

YORK REGION DISTRICT SCHOOL BOARD

OPERATIONAL BY-LAW

Table of Contents

	<u>Page</u>
<u>Part 1: Interpretation</u>	3
<u>Part 2: Organization of Board Meetings</u>	4
2:01 Regular Public Board Meetings	4
2:02 Special Meetings	5
2:03 Private Board Meetings	6
2:04 Board Meeting Agendas	7
2:05 Parliamentary Procedure at (Public and Private) Board, (Committee of the Whole), Board Standing Committee Meetings	8
2:06 Motion to Reconsider	12
<u>Part 3: Committee System</u>	12
3:01 Board, Advisory, Ad Hoc and Board Committee Meeting Operating Guidelines	12
3:02 Governance and Board Organization Committee	16
3:03 Board Standing Committees	16
3:04 Statutory Committees	18
3:05 Student Discipline Committee	18
3:06 Joint Board Consortium	19
3:07 Ad Hoc Trustee Committees	19
3:08 Board Sub-Committees	20
3:09 Advisory and Statutory Committee Operational By-Laws	20
<u>Part 4: Special Situations</u>	20
4:01 Delegations and Community Engagement	20
4:02 Inaugural Board Meeting	20
4:03 Agenda for Inaugural Meeting (minimum form)	21
4:04 Conduct of Elections	21
4:05 Signing Officers	22
4:06 By-Law Amendment Procedure	22

<u>Part 5: Accountability Framework</u>	23
<u>5:01</u> Trustee Code of Conduct	23
<u>5:02</u> Integrity Commissioner	23
<u>5:03</u> Appointment, Extension of Term, Removal and Resignation of Integrity Commissioner	23
<u>5:04</u> Selection of Integrity Commissioner	24
<u>5:05</u> Term of Office for Integrity Commissioner	24
<u>5:06</u> Responsibilities of the Integrity Commissioner	24
<u>5:07</u> Duties of the Director of Education	25
<u>Part 6: By-Law History</u>	26

Appendices

Appendix A: Audit Committee Operational By-Law	
Appendix B: Parent, Family and Community Engagement Advisory Committee Operational By-Law	
Appendix C: Special Education Advisory Committee Operational By-Law	
Appendix D: Equity and Inclusivity Advisory Committee Operational By-Law	
Appendix E: Delegations and Community Engagement Governance Directive	
Appendix F: Trustee Code of Conduct	
Appendix G: Protocol for Trustee Code of Conduct	
Appendix H: York Region District School Board Parliamentary Procedure at Meetings – Based on Robert's Rules of Order, Newly Revised, 10 th Edition	

YORK REGION DISTRICT SCHOOL BOARD
OPERATIONAL BY-LAW

PART 1:00 - INTERPRETATION

- 1:01 In this By-Law, unless the context otherwise requires:
- 1:01:01 "Board" means the Board of Trustees of the York Region District School Board;
- 1:01:02 "Chair" means the Chairperson of the Board;
- 1:01:03 "Complaint Protocol" means the Complaint Protocol for the Trustee Code of Conduct;
- 1:01:04 "Coordinating Council of Superintendents" means the Council comprising the Director, the Associate Directors, the Coordinating Superintendents, the Superintendent, Curriculum and Instructional Services, the Superintendent, Human Resource Services, the Superintendent, Student Services and the Superintendent of Schools – Operations;
- 1:01:05 "Director" means the Director of Education and Secretary-Treasurer of the Board;
- 1:01:06 "Integrity Commissioner" means the Integrity Commissioner for the York Region District School Board;
- 1:01:07 "Postpone" means defer, the two terms are interchangeable and have the same meaning (see section 2:05:12);
- 1:01:08 "Private Session" means an in-camera meeting of the Board or any Committee of the Board which may be closed to the public pursuant to the Education Act, the Youth Criminal Justice Act or the Municipal Freedom of Information and Protection of Privacy Act;
- 1:01:09 "Trustee" means a person elected, or acclaimed, or appointed to the office of trustee or member of the Board pursuant to the provisions of the Municipal Elections Act and the Education Act;
- 1:01:10 "Trustee Code of Conduct" means the Trustee Code of Conduct for the York Region District School Board;
- 1:01:11 "Vice Chair" means the Vice Chairperson of the Board;
- 1:01:12 the singular includes the plural;

- 1:01:13 unless otherwise specified, a quorum means a simple majority of the members;
- 1:01:14 All provisions in this By-Law shall be interpreted in a manner consistent with all laws applicable to a public district school board in Ontario.

PART 2:00 - ORGANIZATION OF BOARD MEETING

2:01 Regular Public Board Meetings

- 2:01:01 Unless otherwise ordered by special motion of the Board, regular Board Meetings shall be held in public on the first Tuesday in each month, beginning at 7:30 p.m. Should the date of any Board Meeting fall on a statutory holiday, or on a date for which a change has been requested under By-Law 3:00:00, the meeting will be held on the following day at the same hour, or as otherwise decided by the Board.
- 2:01:02 A trustee who cannot attend such meeting should so notify the Secretary of the Board as early as possible, and if it should appear a quorum will be lacking, the Secretary shall so notify the Chair who will instruct the Secretary to notify the trustees of the postponement or cancellation of the meeting.
- 2:01:03 Written notice of all regular Board Meetings, accompanied by the agenda and any available background material for the meeting, shall be delivered to the official address of each trustee or by electronic mail at least 72 hours prior to the time the meeting is to take place. All notices or communications delivered to the official residences of trustees or sent by electronic mail shall be deemed to have been received. The official residence of a trustee is the last address provided in writing by the trustee to the Secretary of the Board. The electronic mail address is the official Board electronic mail address filed with and confirmed by the Secretary of the Board.
- 2:01:04 If there shall be no quorum present within 30 minutes after the appointed time for a Board Meeting, the Secretary shall record the names of the members present, the time and the meeting shall be cancelled. If the quorum is not maintained for the duration of the Board Meeting, the meeting shall be adjourned when the quorum is lost.

- 2:01:05 Board Meetings shall adjourn no later than 11:00 p.m., unless the Board decides by an affirmative and recorded vote of at least a quorum of the members present to extend the meeting to a specified time or until a specific piece of business is completed. Meetings so extended shall continue either for a specific time or until a specific piece of business is completed, as the Board determines. As long as a quorum of the members remains, the Board may decide by an affirmative and recorded vote of at least a quorum of the members to further extend the meeting to a later specific time or until a further specific piece of business is completed. Those who vote in favour shall then be required to remain until the meeting adjourns. If no motion to extend the meeting is decided by an affirmative vote of at least a quorum of the members, the Chair shall adjourn the meeting. In the event that the Chair has not yet adjourned the meeting but no motion to extend has been passed pursuant to this By-Law, the business of the Board conducted after 11:00 p.m. shall be deemed to be regular and valid.
- 2:01:06 The Chair shall chair all meetings of the Board, and in the Chair's absence the Vice-Chair shall chair such meetings. In the absence of both, the trustees present shall elect a chair from amongst themselves.
- 2:01:07 The proceedings at any public meeting may be recorded in whole or in part. If a request is made that the taping cease, the Chair shall call for a decision by resolution. Such provision shall not apply to the official Board recording device.
- 2:02 Special Board Meetings
- 2:02:01 Special meetings of the Board shall be at the call of the Chair, or on the written request of four members of the Board to deal with urgent or time sensitive matters. When special sessions are being scheduled, the Board should attempt to avoid conflicting with dates of other scheduled meetings of the Board or its Committees. Written notice of all special sessions, accompanied by a statement of all the business to be transacted, must be delivered (by courier or electronic mail) to the trustees at least 24 hours before the meeting is to take place. No other business shall be considered unless all members of the Board are present and agree. Where the Director and the Chair agree that the Board shall be sitting as a quasi-judicial body (e.g. appeal of suspensions, etc.), the notice requirement shall be waived.
- 2:02:02 Special Public and Private Board Meeting agendas will be organized in the minimum format outlined in Sections 2:02:03 and 2:02:04.
- 2:02:03 Special Board Meeting Private Session
1. Approval of Agenda
 2. Declaration of Conflict of Interest
 3. Rise and Report
 4. Adjournment

2:02:04 Special Board Meeting Public Session

1. Roll Call
2. Approval of Agenda
3. Declaration of Conflict of Interest
4. Report from Board Meeting - Private Session (if applicable)
5. Director's Information Report
6. Adjournment

2:03 Private Board Meetings

2:03:01 Private Session will precede the regular public Board Meeting. The Private Session will begin at 7:00 p.m. or at a time determined by the Governance and Board Organization Committee. A trustee may, pursuant to the Education Act, move that any item be removed from the agenda of the Private Board Meeting and be placed on the agenda for the Public Board Meeting. If the resolution is supported by a majority of the trustees present, the change shall be made.

2:03:02 All Committee or staff reports and minutes prepared in support of an item on the agenda for the Private Session shall be received in confidence and the materials and discussion shall be treated as confidential. Generally, these reports shall be printed on blue coloured paper reserved for this purpose, and shall be made public only by a resolution of the Board in Private Session. Matters discussed at the Private Session shall not be communicated to any person not present, except to a trustee, unless disclosure is expressly authorized by the Board. Trustees shall adhere to the Trustee Code of Conduct in keeping information obtained in their capacity as a trustee private and shall not discuss those matters with third parties outside of the Private Session except other trustees or staff members who were present for the discussion. Trustees' obligation to maintain confidentiality is continuous and extends beyond their Term of Office.

Where the Director and the Chair agree, highly confidential reports prepared in support of an item on the agenda for the Private Session shall be printed on periwinkle paper which shall have limited distribution within the Private Session.

Trustees shall ensure that all confidential reports are kept secure and inaccessible to those not entitled to access. Trustees are encouraged to return confidential material to Board and Trustee Services staff for shredding and disposal.

2:03:03 A motion to rise and report shall specify the resolutions, reports, or records of votes, and other information which are to be brought into the public meeting. Resolutions, discussions, opinions, records of votes, and material which are not specified to be brought into the public meeting shall continue to be confidential.

2:03:04 The Board shall adopt or receive the report from the Private Session. Such adoption or receipt will normally occur at the public meeting on the same date as the Private Session.

2:03:05 Pursuant to the Education Act, the Youth Criminal Justice Act and the Municipal Freedom of Information and Protection of Privacy Act, at all meetings of the Board or of its Committees, consideration of the following matters shall be dealt with in Private Session:

- (i) the security of the property of the Board;
- (ii) 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;
- (iii) the acquisition or disposal of a school site;
- (iv) decisions regarding negotiations with employees of the Board; or
- (v) litigation affecting the Board.

Pursuant to the Education Act, the Youth Criminal Justice Act and the Municipal Freedom of Information and Protection of Privacy Act, at all meetings of the Board or of its Committees, consideration of the following matters may be dealt with in a Private Session;

- (i) matters of a sensitive nature.

2:03:06 Notwithstanding clause 2:03:05, a trustee may, subject to the Education Act, the Youth Criminal Justice Act and the Municipal Freedom of Information and Protection of Privacy Act, move that any item be removed from the agenda of the Private Session and be placed on the agenda of the public meeting. If the resolution is supported by a majority of the trustees present, the change shall be made.

2:03:07 At a Private Session, only members of the Board, the Director and other resource staff the Director deems appropriate will be present.

2:04 Board Meeting Agendas

2:04:01 The Governance and Board Organization Committee will consider and approve all regular Public and Private Board Meeting agenda items. Regular Public and Private Board Meeting agendas will be organized in the minimum format outlined in Sections 2:04:02 and 2:04:03.

2:04:02 Regular Board Meeting (Private Session)

1. Approval of Agenda
2. Declaration of Conflict of Interest
3. Approval of Minutes of Previous Meeting
4. Acceptance of Routine Items
5. Presentations

6. Presentation of Minutes and Reports of Board Committees (Private Sessions)
7. Presentation of Minutes and Reports of Statutory Committees (Private Sessions)
8. Director's Information Report
9. Rise and Report

2:04:03 Regular Board Meeting (Public Session)

1. Roll Call
2. Approval of Agenda
3. Declaration of Conflict of Interest
4. Report from Board Meeting - Private Session
5. Student Trustee Report
6. Director's Information Report
7. APPLAUSE!
8. Ontario Public School Boards' Association Report
9. Special Announcements
10. Approval of Minutes of Previous Meeting
11. Routine Items
12. Presentations
13. Presentation of Minutes and Reports of Board Committees
14. Presentation of Minutes and Reports of Statutory Committees
15. Motions (Notice Provided at the Previous Meeting)
16. Notices of Motion
17. Meetings and Events
18. Adjournment

2:05 Parliamentary Procedure at (Public and Private) Board, (Committee of the Whole), Board Standing Committee Meetings

The procedures set forth in Sections 2:05 - 2:06 shall apply to Public and Private Board, Committee of the Whole and Board Standing Committee Meetings.

