



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Patrick Cotter, General Counsel



# BYLAWS

## Consolidated Bylaws

### SECTION 6: FILLING TRUSTEE VACANCIES

#### 6.1 The Education Act

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

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

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

#### 6.2 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 Except as qualified by section 6.2.3, For the appointment, therethere are two options for filling a vacancy through appointment:

- 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 receipt of applications.

(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 as and when they are received.

(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) Vetting the Applicants

Within 7 days following the deadline for the receipt of application materials, the Vacancy Committee shall meet, in closed session, to review any properly completed applications and to prepare a short list of, not more than 25 applicants who will be invited to participate in interviews. All applicants not on the short list shall be so advised by the Trustee Services Coordinator. -Only applicants who have submitted complete written applications by the deadline will be eligible to be



short-listed.

~~(e)~~(f) Interviews

- i. The Vacancy Committee shall establish the interview date and the schedule of interviews for the candidates that have been shortlisted for 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 invited for an interview 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)~~(g) Voting

- i. Voting shall be by secret ballot.
- ii. The Director or designate, one Associate -Director or designate and the General Counsel or designate shall count the ballots and shall maintain the confidentiality of the process. The Trustee Services Coordinator will have access to the vote tallies and will assist in collecting and posting the results in accordance with the provisions of these by-laws.
- 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 candidates shall be ranked based on the number of votes received (most to least). The top half of the candidates 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. In the event of a tie, all candidates tied for the lowest number of votes shall be dropped from the 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 for the successful candidate, 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.

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

6.2.3 Those candidates that proceeded to the second ballot or further (other than the successful candidate) shall be placed in a Trustee vacancy pool. In the event of any further vacancy during the term, and in the event that the Vacancy Committee determines to fill the vacancy through appointment, then the Vacancy Committee shall select one of the candidates from the vacancy pool to recommend to the Board of Trustees to fill the vacancy.