2:05:01 Addressing the Chair

1. All questions must be addressed to the Chair.
2. The Chair shall decide whether the question has been answered, whether an oral or written response is appropriate at the time or whether the response should be deferred.
3. The Chair shall designate the Director or a trustee to respond to a question.

4. Where a question is most appropriately answered by staff, the Director may so indicate and the Chair shall require the Director to designate the appropriate member of staff to respond. The member of staff may provide an immediate response or may indicate that a response will be forthcoming at a future date and, in the latter case, the Chair shall defer the answer to the next appropriate Board or Committee meeting.

- 2:05:02 Each member has the right to speak twice on the same question (except on an appeal), but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor. No member may speak longer than five minutes at a time without permission of the meeting.
- 2:05:03 At the mover's request, the mover of a motion may be the initial and/or the final speaker.
- 2:05:04 A member of the Board may, at any stage of the debate, require the question under discussion to be read, but not so as to interrupt the person having the floor at the time.
- 2:05:05 An abstention has the same effect as voting for the prevailing side, except where the abstention occurs as a result of a conflict of interest.
- 2:05:06 In the case of a vote declared by the Chair to be a tie, the motion is considered to be lost.
- 2:05:07 A recorded vote may be called for at the request of any trustee prior to or immediately following the Chair's call for the question. The voting record of each trustee shall be recorded in the minutes of the meeting. On a call for the question following which a request for a recorded vote has been made, the Chair shall allow each trustee not having spoken to the question to speak once if they so desire.
- 2:05:08 The minutes of the Public and Private Board, Committee of the Whole, and Board Standing Committee Meetings shall record motions voted on, their results, and general background information, where appropriate. The minutes will not reflect a verbatim transcript of the discussion, but will include the voting record if a recorded vote has been taken. Minutes of the public Board Meeting may also include memorials and recognitions.
- 2:05:09 A motion may be made at any Board Committee, regular Board Meeting or Special Board Meeting provided:
- (a) that the subject matter of such motion is based upon or arises from and is related to material on the agenda for such meeting, and that the material has been distributed to all trustees at least seventy-two hours prior to the date of such meeting; or

- (b) that a copy of such motion, indicating the date of the meeting at which such motion will be made, has been given to the Governance and Board Organization Committee at least 12 days prior to the date of such meeting, and to all trustees in writing at least 72 hours prior to the date of such meeting, and the motion has been placed on the agenda of such meeting by the Governance and Board Organization Committee; or
- (c) that the Board shall have agreed to entertain a motion to amend the agenda as outlined in Sections 2:04:02 or 2:04:03 by an affirmative vote of at least two-thirds of the members present and eligible to vote.

2:05:10 When a question is under debate the following actions are in order:

- (a) to adjourn;
- (b) to call the question;
- (c) to postpone to a specific time;
- (d) to postpone to an indefinite time;
- (e) to refer;
- (f) to amend;
- (g) to request the motion be divided into separate parts for voting purposes;
- (h) to make a parliamentary inquiry;
- (i) to call a point of order;
- (j) to raise a question of privilege;
- (k) to consider in Public or Private Session the question under debate;
- (l) to recess the debate;
- (m) to suggest a friendly amendment.

The York Region District School Board Parliamentary Procedure at Meetings Chart (Appendix G) shall be used as a reference with regard to handling motions at meetings.

2:05:11 A motion to adjourn is put without debate. A motion to adjourn is always in order, but no second motion to the same effect can be made until some other business has intervened.

2:05:12 A motion to call the question is in order only after the Chair has confirmed that all trustees, wishing to speak, have had an opportunity to do so, in accordance with Section 2:05:02.

2:05:13 A motion to delay consideration of any item may be moved at any time when a motion is before the Chair, provided that it is expressed in one of the following ways;

- (a) "That the motion be postponed (to a specific time)",
- (b) "That the motion be postponed (to an indefinite time)",
- (c) "That the motion be tabled".

If the motion to postpone is for a specific time, the motion may:

- (a) be amended as to the specified time;
- (b) be debated as to the advisability of the action to postpone.

If the motion is carried, the matter cannot be reconsidered before the time specified, unless otherwise agreed to by a vote of two-thirds of all members present.

If the motion to postpone is for an "indefinite time" it means that the original question will be postponed for an indefinite period of time. A motion to postpone for an indefinite period of time may:

- (a) not be amended;
- (b) be debated as to the advisability of the action to postpone;
- (c) be brought forward again only by a motion to reconsider, which requires a two-thirds majority vote of all members present.

If the motion is to "table" the motion, the motion is undebatable. If the motion to table is carried, the matter is laid aside until it is removed from the table by a majority vote. A motion to remove from the table is undebatable.

- 2:05:14 A motion to refer, until it is decided, precludes all amendments to the main question.
- 2:05:15 All amendments are put, in reverse order, before the main motion is put. Exceptionally, amendments that relate to amending the main motion in form and substance only, insofar as time or amount is concerned, are put in order of priority determined by the longest time or the largest sum. A separate vote is taken on an amendment to an amendment, on an amendment, and on the main motion. Only one amendment is allowed to an amendment. An amendment must be directly relevant to the main motion, and must propose some change in form or substance of the main motion. An amendment to an amendment must be directly relevant to the main motion and amendment, and must propose some change in the form or substance of the amendment.
- 2:05:16 Whenever the Chair is of the opinion that any action undertaken is contrary to the By-Law of the Board, the Chair must so inform the members and quote the authority applicable to the case, without comment.
- 2:05:17 Otherwise the procedure at meetings shall be governed by Robert's Rules of Order.

- 2:05:18 In exceptional circumstances due to issues such as inclement weather, illness or family emergency and, where feasible, Board and committee members may participate fully in meetings using the Board-provisioned audio equipment. Votes from Board or committee members participating by audio conference will be accepted by electronic mail or private telephone line provided they are given to a senior staff member designated for that purpose at the meeting. The Board or committee member must be fully participating for the duration of the discussion in order to be eligible to vote on any particular item (including nominations for elected positions such as Committee Chair or Vice-Chair).
- 2:05:19 In circumstances where participation in discussions and/or voting require members to attend in person, a motion shall be passed suspending Section 2:05:18 for a specific item or meeting(s).
- 2:05:20 The provisions in Section 2:05:18 and 2:05:19 shall apply to the electronic participation of voting members in all Advisory and Board Committees.
- 2:06 Motion to Reconsider
- A question, when once decided by the Board, may be reconsidered at any time during the next twelve-month period on a resolution passed by an affirmative vote of two-thirds of the trustees present. A motion to reconsider, whether passed or defeated, may not be brought again for a further twelve-month period.

PART 3:00 - COMMITTEE SYSTEM

3:01 Board, Advisory, Ad Hoc and Board Committee Meeting Operating Guidelines

Committees shall meet according to an established schedule, approved by the Board, which shall be made public.

The Board's Committee meeting schedule for the upcoming calendar year will be approved annually by trustees no later than the July Board Meeting, prior to the beginning of the regular school year.

Board, Advisory, Ad Hoc and Board Committee meetings will not be scheduled on Board-identified significant faith days (diamond days).

In addition, one or more member(s) of the Board may request that no meeting of the Board or of its Committees be held on up to five days of the year if such meetings would otherwise fall on religious holy days collectively identified by this member or members of any religious faith. Any such requests will be made prior to and incorporated in the annual meeting schedule approved and published by the Board.

Upon request from any delegation unable to attend a Board Standing Committee meeting because of observance of a religious holy day, the Board will reschedule action on the item under consideration to a future meeting.

All trustees are members of the Board and Supervised Alternative Learning Appeal Committees.

The Board's Chair, Vice-Chair, Standing Committee Chairs, and trustee members on the Ontario Public School Boards' Association will be elected at the Inaugural Board Meeting annually.

The Board's Chair shall Chair the Board and Governance and Board Organization Committee meetings.

The selection of trustees to serve on the Ontario Public School Boards' Association will be determined in accordance with the process outlined in the Trustee Services policy and procedure.

3:01:01 Each year at the December Board Meeting the Board shall establish the following committees and their membership.

- (a) Governance and Board Organization Committee
- (b) Director of Education Performance Review Committee
- (c) Equity and Inclusivity Advisory Committee
- (d) Joint Board Consortium Committee (with Coterminous Board)
- (e) Policy and By-Law Standing Committee
- (f) Finance and Property Management Standing Committee
- (g) Learning, Equity and Well-Being Standing Committee
- (h) Student Discipline Committee
- (g) Statutory Committees required by Provincial Statute
 - (i) Audit Committee
 - (ii) Parent, Family and Community Engagement Advisory Committee
 - (iii) Special Education Advisory Committee
- (h) Any other committee(s) as determined by the Board

3:01:02 Committees exist to assist the Board to examine in depth those matters which by their nature and complexity may require study which is too time consuming to be done by the entire Board. After examining the matters assigned, it is the function of the Committee to provide, in report or minute form, relevant information for the Board to make its decision. It is the function of Committees to be complementary to the work of the Board, to other Committees, and to the administration. All trustees may attend Board Committee meetings and participate in discussions. However, non-Committee members attending Board Committee meetings may not vote on items before the Committee and do not count towards Committee quorum.

- 3:01:03 The Committees outlined in Section 3:01:01 need not adopt formal rules of Parliamentary Procedure (outlined in Section 2:05:00 to 2:06:00 of the Board By-Laws) in order to fulfill their mandate. However, committees may consider, at their first committee meeting of the year, the adoption of formal rules of Parliamentary Procedure for the upcoming year provided a majority of the committee members are in agreement.
- 3:01:04 The names of trustee members for all Committees shall be recommended to the Board by the Governance and Board Organization Committee.
- 3:01:05 Each trustee shall be a voting member at Board and Committee of the Whole meetings. In addition, each trustee is expected to serve on at least three other Board Committees, as outlined below.
- (a) Audit Committee
 - (b) Governance and Board Organization Committee
 - (c) Director of Education Performance Review Committee
 - (d) Equity and Inclusivity Advisory Committee
 - (e) Joint Board Consortium Committee
 - (f) Parent, Family and Community Engagement Advisory Committee
 - (g) Policy and By-Law Standing Committee
 - (h) Finance and Property Management Standing Committee
 - (i) Learning, Equity and Well-Being Standing Committee
 - (j) Special Education Advisory Committee
 - (k) Student Discipline Committee
- 3:01:06 The Chair and Vice-Chair of the Board are ex officio members of the Board's three Standing Committees. Ex officio members shall have the right to vote, and shall count toward the composition of a quorum when they are present at a Board Standing Committee meeting. The presence of an ex officio member at a meeting does not increase the total number of members required to constitute a quorum.
- 3:01:07 With the exception of the Board, Board Standing Committees, and Governance and Board Organization Committee, the Chair of each Committee shall be elected at the initial meeting of the Committee each year.
- The trustee member appointed to the Parent, Family and Community Engagement Advisory Committee shall be the Vice-Chair of the committee, as outlined in the Committee's Operational By-Law (Appendix B).
- 3:01:08 If there shall be no quorum within 30 minutes after the appointed time for a Committee meeting, the committee meeting may be cancelled if the majority of committee members present agree. The names of the members present and the time the meeting was adjourned shall be recorded in the minutes.

In special circumstances, and with the consent of all Committee members present, the Committee meeting may proceed, provided that a non-routine report is provided at the next monthly Board Meeting containing all motions/actions and discussion taken at the meeting for which there was no quorum.

- 3:01:09 Committee meetings shall be held in public except for those matters described in section 2:03:05 which shall be dealt with in private session.
- 3:01:10 All trustees may attend meetings of all Committees and may take part in the discussion or debate on any matter scheduled for consideration. However, non-Committee members (with the exception of ex officio members) may not vote on items before the Committee and do not count towards Committee quorum.
- 3:01:11 Committees shall keep their own minutes and file of backup materials which will be available through Administrative, Legal and Trustee Services to any trustee.
- 3:01:12 Subject to the Municipal Freedom of Information and Protection of Privacy Act, Committees shall have access to all Board information and the assistance of appropriate staff. The allocation of staff is the responsibility of, and shall be monitored by, the Director.
- 3:01:13 All tasks to be assigned to a Committee shall first be routed through at least one of the following; Coordinating Council of Superintendents, Governance and Board Organization Committee, Senior Team or the Board. The terms of reference for that task to be provided by the referring body should include:
- (a) the purpose of the task;
 - (b) expected outcomes; and
 - (c) expected time frames.
- 3:01:14 Committees shall report to the Board regularly on the status of items the Committee has considered with a recommendation to receive or approve as appropriate.
- 3:01:15 A minority of any Committee may have a minority report presented to the Board by the Chair of the Committee.
- 3:01:16 (a) All Committees of the Board shall be dissolved:
- (i) on the 30th day of November in an election year; or
 - (ii) on the appointment of the members of the succeeding Committee; or
 - (iii) as the Board, Board By-Law or relevant legislation directs.

3:02 Governance and Board Organization Committee

The Governance and Board Organization Committee Terms of Reference include the following subject matter;

- a) Board Self-Assessment and Annual Trustee Professional Development Plan,
- b) Integrity Commissioner,
- c) Code of Conduct and Complaint Protocol,
- d) OPSBA Board of Directors' Selection,
- e) All Committee Appointments and Terms of Reference including Annual Review,
- f) Board Governance Matters,
- g) OPSBA Voting Delegates,
- h) Trustee Determination and Distribution,
- i) Municipal Election Matters,
- j) Notices of Motion and Board Agendas,
- k) Board Inaugural Meeting,
- l) Board Committee Meeting Calendar,
- m) Business Arising Report,
- n) Board's Annual Work Plan (including Trustee Briefing Sessions),
- o) Multi-Year Strategic Planning Progress Reports (subject specific),
- p) Some OPSBA and Ministry Correspondence (referral, subject specific or time sensitive only), and
- q) Weekly Board Correspondence Report.

3:03 Board Standing Committees

3:03:01 Finance and Property Standing Committee

The Finance and Property Standing Committee Terms of Reference include the following subject matter;

- a) Education Development Charges,
- b) School Replacement Reports,
- c) Capital Priorities Program Submission List,
- d) Development Applications,
- e) Construction Projects,
- f) New Schools and Additions,
- g) Facility Partnership List,
- h) Construction Projects Schedule,
- i) School Sites,
- j) Disposition of Surplus Property,
- k) School Renaming Process,
- l) Education Funding,

- m) Budget Development and Timelines,
- n) Banking Resolutions re Borrowing,
- o) Trustee Professional Development Expenses,
- p) Overview of IT Department,
- q) Internally Restricted Reserves,
- r) Trustee Honoraria,
- s) OSTA Annual Membership Renewal,
- t) OPSBA Membership Fees,
- u) Approvals for Expenditures re Jurisdictional Learning,
- v) Trustee Conference Requests and Expenses,
- w) Employee Negotiations, (may convene in Private Session, as required by legislation)
- x) Budget Development,
- y) MYSP Progress Reports (subject specific), and
- z) Delegations (subject specific)

3:03:02 Learning, Equity and Well-Being Standing Committee

The Learning, Equity and Well-Being Standing Committee Terms of Reference include the following subject matter;

- a) Leadership,
- b) Equity and Inclusivity,
- c) Mental Health,
- d) Research, System Survey Results,
- e) Curriculum,
- f) Strategic Priorities re Equity,
- g) De-streaming,
- h) Student Awards,
- i) Child Care,
- j) Overview of Inclusive Schools Department,
- k) Effective Instruction and Assessment,
- l) School Year Calendars,
- m) Annual Reports from SEAC, PEAC, EIAC and IEAC,
- n) Annual Reports re Accessibility from Human Rights Commissioner,
- o) Annual Report re Municipal Freedom of Information and Protection of Privacy
- p) Assessment and Evaluation,
- q) Continuing Education, Indigenous and International Languages,
- r) Caring and Safe Schools,
- s) Special Education Issues that do not belong at SEAC or are to be sent there by this Committee,
- t) French Immersion Dual Track Locations and Changes,
- u) Pupil Accommodation Reviews,
- v) Urban Schools Model,
- w) School Boundaries and Program Changes,

- x) Secondary Schools Closed to Transfers,
- y) MYSP Progress Reports (subject specific),
- z) Delegations (subject specific), and
- aa) Staffing and Enrolment.

3:03:03 Policy and By-Law Standing Committee

The Policy and By-Law Standing Committee Terms of Reference include the following subject matter;

- a) All Policy and By-Law Review
- b) Related Procedures (for information only)
- c) Consultation Methods
- d) Review Process
- e) Review Calendar
- f) By-Law Amendments and Approvals
- g) MYSP Progress Reports (subject specific), and
- h) Delegations (subject specific)

3:04 Statutory Committees

3:04:01 Statutory Committees shall be appointed in accordance with the terms of the Education Act and the regulations thereunder. Appointments to Statutory Committees will be approved by the Board in accordance with the Committee's Operational By-Law (Appendix A-C).

3:04:02 All non-trustee members of the Statutory Committees listed in 3:00:01 shall hold office until the expiry of the term for which the members of the Board were elected or for a specific period of time identified in the Committee's Operational By-Law (Appendix A-C).

3:04:03 Statutory Committees shall meet as required by related legislation.

3:05 Student Discipline Committee

3:05:01 The Student Discipline Committee shall consist of four trustees, with a quorum for hearings being three trustees. Other trustees may substitute for members for purposes of reaching a quorum at meetings.

The Committee is authorized, in accordance with the Education Act, to exercise the powers and duties of the Board with regard to student discipline appeals and expulsion hearings.

3:05:02 Each trustee member of the Student Discipline Committee will be provided with a stipend of \$50.00 for each Student Discipline Committee meeting that they attend; such stipend to be paid annually as a lump sum.

3:06 Joint Board Consortium

3:06:01 The core membership of the Consortium shall be two trustees from each Board plus the Chair from each Board. The quorum shall be three members, which shall include at least one trustee from each Board.

3:06:02 The Joint Board Consortium shall have the following responsibilities:

- (a) to govern and direct the operation of common services for the York Region District School Board and its Coterminous Board;
- (b) to report and provide recommendations to each Board relating to areas within its mandate;
- (c) to administer policies as approved by each Board;
- (d) to make recommendations to each Board on the following topics with regard to transportation;
 - (i) general policy and communications,
 - (ii) procurement of service and establishing rates,
 - (iii) annual budget estimates,
 - (iv) cost allocation formula,
 - (v) financial controls, and
 - (vi) operational reviews;
- (e) to provide for an appeals process; and
- (f) to provide recommendations to each Board regarding additional shared service.

3:06:03 The Consortium shall have two co-chairs, one representing each Board.

3:06:04 The Consortium shall meet bi-monthly in Public and also in Private Session (in-camera) as required.

3:07 Ad Hoc Trustee Committees

3:07:01 The Board may establish, by resolution, an Ad Hoc Trustee Committee (such as the Multi-Year Strategic Planning Committee) to fulfill a specific, time-limited objective. The Committee will be dissolved by Board resolution, after the completion of its work. Any recommendation for an Ad Hoc Committee shall include proposed terms of reference at the time of submission. The Board will approve the terms of reference of the Ad Hoc Committee at the time the Committee is established.

3:07:02 The trustee who introduces the Board motion to establish an Ad Hoc Committee shall be a member of that Committee.

3:07:03 The Director or an official named by the Director shall act as Secretary of each Committee unless there is Board direction to the contrary.

3:07:04 At the initial meeting of the Ad Hoc Committee, the terms of reference which have been provided by the Board, shall be discussed and recorded in the minutes.

3:07:05 When the specific task of the Ad Hoc Committee has been completed, a report will be made to the Board and the Committee shall be dissolved by Board resolution. Interim reports will be made at the discretion of the Committee Chair or on direction from the Governance and Board Organization Committee or the Board.

3:08 Board Sub-Committees

3:08:01 Board Sub-Committees may be established to fulfill specific terms of reference that fall outside the purview of the Board Standing Committees. Board Sub-Committee responsibilities are generally ongoing from year to year. Current Board Sub-Committees include the Governance and Board Organization Committee, the Director of Education's Performance Review Committee and the Joint Board Consortium.

3:09 Advisory and Statutory Committee Operational By-Laws

Operational By-Laws for the following committees are outlined in the following appendices:

Appendix A: Audit Committee

Appendix B: Parent, Family and Community Engagement Advisory Committee

Appendix C: Special Education Advisory Committees

Appendix D: Equity and Inclusivity Advisory Committee

PART 4:00 - SPECIAL SITUATIONS

4:01 Delegations and Community Engagement

4:01:01 The Board's Delegation and Community Engagement Governance Directive is outlined in Appendix E.

4:02 Inaugural Board Meeting (including first meeting in a non-election year)

4:02:01 Early in September of the year of a municipal election, the Governance and Board Organization Committee shall appoint a Committee of two trustees (herein the "Inaugural Planning Committee") to make appropriate arrangements for the first meeting of trustees to be held in the following December at a time and place set by the Board.

4:02:02 The Chair of the Board shall convene, with consideration of all trustees, after the second Monday in November but prior to the first meeting of trustees in December, an informal meeting of all trustees who will be holding office in the following year for any of the following purposes:

- (a) discussing objectives for the forthcoming year as well as their expectations from a new Chair of the Board;

- (b) requesting trustees to express intentions to stand for the positions of Chair, Vice-Chair, and Standing Committee Chairs. Trustees may also wish to make known their desire to stand for chair of any other committee of the Board.
- (c) reviewing the role and responsibilities of the York Region District School Board Trustee representatives to serve as Ontario Public School Boards' Association Board of Directors' Members, Voting Delegate and Alternate Voting Delegate and discuss trustee representation in these roles.

4:03 Agenda for Inaugural Board Meeting (minimum form in an election year)

- 4:03:01 (a) Call to Order by Director of Education and Secretary-Treasurer or Designate
- (b) Student Singing of National Anthem
- (c) Invocation by Student Trustees
- (d) Introduction of Trustees
- (e) Declaration and Oath or Affirmation
- (f) Director to Declare the York Region District School Board Officially Constituted
- (g) Introduction of Human Rights Commissioner and Scrutineer
- (h) Approve Board Committee Terms of Reference
- (i) Election of Board Chair
- (j) Presentation of Gavel of Office to Board Chair
- (k) Board Chair Presides - Election of Board Vice-Chair
- (l) Election of Property and Finance Standing Committee Chair
- (m) Election of Learning, Equity and Well-Being Standing Committee Chair
- (n) Election of Policy and By-Law Standing Committee Chair
- (o) Election of Trustees Members on the Ontario Public School Boards' Association
- (p) Motion to Destroy Ballots
- (q) Presentation of Gavel to Past Chair
- (r) Remarks from Board Chair
- (s) Adjournment

4:03:02 In a non-election year the agenda of the first meeting will include as a minimum form items, a, c, g, h, i, j, k, l, m, n, o, p, q, r, s of Section 4:03:01.

4:04 Conduct of Elections (Chair, Vice-Chair and Chair of Standing Committees and OPSBA Directors)

4:04:01 Nominations must be made and seconded.

4:04:02 All elections shall be by secret ballot.

4:04:03 All ballots shall be counted by the Human Rights Commissioner and the Comptroller, Administrative, Legal and Trustee Services, in the presence of a scrutineer supplied by the Board's auditing firm.

In exceptional circumstances, when the Human Rights Commissioner is not available the Integrity Commissioner will be asked to perform all duties of the Human Rights Commissioner.

4:04:04 To be declared elected to any position, the winning candidate must have received a simple majority (50 per cent plus one) of ballots cast by trustees present. An incomplete ballot for any elected position will be considered a spoiled ballot. The total number of ballots used to determine a simple majority will be reduced by one for each spoiled ballot.

Where no majority is received, where there are more than two candidates, the candidate receiving the least number of votes shall be dropped and the election will continue from among those remaining until one candidate receives a majority. Where there is an equality of votes between two candidates, the Human Rights Commissioner shall publicly draw names.

Each name drawn is an affirmative vote in favour of a candidate. In the case of a two-way tie, the name drawn will be declared the winner. In the case of a three or four-way tie, each name drawn will result in the candidate remaining on the ballot for the next vote.

4:04:05 The Director, or delegate, shall announce the results of the ballot(s) for Chair, but neither the count nor the order. Thereafter the Chair of the Board shall, in like manner, announce results of succeeding elections.

4:04:06 Subject to the passing of a motion to destroy the ballots, upon the conclusion of the meeting, the Human Rights Commissioner and the Comptroller, Administrative, Legal and Trustee Services in the presence of the scrutineer shall destroy all ballots.

4:05 Signing Officers

The following are the signing officers of the Board:

Director of Education and Secretary-Treasurer
Associate Director(s) of Education
Associate Director of Education and Chief Financial Officer
Coordinating Superintendent(s)
Comptroller Budget and Revenue
Senior Manager(s), Finance
Manager, Quality Assurance

4:06 By-Law Amendment Procedure

4:06:01 An amendment to a section of this By-Law may be enacted by a majority vote on an amendment presented at a regular meeting of the Board following a notice of motion to that effect presented at a preceding regular Board Meeting through the Policy and By-Law Standing Committee.

- 4:06:02 Except for Section 2:02:01, a section or sections of this By-Law may be suspended for a specific piece of business or to a specific time during the meeting, on an affirmative vote of two-thirds of the members of the Board.
- 4:06:03 Notwithstanding Section 4:06:01, staff members are authorized to revise position titles resulting from organizational changes, provided they do not alter the intent of the Operational By-Law.

PART 5:00 – ACCOUNTABILITY FRAMEWORK

- 5:01 Trustee Code of Conduct (Appendix F)
- 5:01:01 The Board shall adopt a Trustee Code of Conduct for its members (trustees) in accordance with the provisions of the Education Act.
- 5:01:02 Trustees shall conduct themselves in accordance with the Trustee Code of Conduct at all formal and informal meetings, events or public gatherings in which they are carrying out their responsibilities.
- 5:01:03 The Trustee Code of Conduct that applies to the trustees also applies to non-elected members of all Board, Advisory and Board Committees, in relation to their functions, powers and duties as members of the Committee.
- 5:01:04 Trustees will be required to sign the Trustee Code of Conduct Acknowledgement and Undertaking at the Inaugural Board Meeting in December each year.
- 5:02 Integrity Commissioner
- 5:02:01 The Board of Trustees shall appoint an Integrity Commissioner to provide accountability services and advice pursuant to the Trustee Code of Conduct (Appendix F) and the Complaint Protocol (Appendix G).
- 5:02:02 The Integrity Commissioner carries out in an independent manner the duties and responsibilities of the office as set out in this By-Law, the Complaint Protocol and the Trustee Code of Conduct.
- 5:02:03 The Integrity Commissioner is accountable to and reports directly to the Board of Trustees.
- 5:03 Appointment, Extension of Term, Removal and Resignation of Integrity Commissioner
- 5:03:01 A two-thirds vote is required for the appointment, extension of term, removal from office or termination for cause of the Integrity Commissioner.

5:03:02 The Integrity Commissioner shall be appointed for a fixed term of office. The term of office for the Integrity Commissioner may be extended by the Board of Trustees in exceptional circumstances.

5:03:03 The Integrity Commissioner may be removed from office or terminated for cause, before the expiry of the term of office, in accordance with Section 5:03:01 of the By-Law.

5:03:04 The Integrity Commissioner may resign from office at any time by giving 90 days written notice to the Chair of the Board, unless the notice requirement is waived by both parties.

5:04 Selection of Integrity Commissioner

5:04:01 The selection process for the Integrity Commissioner shall be conducted in accordance with the Board's hiring practices overseen by a selection committee appointed by the Board and chaired by the Chair of the Board, or designate.

5:04:02 Appointment of the Integrity Commissioner shall be recommended to the Board of Trustees by the selection committee.

5:05 Term of Office for Integrity Commissioner

5:05:01 The Integrity Commissioner shall be appointed for a five-year non-renewable term of office.

5:06 Responsibilities of the Integrity Commissioner

5:06:01 The duties of the Integrity Commissioner are as follows:

- (a) to provide advice to trustees on the application of the Trustee Code of Conduct (Appendix F), Board policies, procedures, the Trustee Code of Conduct Complaint Protocol (Appendix G) and general information with respect to a trustee's obligations under the Municipal Conflict of Interest Act;
- (b) to make inquiries as directed by the Board of Trustees and in accordance with the Complaint Protocol into whether a trustee has contravened the Trustee Code of Conduct;
- (c) to provide opinions on policy matters and make other reports to the Board of Trustees as requested on issues of ethics and integrity;
- (d) to provide educational programs to trustees on issues of ethics and integrity;
- (e) to maintain custody and control of their complaint and inquiry files and on completion of the term of office, transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by the Board of Trustees; and
- (f) to provide such other duties respecting ethical matters as assigned by the Board.

5:07 Duties of the Director of Education

5:07:01 In addition to the duties assigned under the Education Act and in this By-Law, the Director, for the sole purpose of Part 5 of the By-Law, shall:

- (a) provide such information as the Integrity Commissioner believes to be necessary for an investigation of a complaint made in accordance with the Complaint Protocol (Appendix G); and
- (b) provide the Integrity Commissioner with access to all documents including, but not limited to books, accounts, financial records, electronic records and communications, files, papers, things or property belonging to or used by the Board of Trustees that the Commissioner believes to be necessary for an investigation of a complaint made in accordance with the Complaint Protocol for the Trustee Code of Conduct (Appendix G).

PART 6:00 - BY-LAW HISTORY

Enacted: April 5, 1983

Revised: November 28, 1983, April 5, 1984, November 7, 1984, December 1, 1984, December 10, 1984, January 28, 1985, October 3, 1985, March 24, 1986, July 14, 1986, October 27, 1986, November 24, 1986, January 26, 1987, March 30, 1987, December 14, 1987, January 25, 1988, April 25, 1988, December 19, 1988, February 1, 1989, August 28, 1989, November 27, 1989, June 11, 1990, December 10, 1990, February 25, 1991, November 25, 1991, September 30, 1992, July 12, 1993, February 28, 1994, May 30, 1994, January 26, 1995, June 22, 1995, October 26, 1995, December 9, 1997, February 23, 2006, August 28, 2008, May 28, 2009, April 29, 2010, March 24, 2011, September 26, 2011, November 24, 2011, April 3, 2012, May 7, 2013, June 4, 2013, July 2, 2013, February 3, 2015, April 5, 2016, July 10, 2017, November 28, 2017, November 3, 2020

Proposed Revision: December 14, 2021

Note: The York Region District School Board adopted a new Governance Model at the June 30, 2021 Board Meeting. Minor housekeeping changes have been included in the revised Board By-Laws, dated December 14, 2021.

Further detailed amendments to the Board By-Laws are currently pending.

Additional information is available in the [Board's new Governance Model Report](#).

**ADDENDUM TO THE
YORK REGION DISTRICT SCHOOL BOARD
OPERATIONAL BY-LAW**

Audit Committee Operational By-Law

- | | |
|--------|--|
| 1:00 | Audit Committee |
| 1:01:1 | The Audit Committee shall operate in accordance with Ontario Regulation 361/10, Audit Committees, and consist of five members; including three trustees and two persons who are not Board members. |
| 1:01:2 | The two non-Board members must be residents of York Region. |
| 1:02 | Notwithstanding legislative requirements, the term of office for trustee members shall be four years to coincide with the Trustees' Term of Office. |
| 1:03 | The Audit Committee is responsible for reviewing the financial reporting process, internal controls, internal auditing, external auditing, compliance matters and risk management related to the Board operations. This will provide assurance to the Board of Trustees that the Board has the appropriate culture, personnel, policies, systems, and controls in place to safeguard the Board's assets and to accurately report financial information to internal and external users. |
| 1:04 | The Committee shall meet at least three times in each fiscal year at the call of the Chair. The first meeting of the fiscal year shall take place no later than September 30 th . |
| 1:05 | The Chief Financial Officer or designate shall attend Committee Meetings. |

History:

Approved March 24, 2011
Revised February 3, 2015
Revised November 3, 2015
Revised September 12, 2018

**ADDENDUM TO THE
YORK REGION DISTRICT SCHOOL BOARD
Parent, Family and Community Engagement Advisory Committee
Operational By-Law**

NOTE: References to Regulation 612/00, School Councils and Parent Involvement Committees are in square brackets.

PURPOSE

1. (1) The purpose of the Parent, Family and Community Engagement Advisory Committee (PEAC) is to support, encourage and enhance parent engagement at the Board level in order to improve student achievement and well-being. **[S.27(1)]**
- (2) PEAC shall achieve its purpose by **[S.27(2)]**:
 - a) providing information and advice on parent engagement to the Board;
 - b) communicating with and supporting school councils of schools of the Board; and
 - c) undertaking activities to help parents of pupils of the Board support their children's learning at home and at school.
2. (1) PEAC shall **[S.28]**:
 - a) develop strategies and initiatives that the Board and the Board's Director of Education could use to effectively communicate with parents and to effectively engage parents in improving student achievement and well-being;
 - b) advise the Board and the Board's Director of Education on ways to use the strategies and initiatives referred to above;
 - c) communicate information from the Ministry to school councils of schools of the Board and to parents of pupils of the Board;
 - d) work with school councils of schools of the Board and, through the Board's Director of Education, with employees of the Board to;
 - i. share effective practices to help engage parents, especially parents who may find engagement challenging, in their children's learning,
 - ii. identify and reduce barriers to parent engagement,

- iii. help ensure that schools of the Board create a welcoming environment for parents of its pupils, and
 - iv. develop skills and acquire knowledge that will assist the Parent, Family and Community Engagement Advisory Committee and school councils of the Board with their work; and
 - e) determine, in consultation with the Board's Director of Education and in keeping with the Board's policies and procedures, how funding, if any, provided under the Education Act for parent involvement is reported.
3. (1) Before making a decision on a recommendation of the committee, PEAC will present information to Chair's Committee.

COMPOSITION OF THE COMMITTEE

4. (1) PEAC shall include the following **[S.33(1)]**:
- a) three parent members from Community Education Centre Central (at least one of which must have children in elementary school and at least one of which must have children in secondary school);
 - b) three parent members from Community Education Centre East (at least one of which must have children in elementary school and at least one of which must have children in secondary school);
 - c) three parent members from Community Education Centre North (at least one of which must have children in elementary school and at least one of which must have children in secondary school);
 - d) three parent members from Community Education Centre West (at least one of which must have children in elementary school and at least one of which must have children in secondary school);
 - e) the Director of Education;
 - f) one trustee and one alternate;
 - g) three community representatives;
 - one representative from the Special Education Advisory Committee,
 - one representative from the Equity and Inclusivity Advisory Committee, and
 - one community representative at large.

- (2) The Director of Education may appoint one or more of the following individuals to PEAC **[S.33(2)]**:
- a) one elementary principal or vice-principal;
 - b) one secondary principal or vice-principal;
 - c) one elementary teacher;
 - d) one secondary teacher; and
 - e) one person employed by the Board, other than a principal, vice-principal or teacher.

APPOINTMENTS TO THE COMMITTEE

5. (1) The PEAC Membership Selection Committee shall recommend the appointment of parent members and the community member at large before November 15 of the school year and before the first meeting of the committee in the school year **[S.33(3)]**.
- (2) Parent members must constitute a majority of the membership **[S.33(4)]**.
- (3) The term of office of the trustee and alternate shall be one year or as determined by the Board **[S.33(5)]**.
- (4) Representatives appointed by the Special Education Advisory Committee and the Equity and Inclusivity Advisory Committee shall not be a trustee or employee of the Board **[S.33(6)]**.
- (5) The Board shall approve appointments of parent members prior to November 15 annually or as required to fill vacancies throughout the school year **[S.33(7)]**.
- (6) In a municipal election year, appointments of parent members will be considered by the Board after Election Day and prior to November 15, wherever possible.
- (7) An appointment to PEAC is of no effect unless the person agrees to the appointment **[S.33(8)]**.

PARENT MEMBERS

6. (1) A person is eligible to be appointed as a parent member if they are employed by the Board. **[S.34(3)]**.
- (2) A parent member who is employed by the Board will inform the committee of their employment status **[S.34(4)]**.
- (3) A person is qualified to be appointed by the Board as a parent member of the committee if they are a parent of a current York Region District School Board student **[S.34(2)]**.

VACANCIES

7. (1) The Board shall ensure that annual vacancies in parent member positions are advertised through a variety of methods that promote equity and social inclusion, including but not limited to **[S.35(1) & (2)]**.
 - a) advertisements in newsletters of schools or school councils of schools of the Board;
 - b) advertisements in newspapers with general circulation in the geographic jurisdiction of the Board;
 - c) advertisements on radio or television stations that broadcast in the geographic jurisdiction of the Board;
 - d) notices in schools of the Board; and
 - e) notices on the Board's website and on the websites of the Board's schools.
- (2) A PEAC Membership Selection Committee shall consider and make recommendations to the Board regarding parent membership.

This committee shall consist of the following:

- a) the current trustee or alternate trustee member appointed by the Board;
- b) the Associate Director or senior staff member identified by the Director of Education to support the committee;
- c) two continuing parent members identified by the committee; and
- d) the community representative from the Equity and Inclusivity Advisory Committee.

In order to minimize conflict of interest:

- the PEAC Chair shall be one of the parent members on the PEAC Selection committee provided they are not seeking reappointment; and
 - the parent member(s) identified by the committee must not be seeking reappointment.
- (3) The PEAC Membership Selection Committee shall ensure that the parent members support the breadth of diversity from within York Region.
 - (4) The PEAC Membership Selection Committee shall maintain a list of applicants, who may be selected to fill vacancies that arise throughout the committee year, from the candidates who applied for annual appointment.
 - (5) A vacancy in the membership of the Parent, Family and Community Engagement Advisory Committee does not prevent the committee from exercising its authority **[S.36]**.
 - (6) Vacancies among the parent membership that occur during the term of membership must be filled within sixty (60) days.
 - (7) Annually, in the spring, the selection committee shall present the recommended selection process and suggested timelines for vacant parent member and community representative at large positions to PEAC committee for approval.

DISQUALIFICATIONS

8.
 - (1) If a member misses three consecutive meetings without prior approval of PEAC the seat will be vacated.
 - (2) If a voting member moves from one York Region District School Board Community Education Centre to another during the course of their term they may complete their term of appointment.

TERM OF OFFICE

9.
 - (1) The term of office of some of the parent members of PEAC shall be one year and the term of office of some of the parent members shall be two years **[S.37(1)]**.
 - (2) The term of office for the community representatives appointed by the Special Education Advisory Committee and Equity and Inclusivity Advisory Committee shall be determined by the appointing committee.
 - (3) The term of office for the community representative at large shall be two years.

- (4) Parent members and community representatives may be re-appointed to the committee for more than one term **[S.37(2)]**.

OFFICERS

- 10. (1) The two PEAC Co-Chairs must be parent members and shall be elected for a two-year term by the parent members **[S.38(2)]**
- (2) PEAC Co-Chairs shall have staggered terms.
- (3) PEAC shall appoint one Co-Chair at the first meeting of the committee in each school year there is a vacancy. **[S.38(3)]**
- (4) Only parent members with a two-year term are eligible to be elected to the positions of Co-Chair **[S.38(3)]**.
- (5) An individual may not serve more than two consecutive terms as Co-Chair of PEAC **[S.38(4)]**.
- (6) An individual who has served one term or two consecutive terms as Co-Chair of PEAC may be re-elected provided at least one (1) two-year term has elapsed since last term as Co-Chair **[S.38(6)]**.
- (7) The PEAC Co-Chairs shall act as spokespersons for the committee in communicating with the Director of Education and the Board of Trustees **[S.38(6)]**.
- (8) A vacancy in the office of PEAC Co-Chair shall be filled in a manner as the Conduct of Elections provisions outlined in the Board's Operational By-Laws **[S.38(8)]**.

REMUNERATION

- 11. (1) A person shall not receive any remuneration for serving as a member of PEAC **[S.39(1)]**.
- (2) The Board shall reimburse the members of PEAC for expenses incurred as members of the committee in accordance with the Board policy **[S.39(4)]**.

MEETINGS

- 12. (1) PEAC shall meet at least four times each school year **[S.40(1)]**.
- (2) In addition to the regularly scheduled meetings, joint meetings may be scheduled with the Equity and Inclusivity Advisory Committee.
- (3) A PEAC meeting cannot be held unless **[S.40(2)]**:

- a) majority of the members present at the meeting are parent members;
 - b) the Director of Education, or his or her designate is present; and
 - c) a trustee or alternate is present.
- (4) The Board shall make available to PEAC the facilities that the Board considers necessary for the proper functioning of the committee, and shall make reasonable efforts to enable members to participate fully in meetings of the committee by electronic means **[S.40(3)]**.
 - (5) A member of PEAC who participates in a meeting through electronic means shall be deemed to be present at the meeting **[S.40(4)]**.
 - (6) All meetings of the Parent, Family and Community Engagement Advisory Committee shall be open to the public and shall be held at a location that is accessible to the public **[S.40(5)]**.
 - (7) The chair or co-chairs of the Parent, Family and Community Engagement Advisory Committee shall ensure that notice of each meeting is provided to all members of the committee at least two weeks before the meeting by **[S.40(6)]**:
 - a) delivering a notice to each member by e-mail or regular mail; and
 - b) posting a notice on the Board's website.
 - (8) The agenda will to be provided to all members at least five days prior to the meeting.
 - (9) The identification of agenda items is a collaborative process between the committee chair and vice-chair, the trustee representative and Board staff in consultation with the PEAC Steering Subcommittee and aligned with committee goals.
 - (10) Agenda development process and meetings shall take into consideration successful practices outlined in the Successful Practices Working Document.

SUBCOMMITTEES

- 13. (1) In accordance with Ontario Regulation 612/00, School Councils and Parent Involvement Committees, subcommittees may be formed **[S.41(1) & (4)]**.
- (2) Any recommendations from a subcommittee must be presented to PEAC for consideration by the entire committee.

- (3) The terms of reference of all existing subcommittees will be reviewed by the committee annually.

VOTING

14. (1) When PEAC votes on a matter, only parent members and community representative members are entitled to vote. Trustee and staff members are not eligible to vote **[S.42]**.

BY-LAWS

15. (1) In accordance with Ontario Regulation 612/00, School Councils and Parent Involvement Committees, By-Laws governing the conduct of PEAC may be established **[S.43]**.
- (2) Proposed revisions to the PEAC Operational By-Law must adhere to the Board's By-Law Amendment Procedure.

MINUTES AND FINANCIAL RECORDS

16. (1) PEAC shall keep minutes of all of its meetings and records of all of its financial transactions **[S.44(1)]**.
- (2) PEAC shall retain the minutes of its meetings and the records of its financial transactions in accordance with the policies and procedures of the Board, if any, respecting the retention of documents by committees of the Board **[S.44(2)]**.
- (3) PEAC minutes shall be **[S.44(3)]**:
 - a) posted on the website of the Board that established the committee;
 - b) sent electronically to the chair or co-chairs of each school council; and
 - c) received by the Board of Trustees.
- (4) The minutes of a committee's meetings and the records of its financial transactions shall be available for examination at the Board's office by any person without charge for four years **[S.44(4)]**.
- (5) Minutes posted on the website of the Board shall remain on the website for four years **[S.44(5)]**.

INCORPORATION

17. (1) The Parent, Family and Community Engagement Advisory Committee shall not be incorporated **[S.45]**.

DELEGATION BY THE DIRECTOR OF EDUCATION AND BOARD MEMBER

- 18.** (1) The Director of Education of the Board may **[S.46(1)]**:
- a) delegate any of his or her powers or duties as a member of PEAC to a supervisory officer employed by the Board; and
 - b) designate a supervisory officer to attend a meeting of PEAC in his or her place.
- (2) The Trustee member of PEAC:
- a) may delegate any of their powers or duties to another trustee **[S.46(2)]**; and
 - b) shall make arrangements for the alternate trustee member, designated by the Board, to attend meetings in their absence.

CONSULTATION BY BOARD

- 19.** (1) The Board may solicit and take into consideration the advice of PEAC with regard to matters that relate to improving student achievement and well-being **[S.47(1)]**.
- (2) The Board shall inform PEAC of its response to advice provided to it by the committee **[S.47(2)]**.

CONSULTATION BY MINISTRY

- 20.** (1) The Ministry may solicit and take into consideration the advice of parent involvement committees with regard to matters that relate to improving student achievement and well-being **[S.48]**.

CONSULTATION BY PEAC

- 21.** (1) PEAC may solicit and take into consideration the advice of parents of pupils enrolled in schools of the Board with regard to matters under consideration by the committee **[S.49]**.

SUMMARY OF ACTIVITIES

- 22.** (1) The Parent, Family and Community Engagement Advisory Committee of the Board shall annually submit a written summary of the committee's activities to the Chair of the Board and to the Board's Director of Education **[S.50(1)]**.
- (2) The summary of activities shall include a report on how funding, if any, provided under the *Education Act* for parent involvement, was spent **[S.50(2)]**.
- (3) The Director of Education shall **[S.50(3)]**:
- a) provide the summary of activities to school councils; and
 - b) post the summary of activities on the website of the Board.

History

Approved: January 24, 2011

Reviewed: March 24, 2011

Revised: March 8, 2016

Revised: October 2, 2018 (Effective January 1, 2019)

**ADDENDUM TO THE
YORK REGION DISTRICT SCHOOL BOARD
OPERATIONAL BY-LAW**

**Special Education Advisory Committee
Operational By-Laws**

A. MANDATE

Under Ontario's Education Act, every exceptional pupil is entitled to special education programs and services, which meet his or her needs. In York Region, the Special Education Advisory Committee (SEAC) [Sec. 57(1)] plays a vital role in ensuring that exceptional pupils receive appropriate educational services.

Powers of the Committee

A Special Education Advisory Committee of a board may make recommendations to the board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.

The SEAC's responsibilities are:

- to make recommendations to the board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board;
- to participate in the board's annual review of its special education plan;
- to participate in the board's annual budget process as it relates to special education;
- to review the financial statements of the board as they relate to special education.

Opportunity to be Heard

Before making a decision on a recommendation of the committee, the board shall provide an opportunity for the committee to be heard before the board and before any other committee of the board to which the recommendation is referred.

REFERENCES

Education Act
Section 8(3)
Section 57(1)

Regulation 464/97
Section 11(1)

Regulation 464/97
Section 11(2)

B. MEMBERSHIP

1. Composition

Every district school board shall establish a Special Educational Advisory Committee that shall consist of,

- (a) one representative from each of the local associations, not to exceed twelve, that operates locally within the area of jurisdiction of the board, as nominated by the local association and appointed by the board, who must be:
 - a Canadian citizen;
 - of the full age of eighteen years;
 - a resident within the area of jurisdiction of the board;
 - a public school elector; and
 - not employed by the board in which the member resides;
- (b) one alternate for each representative appointed under clause (a), as nominated by the local association and appointed by the board;
- (c) in addition to the members referred to in (a), the board may appoint one or more additional members who are not representative of a local association and are not members of the board or of a committee of the board; and
- (d) three trustee representatives and alternate(s) appointed by the board. The number of trustees to be appointed by the board shall be the lesser of: three or 25 percent of the total number of members of the board, rounded down to the nearest whole number. Where the number of members appointed is less than three, one alternate, as appointed by the board from among its own members, may be appointed.

Regulation 464/97
Section 2(1)(2)(3)(4)(5)

Regulation 464/97
Section 4

Section 2(d)

2. Appointment

A local association may write to the director and/or the secretary of the board to request representation on the SEAC. A letter should include the nomination and qualifications of the nominee. The board may appoint to membership of the SEAC only those persons who qualify. Each association is entitled to one member.

For the purpose of clause (5) where there are more than twelve associations in the area of jurisdiction of the board, the board shall select the twelve local associations that shall be represented.

Note: The York Region District School Board, in addition, includes on its SEAC representatives from the elementary and secondary school principals, Student Services Coordinators and facilitators and two Superintendents of Schools on a rotating basis.

3. Term of Office and Qualifications

Each of the persons appointed under Section (2) who are not members of the board shall have the qualifications required for members of the board that appointed them and shall hold office during the term of the members of the board and until the new board is organized.

4. Disqualifications

A member of the SEAC loses his or her seat if he or she:

- is convicted of an indictable offence;
- is absent from three consecutive regular meetings with authorization by resolution entered in the Minutes; and
- ceases to hold the qualifications to be appointed to the committee.

5. Vacancies

If a position on the SEAC becomes vacant, the board shall appoint a qualified person under Regulation 464/97 Sections 2, 3 and 4, to fill the vacancy for the remainder of the term of the person whose position became vacant.

Regulation 464/97
Section 2(5)

Regulation 464/97
Section 2

Regulation 464/97
Section 7

Regulation 464/97
Section 8

C. FUNCTIONS OF THE COMMITTEE

1. Election of Chair and Vice-Chair

The members at the first meeting elect one of their members as chair who shall preside at all meeting and, if at any meeting the chair is not present, the vice-chair shall act for the chair.

The vice-chair shall also be elected at the first meeting. The vice-chair assists the chair and acts for the chair at meetings in his or her absence.

If at any meeting the chair or vice-chair is not present, the members present may elect a chair for that meeting.

Successful Practice

YRDSB's SEAC chair is a trustee and the vice-chair is an association or community representative.

2. Voting

Each appointed member of the SEAC is entitled to one vote. Alternate members may not vote if the appointed member is present at the meeting.

On every motion, the chair may vote with the other members of the committee, and any motion on which there is an equality of votes is lost.

3. Meetings

1) The SEAC shall meet at least 10 times in each school year.

2) The SEAC meetings are conducted under the same procedures as the board, which appoints them. All members should have access to and become familiar with the board's by-laws and rule of procedure for board committees.

3) The meetings of a board, and subject to subsection (2), meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

Regulation 464/97
Section 9(3)(4)(5)(6)

Regulation 464/97
Section 9(7)

Regulation 464/97
Section 9(8)

Subsection 207

- 4) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject matter under consideration involves,
 - a) the security of the property of the board;
 - b) 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;
 - c) the acquisition or disposal of a school site;
 - d) decisions in respect of negotiations with employees of the board; or
 - e) litigation affecting the board.
- 5) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

Successful Practices

SEAC members usually meet the first Thursday of every month as approved by the committee and by the Board. It is common practice to schedule ten regular meetings per year from September to June.

Dates and times of SEAC meetings should be publicized by the Board.

Teachers, federation representatives, and parents or guardians should be encouraged to attend and observe these meetings.

SEAC alternate representatives should be encouraged to attend all meetings in order that they will be well informed should they need to act as voting members.

4. Quorum

A majority of the members of the SEAC is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

Every member present at the meeting, or his or her alternate, when attending in the member's place, is entitled to one vote.

5. Role of Board Personnel

Personnel and Facilities

The Board will make available to its SEAC the personnel and facilities that the board considers it necessary for the proper functioning of the committee:

- an agenda and minutes within a reasonable time so that they may consider and prepare to discuss the minutes at the subsequent meeting.

The Board shall provide to new members and alternate members, within a reasonable time after appointment, information and orientation respecting:

- the role of the committee and the board in relation to special education;
- Ministry and board policies relating to special education;
- the agenda and minutes of board meetings to the SEAC chair and vice-chair; and
- a schedule of meetings of the standing committees of the board.

Successful Practices

- a) invite teacher candidates for the Special Education Additional Qualification Ministry courses and special education staff to attend meetings on a rotating basis;
- b) regular presentations to SEAC about each special education program or service;
- c) distribution of Student Services Directory; and
- d) distribution of Board and Student Services organizational structure charts.

Regulation 964/97

Section 10

Regulation 464/97

Section 10(d)

Clause 2(a)(b)

6. Communications Sub-Committee(s)

Mandate

The Communications Sub-Committee mandate is to review current practices, identify needs and to recommend strategies to facilitate effective communication among Board, staff, parents and the community regarding special education programs, plans and services; and continue to enhance internal and external communication within SEAC and between SEAC and Board.

Successful Practices

- a) A Communications Sub-Committee meets regularly prior to the SEAC meeting. The Communications Sub-Committee provides a report as part of the regular SEAC agenda; sets goals and objectives; and annually reviews and evaluates progress.
- b) SEAC may strike a task force or Communications Sub-Committee when needs arise as identified by the Board or the SEAC.
- c) Board Communications highlight special education.
- d) SEAC submits the Annual Report to the Board every September.
- e) In April (Volunteer Recognition Month) acknowledge the contribution of SEAC members through the Special Edition newsletter and at the April SEAC meeting.
- f) Recognize SEAC contributions and years of service at the member's last SEAC meeting.
- g) Hold an annual event such as a festive dinner to recognize and thank SEAC members.
- h) The chair, vice-chair and senior staff assist in the selection of the Jim Albery Award in honour of the late James "Jim" Albery, teacher of the PrIDE program for gifted students (Program for Individual Development & Enrichment). The purpose of this award is to recognize schools in York Region, not individual teachers, which have demonstrated innovative practices promoting excellence in special education. The vice-chair presents the award at the Board's annual awards ceremony in May.
- i) The SEAC nominates a member of the SEAC to sit on the Parent Engagement Advisory Committee.

SEAC Communications
Sub-Committee formed
May 1990

D. THE ROLE OF SPECIAL EDUCATION ADVISORY COMMITTEE

The members of a SEAC represent all students with exceptionalities, and it is important that members respond to the needs of all exceptional students within the Board. Thus, individual members need to increase their awareness and understanding of the various exceptionalities. On an annual basis, SEAC members participate in reviewing their personal goals for sitting on the committee as well as reviewing the goals of the SEAC committee.

Successful Practices

The Special Education Advisory Committee will be responsible for reviewing and making recommendations to the Board through the Board's annual review of its special education plan relative to the provision of special programs and services in such areas as:

- philosophy and goals;
- organizational structure;
- policies and procedures;
- program delivery systems;
- services and facilities;
- professional development;
- in-service for SEAC members;
- interaction with and/or participation on other Board committees;
- annual reviews of the Special Education Report;
- the Board's annual budget for special education; and
- the financial statement of the Board relative to special education.

Members of the SEAC also facilitate effective communication between their association members and the Board. By acquiring and maintaining a working knowledge of special education programs and services provided by the York Region District School Board, members inform their associations of the activities of the SEAC and the Board.

Members of the SEAC participate in the development of many special education Board resources. They participate in a variety of ways:

- as members of writing teams;
- by reviewing materials and providing feedback;
- by making recommendations on matters regarding the establishment, development and delivery of special education programs and service; and
- by reviewing and making recommendations to the Board's annual review of its Special Education Report and Board Improvement Plan (BIP).

Twice annually, the SEAC is presented with a budget presentation from the Associate Director of Business, at which time members of the SEAC engage in dialogue regarding financial issues and the annual planning process. In addition, the vice-chair or designate from the SEAC is identified to attend the budget planning meetings during the annual budget process.

The spirit or intent of the SEAC is one of sharing, positive attitude, trust and respect. It is vital that SEAC members work together to assist the Board to provide programs for all exceptionalities.

Each member is expected to:

1. Respond to the needs of all exceptional pupils within the Board.
2. Respect the right to privacy of individual exceptional pupils by avoiding discussion of individual cases.
3. Acquire and maintain a working knowledge of the special education programs and services provided by the Board.
4. Represent and inform the committee about the exceptionality he or she represents.
5. To this end, members should:
 - a) ensure that they are expressing the concerns of the association and not their own concerns;

- b) keep informed and identify needs by speaking with individuals within the local association who take the counselling calls or parent calls about issues of concern to parents or guardians and by seeking out information and input in relation to issues or concerns pertaining to special education;
 - c) encourage their association members to attend SEAC meetings;
 - d) report to the members of the local association or chapter at general meetings and/or disseminate relevant information, such as voting and discussing activities at SEAC meetings, and positive outcomes that result;
 - e) provide the association with a formal report on relevant SEAC proceedings to be included in the local association's annual report and to be shared with the SEAC; and
 - f) demonstrate skills in:
 - Communication
 - Listening
 - Presentation
 - Assertiveness
 - Team building
 - Decision making
 - Problem solving
 - Negotiation
 - Time management
 - Research
 - Note taking
 - Organization.
6. Be prepared for all SEAC meetings, suggest items to be placed on the SEAC agenda, participate in discussions, suggest educational topics, and present motions.
7. Set individual annual goals and objectives as well as those for the local association and for the SEAC.

The role of an association representative on a SEAC extends beyond committee membership and attendance and may include the following:

- being available to assist parents or guardians with IPRCs; and
- acting as resource for parents or guardians of an exceptional student.

Operational By-Law History:

Approved March 24, 2011



**ADDENDUM TO THE
YORK REGION DISTRICT SCHOOL BOARD
OPERATIONAL BY-LAW**

**Equity and Inclusivity Advisory Committee
Operational By-Law**

PURPOSE

1. (1) The Equity and Inclusivity Advisory Committee (EIAC) is an advisory committee which supports the York Region District School Board in its commitment to providing equitable and inclusive learning and working environments in all schools and workplaces of the Board. EIAC provides advice regarding the development and implementation of the Board's Equity and Inclusivity Strategy, policies and procedures and helps ensure that the Board addresses all dimensions of diversity. The dimensions of diversity include, but are not limited to ancestry, culture, ethnicity, gender, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation and socio-economic status.
2. (1) EIAC shall achieve its purpose by:
 - (a) providing equity and inclusivity advice on Board policies and procedures;
 - (b) making recommendations to the Board on effective practices relating to equity and inclusivity;
 - (c) participating in and advising on major system initiatives; and
 - (d) receiving information and reports.
3. (1) The trustee members of EIAC will present information and support the Board's decision-making with regard to EIAC recommendations.
 - (2) The Board will consider recommendations from EIAC and provide a response, through the trustee members on EIAC, with rationale, to EIAC. Regular updates on the status of the Board's actions will be provided to the committee through the trustee member(s) and/or staff.

CONSULTATION BY DIRECTOR OF EDUCATION OR STAFF

4.
 - (1) The Director of Education or staff may solicit the advice of EIAC with regard to matters that relate to equity and inclusivity.
 - (2) The Director of Education or staff may solicit the advice of EIAC in relation to other major system strategies.
 - (3) Updates on matters on which EIAC has provided advice will be provided.

COMPOSITION OF COMMITTEE

5.
 - (1) EIAC membership will be representative of the diversity that exists within the schools and communities of the York Region District School Board.
 - (2) Membership will be comprised of:

Trustee Members

The Board of Trustees shall appoint;

- (a) two trustee members, and
- (b) one alternate trustee

Community Members

The EIAC Membership Selection Committee shall recommend to the Board;

- (a) up to eight community members

Community Representatives

Up to ten community representatives shall serve on the committee.

- (a) One member identified by the Parent, Family and Community Engagement Advisory Committee
- (b) One member identified by the Special Education Advisory Committee
- (c) One member identified by York Regional Police
- (d) One member identified by The Region of York – Community and Health Services

- (e) One member identified by York Region Children's Aid Society
- (f) One member identified by the United Way of Greater Toronto
- (g) One member identified as a representative from a 2SLGBTQ+ organization
- (h) Up to three additional members from community organizations identified by the committee and approved by the Board

Staff Support

The Director of Education shall identify the following staff to support the Committee.

- (a) One Associate Director
- (b) One senior staff member
- (c) One principal

Student Voice

One or both student trustees may be members of EIAC. The President of the York Region Presidents' Council, or designate, may also be a member of EIAC.

The senior staff member, identified by the Director of Education to support the Committee, shall identify one additional student to serve on the committee.

Staff Resources

The Director of Education may identify one or more of the following staff members to act as resources to the committee.

- (a) One elementary principal or vice-principal
- (b) One secondary principal or vice-principal
- (c) One elementary teacher
- (d) One secondary teacher
- (e) One support staff

- (3) In accordance with Board By-Law Section 3:00:06, the Chair and Vice-Chair of the Board are ex-officio members.
- (4) The Director of Education shall be an ex-officio non-voting member.
- (5) Staff representatives, student representatives and staff resources are non-voting members and do not count toward composition of quorum.

TERM OF OFFICE

- 6. (1) The term of office of the community members will be four years and will run concurrently with the term of office of trustees.

APPOINTMENTS TO THE COMMITTEE

- 7. (1) Community members and community representatives shall not be employees of the Board.
- (2) Community members must be public school supporters in York Region.
- (3) The EIAC Membership Selection Committee will ensure two community members are appointed from each Community Education Centre.
- (4) The Board shall approve the appointment of:
 - (a) trustee members in accordance with the Board's annual committee appointment process; and
 - (b) community members at the December Board meeting, every election year.
- (5) The Board will consider appointments to fill trustee and community member vacancies that occur within the term of office, as required.
- (6) In a municipal election year, appointments to fill vacancies of community members will be considered by the Board after Election Day.
- (7) The selection of community representatives, staff representatives, student representatives and staff resources will be determined by the appropriate community partner, staff member and/or the Director of Education.

PROCESS FOR SELECTION OF COMMUNITY MEMBERS

8.
 - (1) Community member positions on EIAC will be advertised through a variety of methods that promote equity and social inclusion.
 - (2) The EIAC Membership Selection Committee shall consist of the following six individuals:
 - (a) two trustee members of the committee or designate(s);
 - (b) the Associate Director and senior staff member identified by the Director of Education to support the Committee, or designate(s); and
 - (c) two EIAC community representatives and/or community members who are not reapplying.
 - (3) The EIAC Membership Selection Committee shall ensure that community members support the breadth of diversity from within York Region.
 - (4) A vacancy in the membership on EIAC does not prevent the committee from exercising its authority.
 - (5) Vacancies that occur during the term of office must be filled within sixty (60) days.
 - (6) The EIAC Membership Selection Committee shall maintain a list of applicants, who may be selected to fill vacancies that arise throughout the term, from the candidates who applied.
 - (7) The EIAC Membership Selection Committee shall make recommendations to the Board for filling community member vacancies that occur during the term of office.
 - (8) In the spring of a municipal election year, the selection committee shall present the recommended selection process and timelines to the EIAC committee for approval.

DISQUALIFICATIONS

9.
 - (1) If a member misses three consecutive meetings without prior approval of EIAC, their membership will be terminated.

OFFICERS

- 10.**
- (1) EIAC shall have a Chair and Vice-Chair
 - (2) The Chair of EIAC must be a community member of the committee and shall be elected for a one-year term by EIAC at the first meeting of the committee annually.
 - (3) The Vice-Chair of EIAC will be one of the two Board appointed trustees and shall be identified by the Board.
 - (4) The Chair and Vice-Chair of EIAC shall act as spokespersons for the Committee in communicating with the Director of Education and the Board of Trustees.
 - (5) A vacancy in the office of Chair or Vice-Chair or any office provided for in these By-Laws of EIAC, shall be filled in accordance with these By-Laws.
 - (6) Communication with the public is the responsibility of the Chair of the Board or Director of Education.

REMUNERATION

- 11.**
- (1) A person shall not receive any remuneration for serving as a member of EIAC.
 - (2) The Board shall reimburse committee members for expenses incurred while fulfilling the official duties of the committee in accordance with Board policy.

MEETINGS

- 12.**
- (1) There will be six scheduled meetings, two of which may be joint with members of the Parent, Family and Community Engagement Advisory Committee each school year.
 - (2) A routine meeting of EIAC will include the participation of:
 - (a) a majority of the community members and community representatives;
 - (b) the superintendent responsible for supporting the committee, or designate; and
 - (c) at least one trustee member.

- (3) A meeting may proceed, if the conditions outlined in Section 12(3) are not satisfied, provided that any recommendations requiring Board approval are deferred to the next meeting at which the conditions outlined in 12(3) are satisfied.
- (4) The committee will operate under the York Region District School Board Operational By-Law.
- (5) The Board shall make available to EIAC, staff and facilities that the Board considers necessary for the proper functioning of the committee, and shall make reasonable efforts to enable members to participate fully in meetings of the committee by electronic means.
- (6) Where feasible, EIAC members may participate fully in meetings via audio-conference. Votes from members participating via audio conference will be accepted by electronic mail or private telephone line provided they are given to a senior staff member designated for that purpose at the meeting. The voting member must be fully participating for the duration of the discussion in order to be eligible to vote on any particular item (including nominations for Committee Chair).
- (7) All meetings of EIAC shall be open and accessible to members of the public.
- (8) Notice of each meeting will be provided to all members at least one week before the meeting by:
 - (a) delivering a notice to each member by email or regular mail; and
 - (b) posting a notice on the Board's website.
- (9) The agenda for each meeting will be provided to all members five days prior to the meeting.
- (10) The identification of agenda items is a collaborative process between the committee chair, vice-chair and Board staff in consultation with the Planning Committee and aligned with committee goals.

SUB-COMMITTEES

- 13. (a) EIAC may form sub-committees to support the purpose of the committee.
- (b) Sub-committees do not have the power to act on behalf of EIAC, unless authorized by EIAC through the Terms of Reference and within the purpose of EIAC. Any recommended actions from a sub-committee must be presented to EIAC for consideration by the entire committee.
- (c) Terms of reference of all sub-committees will be reviewed annually by EIAC.

- (d) Should the role of any sub-committee extend beyond the purpose of EIAC, EIAC will submit the Terms of Reference to the Board of Trustees, through Chair's Committee for consideration and approval.

VOTING

- 14.** (1) Trustee members, community members and community representatives are voting members of EIAC.
- (2) When EIAC votes on routine motions not requiring Board approval, all voting members shall be eligible to vote. If a conflict of interest is declared on a particular agenda item, the committee member who declared the conflict shall not be eligible to participate in the discussion or vote on the matter.
- (3) Trustee members shall not be eligible to vote on non-routine motions that will be presented to the Board of Trustees for decision-making.

MINUTES

- 15.** (1) EIAC shall keep minutes of all of its meetings.
- (2) EIAC shall retain the minutes of its meetings in accordance with the policies, procedures and the document retention schedule of the Board.
- (3) The minutes of EIAC shall be:
 - (a) submitted to the Board of Trustees for information;
 - (b) posted on the Board's website; and
 - (c) sent electronically to committee members prior to each meeting.
- (4) Minutes posted on the website of the Board shall remain on the website for a minimum of four years.
- (5) EIAC shall submit an annual report summarizing the committee's activities to the Board.

SUCCESSFUL PRACTICES

16. (1) Information regarding successful practices is outlined in the Successful Practices Working Document.

INCORPORATION

17. (1) EIAC shall not be incorporated.

History

Approved: November 24, 2011

Revised: July 2, 2013, February, 3, 2015, November 3, 2015, September 12, 2018

THE YORK REGION DISTRICT SCHOOL BOARD

GOVERNANCE DIRECTIVE

Delegations and Community Engagement

York Region District School Board (YRDSB)	Community Engagement and Delegations Board Standing Committee Meetings
Administrative Support:	Director of Education, Corporate Secretariat, Trustee Services Staff Senior Staff Assigned to Support Board Standing Committees
Approved:	To Be Determined
Resources:	<u>How Can We Help You?</u> <u>Board Policy and Procedure #267, Supporting Community Concerns</u> <u>Delegation Request Form</u>

Index

Page

<i>Principles of Community Engagement</i>	1
<i>Questions and Concerns</i>	2
<i>Delegations</i>	2
<i>Responsibility</i>	3
<i>Application and Scope</i>	3
<i>Delegation Process</i>	3
<i>During the Meeting</i>	5
<i>Following the Meeting</i>	6
<i>Definition of Terms (referenced in YRDSB Governance Review Report, June 16, 2021)</i>	7

Principles of Community Engagement

The York Region District School Board (YRDSB) values input from the community regarding its legislative authority to provide oversight for education programs and services for public school students who reside in the Regional Municipality of York. More information about the scope of the Board's responsibilities can be found in the Education Act, Board By-Laws and Board Policy and Procedure 225.0, Governance.

The Board of Trustees welcomes the views of parent/guardians, students, volunteers, and other members of the educational community on an ongoing basis, through:

- direct contact with the local *Trustee or Student Trustee*;
- the Board's *Policy Development and Review Process*;
- development of the Board's *Multi-Year Strategic Plan*;
- the Budget development process;
- system surveys and focus groups;
- public and town hall meetings;
- *school council meetings* and forums;

Governance Directive

Community Engagement and Delegations

- Statutory Committees, including the *Special Education Advisory Committee, Parent Engagement Advisory Committee and Audit Committee*;
- *Advisory Committees* and related community outreach;
- access to YRDSB official email at communications@yrdsb.ca;
- attending public Board and Standing Committee meetings as observers,
- accessing information and reports presented at public Board and committee meetings.

Questions and Concerns

Individuals with a question or concern are encouraged to contact the Board. Most situations can be resolved with dialogue and cooperation at the local level. The Board is committed to addressing concerns in a fair, equitable and timely manner.

Parents/guardians should refer to *the resource “How Can we Help You?”* to address individual student matters, beginning at the school level. For broader issues, refer to Board Policy #267, Supporting Community Concerns.

A Quick Reference Guide: “How Can We Help You?”	
Questions or Concerns	Contact
<ul style="list-style-type: none">• student learning• homework and assignments• Classroom rules and consequences	Student’s Teacher
<ul style="list-style-type: none">• student registration, behavior, report card or classroom concerns• School Councils• school-wide programs• fund-raising	School Principal
<ul style="list-style-type: none">• unresolved issues discussed with the teacher and/or principal• school community concerns• suspension appeals• alternate attendance requests	*School Superintendent *Contact information is available on the <u>school website</u>

Trustees also welcome your views at any time. They can provide information regarding community issues, policies under review, the Board’s budget process, as well as Board and Committee meeting agenda items.

Delegations

This document provides information for members of the public who, in addition to the above methods of communication and engagement, may also wish to appear as a Delegation at a Board Standing, Committee of the Whole or Town Hall Meeting to share their views with Trustees.

Responsibility

Implementation of the Governance Directive, Community Engagement and Delegations, is the responsibility of all Trustees, senior staff who provide administrative support to Board Standing Committees, the Director of Education and Corporate Secretariat, Trustee Services staff.

Staff will make every effort to provide accommodations that may be required by a Delegation throughout the submission of a Request to Delegate and during the Committee meeting, including translation services, where possible, and assistance with technology, as available.

Application and Scope

This Governance Directive applies to members of the educational community within the jurisdiction of the York Region District School Board who wish to share their views by making a Delegation to Trustees. This includes parents/guardians, students, volunteers, community organizations and other individuals who reside in the community and have an interest in matters related to public education.

Delegations will not be received:

- a) at Board Meetings (except by the Special Education Advisory Committee, as prescribed in Regulation 464/97);
- b) by individuals or commercial enterprises who wish to promote products or services to the Board;
- c) regarding personal issues related to the Delegation, a staff member or a student;
- d) regarding employment issues that are covered under YRDSB collective agreements or other employment contracts;
- e) about matters which are the subject of litigation with the Board, or where all rights to a hearing, appeal or review under the [Education Act](#) or its regulations have not been commenced or concluded;
- f) until after the Delegation has pursued all other Board processes that currently exist (including those outlined in Board Policy or Procedure), to address their concern(s);
- g) about matters that are currently the subject of a complaint or investigation by the Ontario Ombudsman, the Board's Human Rights Commissioner, or the Trustee Code of Conduct;
- h) regarding matters that are not within the jurisdiction of the YRDSB;
- i) twice within a 12-month period, unless the subject matter has changed substantially;
- j) regarding subjects for which there are other opportunities for the Delegation to provide input to the Board, such as School Accommodation Review Meetings, the Budget Development Process and the Board's Multi-Year Strategic Planning Process, etc.

Delegation Process

Subject Matter and Method of Delivery

Delegations may address a *Board Standing Committee* on a matter within the *Committee's Terms of Reference* or on a specific item on the Committee's *meeting agenda*.

Delegations may provide input in writing, including petitions, in person and/or using audio and/or visual technology (where such capacity is available at the Committee meeting location).

Each Delegation will be given up to ten minutes to make a presentation to the Committee.

Request to Delegate

Delegations must submit a *Delegation Request Form*, as follows.

Requests must be received a minimum of 48 hours prior to the commencement of a Standing Committee meeting. For example, Board Standing Committee meeting agendas could be posted on the Board's public website by 5:00 p.m. the Thursday prior to a meeting to be held the following Tuesday (at a minimum). In this case, Delegation Request Forms would be received up until 5:00 p.m. on the Friday prior to the meeting for consideration by the Governance and Board Organization Committee.

Alternative timelines may be considered or required, with the approval of the Committee Chair or Board Chair, for the purpose of recognizing Statutory Holidays, Days of Significance or due to other unforeseen emergencies.

The timelines above do not apply to a request to speak at a Committee of the Whole or Town Hall meeting that has not yet been scheduled by the Governance and Board Organization Committee (GBOC).

Corporate Secretariat, Trustee Services staff are available to respond to inquiries and to provide information to prospective delegates in person, *via electronic mail or by telephone*.

Delegation Request Forms may be submitted *online, via mail*, or delivered in person to the *Board Chair*, and/or the *Director's Office, Corporate Secretariat, Trustee Services*, York Region District School Board, 60 Wellington Street West, Aurora. L4G 3H2

Delegation Request Form

The following information is required on the Delegation Request Form:

- a) name, home address and contact information (phone and/or email address) for each speaker*;
- b) any affiliation with an association or group which has given consent for the Delegation to speak on its behalf;
- c) the agenda item or subject matter the Delegation wishes to speak about, including preferred meeting date(s), if known;
- d) a description of the Delegation's general position and associated rationale;
- e) one copy of any additional written materials, including petitions, for distribution at the meeting.

*Delegates may choose to have up to three speakers share the ten minutes allotted for making a presentation, provided this information is submitted on the Delegation Request Form.

Municipal Freedom of Information and Protection of Privacy

Delegations should be aware that a written record of proceedings at all Board Standing and Committee of the Whole meetings held in Open Session are posted on the Board's website for public access.

The name of the Delegation, their presentation, any written submission(s) and related discussion form part of the Board's official public record of the meeting. In accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#), personal contact information provided on the Delegation Request Form will not form part of the public record.

Closed Session

Dependent on the subject matter, a Delegation may be scheduled for Closed Session of a Board Standing or Committee of the Whole meeting, in accordance with the [Education Act](#), which outlines the following provisions for hearing a matter in a Closed Session:

- a) the security or property of the YRDSB;
- b) the disclosure of intimate, personal or financial information in respect of a member of the Board of Trustees, or a member of a Statutory or Advisory Committee, a current or prospective employee, a student, parent or guardian of the student;
- c) acquisition or disposal of a school site;
- d) decisions in respect of negotiations with employees of the YRDSB;
- e) litigation affecting the YRDSB; or
- f) an ongoing investigation under the Ombudsman respecting the YRDSB.

Any information related to a Delegation heard in Closed Session will remain confidential, as required by the [Education Act](#).

Confirmation of Delegate Status

The GBOC will receive all Delegation requests, and will meet in person or via audio conference to discuss and make decisions about the Delegation request. This Committee is authorized to take any of the following actions:

- a) schedule the Delegation for any future Board Standing Committee Meeting that has responsibility for the subject matter described in the Delegation Request Form,
- b) refer the Delegation to staff, through the Director of Education, for follow-up,
- c) in exceptional circumstances, schedule the Delegation for a Committee of the Whole or Town Hall Meeting, to allow numerous delegates with a shared interest in a specific topic to address trustees, provided that this cannot be accommodated within the generally accepted timeframe of a regularly scheduled Board Standing Committee,
- d) topics in clause c) must be; 1) within the jurisdiction of the Board of Trustees, and/or 2) emergent, as determined by the GBOC,
- e) make the final determination regarding the scheduling of the Delegation in Open or Closed Session, in accordance with the confidentiality provisions contained in Sections 207 (2), 207 (2.1) and 218.3 (10) of the [Education Act](#);
- f) deny any Delegation requests that do not meet the requirements prescribed in the YRDSB Governance Directive, Delegations.

Individuals will be contacted by Corporate Secretariat, Trustee Services staff as soon as possible, in response to the receipt of a Delegation Request Form.

Individuals who may wish to withdraw their request to delegate can do so at any time prior to the meeting by contacting the [Board Chair](#), the [Director's Office](#) or [Corporate Secretariat, Trustee Services](#) staff.

During the Meeting

It is expected that all Delegates and Committee members will use respectful language, in accordance with the Board's commitment to equity, inclusivity and anti-racism, as well as all of the

provisions contained in the Ontario Human Rights Code. Offensive language or negative personal references regarding any individual will be ruled out of order by the Committee Chair.

If a Delegation involves more than one speaker, the maximum time for remarks by all speakers is ten minutes. Reallocation of speaking time to another individual during the meeting is not permitted.

In extenuating circumstances, Committee members may consider passing a recommendation to permit a Delegation to speak beyond the ten-minute time limit.

Trustees and Student Trustees in attendance at the meeting may ask questions of clarification following the Delegation's presentation. Speaking time for questions from each Trustee and Student Trustee will not exceed three minutes per Delegation submission (regardless of the number of speakers).

Trustees may choose to take one or more of the following actions after the presentation, question period and any related discussion concludes:

- a) receive the presentation for information;
- b) refer the presentation to another Committee for action or information;
- c) refer the presentation to the Director of Education for follow up with the Delegation by assigned staff (subject to consultation with the Director or Designate regarding appropriate timelines);
- d) request an information report from staff be presented at a subsequent meeting (subject to consultation with the Director or Designate and the GBOC, regarding appropriate timelines)
- e) provide a written Notice of Motion, in accordance with the Board By-Law, for consideration at a future meeting,
- f) with the exception of clause (e), the actions outlined above require a formal recommendation and majority vote of the Committee members in attendance and are subject to final approval by Trustees at a Board Meeting.

Delegations will be informed by the Board Chair of any future Board or Committee Meeting date on which a recommendation concerning the Delegation's presentation, or a related notice of motion, will be considered by the Board of Trustees.

Following the Meeting

On behalf of the Board of Trustees, the Director of Education/Corporate Secretariat, Trustee Services staff will communicate the following information to the Delegation as soon as possible after the subsequent Board Meeting where recommendations regarding the Delegation's presentation are considered. Contact information provided on the Delegation Request Form will be used for this purpose.

- a) If the Delegation presentation has been referred to the Director for follow-up, the Director will assign appropriate staff and applicable contact information will be provided.
- b) If the subject matter of the Delegation presentation has been referred to another Committee, the meeting, date, and time it will be considered will be provided.
- c) If a staff report has been requested for a future Committee meeting, the date and time it will be presented will be provided.
- d) If the Delegation presentation has been received by the Board for information, confirmation of this recommendation will be provided.

Governance Directive Community Engagement and Delegations

Delegations will also be notified if any Committee meeting may be scheduled within the 12-month period (following the Delegation's presentation) where the subject matter may be discussed again by the Board of Trustees in a different context.

Governance Directive Review

This Governance Directive will be reviewed by the Policy and By-Law Standing Committee and the Board of Trustees at least once during the four-year term of the elected Board, and as may be otherwise required. Members of the educational community are invited to provide input into the review of this Governance Directive, as outlined in the Terms of Reference for the Board's Policy and By-Law Standing Committee.

Glossary (refer to Board Governance Review Report, June 14, 2021, page 19)

*Board Governance,
Lori Barnes Consulting*

**ADDENDUM TO THE
YORK REGION DISTRICT SCHOOL BOARD OPERATIONAL BY-LAW**

TRUSTEE CODE OF CONDUCT

SECTION 1: Purpose

The Trustee Code of Conduct supports both legislated requirements and Board policies, procedures and By-Laws that support the governance and accountability framework at the York Region District School Board. The Education Act requires the Board to establish a Trustee Code of Conduct.

A Trustee position is an elected position, which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

This Trustee Code of Conduct (“Code”) represents the commitment of the Board of Trustees to meeting high standards of conduct and is designed to provide the trustees with principles and standards for expected ethical behaviour in accordance with the Board’s [Mission, Vision and Values](#) and priorities outlined in the [Multi-Year Strategic Plan](#).

SECTION 2: Definitions

Board

The York Region District School Board (YRDSB).

Discrimination

See definition in [Policy #240.0, Human Rights: Code-Related Harassment and Discrimination](#)

Harassment

See definition in [Policy #240.0, Human Rights: Code-Related Harassment and Discrimination](#)

Integrity Commissioner

An individual who is appointed by the Board of Trustees in accordance with Part 5, Accountability Framework of the York Region District School Board Operational By-Law.

Official Business

Duties and responsibilities of trustees as prescribed by all applicable legislation, including but not limited to the Education Act and outlined in Board policy, procedure and Operational By-Law.

Presiding Officer

The person chosen to preside over a meeting of the Board or committee of the Board and who enforces parliamentary rules outlined in the Operational By-Law and any other applicable legislation and/or parliamentary authority. For clarity, this includes the Chair of the Board and Trustee Committee Chairs.

Staff Members

Employees of the York Region District School Board.

Trustees (Member of the Board)

Members of the York Region District School Board, including student trustees and the Chair of the Board, who are elected, appointed or acclaimed in accordance with the Education Act and Municipal Elections Act.

SECTION 3: Application

The Code and Complaint Protocol apply to all Trustees and student trustees.

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 Trustees must be of the highest standard to maintain confidence in public education.

This Code operates as a supplement to the existing statutes governing the conduct of Trustees in all their roles. The following primary provincial and federal legislation govern the conduct of Trustees.

- [Education Act](#)
- [Municipal Conflict of Interest Act](#)
- [Municipal Elections Act, 1996](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Occupational Health and Safety Act](#)
- [Ontario Human Rights Code](#)
- [Child and Family Services Act](#)
- [Criminal Code of Canada](#)

If there is uncertainty about the scope of any of the clauses contained in the Code, Trustees shall consult with Corporate Secretariat and Trustee Services or the Director of Education.

SECTION 4: Integrity and Dignity of Office

1. Trustees shall serve and be seen to serve their school communities in a constructive, respectful, conscientious and diligent manner.
2. Trustees shall recognize that the expenditure of school board funds is a public trust and endeavor to see that funds are expended efficiently, in the best interest of students.
3. Trustees shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

4. Trustees shall ensure comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Trustees.
5. Trustees, as ethical leaders of the Board, must at all times uphold the dignity of office and conduct themselves in a professional manner that will not discredit or compromise the integrity of the Board.
6. Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
7. 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 YRDSB By-Laws, policies and procedures.
8. Trustees are obligated to maintain confidentiality.
9. Trustees shall not advance an allegation of misconduct and/or a breach of the Code that is trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee.
10. Trustees shall respect and understand the roles and duties of individual trustees, the Board of Trustees, the Director of Education and the Chair of the Board.

SECTION 5: Confidentiality

1. Confidential information includes;
 - information with respect to litigation or potential litigation affecting the Board and information subject to solicitor-client privilege;
 - 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 their parent or guardian;
 - information about the acquisition or disposal of the Board's real property, including a school site;
 - decisions with respect to negotiations with Staff Members;
 - information discussed during Private (In-Camera) Sessions of the Board pursuant to Section 207(2) of the Education Act;
 - information protected under THE Municipal Freedom of Information and Protection of Privacy Act. or any other relevant legislation;
 - information received in confidence from other third parties of a corporate, commercial, scientific or technical nature, and
 - investigations by the Ombudsman.
2. All Trustees shall keep confidential any information disclosed or discussed at a Board or committee meeting that was closed to the public. For clarity, Trustees shall keep confidential and not disclose the content of any matter, or the substance of deliberations, of a meeting that is closed to the public, unless required by law or until the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public.

3. No trustee shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the trustees' Term of Office.
4. Trustees should not access or attempt to gain access to confidential information in the custody or control of the Board unless it is necessary for the performance of their duties and the use and/or disclosure of the information is permitted in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
5. No trustee shall use confidential information for either personal gain or to the detriment of the Board.
6. If there is uncertainty about whether information is confidential, the trustee should consult with the Director of Education or another appropriate staff member.

SECTION 6: Gifts, Benefits and Hospitality

1. Trustees are required to adhere to all Board policies, procedures and supporting documents and Ministry directives with regard to gifts, benefits and hospitality. A gift, benefit or hospitality provided with the Trustee's knowledge to a Trustee's spouse, child or a parent, that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that trustee.
2. There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to official trustee business.
3. The following are recognized as exceptions, which do not apply in the case of vendors of goods and services, or those expecting to be vendors to the Board:
 - a. compensation authorized by law;
 - b. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - c. a political contribution otherwise reported by law, in the case of Trustees running for office;
 - d. services provided without compensation by persons volunteering their time;
 - e. a suitable memento of reasonable value in keeping with an office of a public official to honour the Trustee;
 - f. food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity such as, but not limited to attendance at a ceremonial, presentation or representational role on behalf of the Board;
 - g. food and beverages consumed at banquets, receptions or similar events, if:
 - attendance serves a legitimate business purpose;
 - the person extending the invitation or a representative of the organization is in attendance; and
 - the value is reasonable and the invitations infrequent;
 - h. communication to a trustee, including newspapers and periodicals;
 - i. gifts of a nominal value (e.g., baseball cap, t-shirt, book, etc.).

4. No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the trustee when performing his or her duties. Any such gifts received shall be reported to Corporate Secretariat and Trustee Services.
5. The trustee should consult with Corporate Secretariat and Trustee Services staff for advice.

SECTION 7: Use of Board Property, Services and Other Resources

1. No Trustee should use, or permit the use of Board staff members, Board events, Board facilities, Board funds, Board information and Board infrastructure or other resources such as, but not limited to Board-owned materials, websites, Board-provisioned technology and social media platforms for activities other than the business of the Board. Such requests should be made through the Director of Education.
2. No Trustee may obtain personal financial gain from the use or sale of Board-developed intellectual property such as, but not limited to inventions, creative writings and drawings, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Board.

SECTION 8: Election Campaign Work

1. Election activity refers to campaigns for municipal, provincial and federal office or campaigns on a question on a ballot.
2. All trustees shall adhere to the provisions outlined in the Board policy including, but not limited to the [Partisan Activities and Campaigning](#) policy and [Municipal, Provincial and Federal Elections Guideline](#) and refrain from;
 - using Board facilities, equipment, supplies, services or other resources of the Board for any election campaign or campaign-related activities; and/or
 - using staff resources for election-related purposes during hours in which those persons receive any compensation from the Board.
3. No Trustee shall undertake campaign-related activities on Board property during regular working hours unless permitted by Board policy.

SECTION 9: Improper Use of Influence

1. No trustee shall use the influence of their office for any purpose other than for the exercise of their official duties. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a trustee to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.
2. Also prohibited is the holding out of the prospect or promise of future advantage through a Trustee's supposed influence within the Board in return for present actions or inaction. It includes refraining from using one's status to improperly influence the decision of another person to improperly prejudice another person(s).

3. For the purposes of this section, “private advantage” and “improperly prejudice” does not include a matter:
 - a) that is of general application;
 - b) that affects a trustee, their parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
 - c) a committee or Board matter that concerns the remuneration or benefits of a Trustee.

SECTION 10: Conduct Regarding Current and Prospective Employment

1. No trustee shall allow the prospect of their future employment by a person or entity to improperly or for personal gain affect the performance of their duties to the Board.

SECTION 11: Conduct at Board, Advisory and Committee Meetings

1. Trustees act in the service of the community. They have the opportunity to set an example for future leaders who may look to them for guidance and leadership. They are expected to respect the procedural rulings of the Chair or Presiding Officer and refrain from verbally attacking or belittling those who complain or do not agree with them.
2. It is vital that trustees conduct themselves with decorum at Board, advisory and committee meetings and in accordance with the provisions of the Operational By-Law concerning meeting procedures.
3. When expressing individual views, trustees shall respect differing points of view from other trustees, staff, students and the public.

SECTION 12: Conduct Respecting Staff Members

1. No Trustee shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Staff Members of the Board, and all Trustees shall show respect for the professional capacities of staff members.
2. No Trustee shall compel staff members to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
3. Trustees shall be respectful of the role of Staff Members to provide advice based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board of Trustees. No trustee shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff Member with the intent of interfering with that person’s duties, including the duty to disclose improper activity.
4. Individual Trustees shall not provide direction to Staff Members. Trustees work with the Chair of the Board and the Director of Education. The Director of Education is responsible for communicating directions and associated expectations to staff on behalf of the Board of Trustees.

SECTION 13: Discreditable Conduct

1. All Trustees have a duty to treat members of the public, one another, and staff members respectfully and without abuse, bullying or intimidation.
2. The Ontario Human Rights Code, Occupational Health and Safety Act and all associated Board policies and procedures apply.
3. This section applies to all forms of written and oral communication.

SECTION 14: Failure to Adhere to the Board Policies, Procedures and Supporting Documents

1. Trustees are required to adhere to all YRDSB Operational By-Laws, policies, procedures and supporting documents.

SECTION 15: Reprisals and Obstruction

1. Trustees should respect the integrity of the Code and are obliged to cooperate with inquiries conducted in accordance with the Complaint Protocol.
2. It is a violation of the Code to obstruct the Integrity Commissioner in the carrying out of their responsibilities, for example, by destroying documents or erasing electronic communications.
3. Any reprisal or threat of reprisal against a complainant or person providing information to the Integrity Commissioner is prohibited.

SECTION 16: Chair of the Board/Presiding Officer

1. The presiding officer shall exercise their powers and duties in a fair and impartial manner having due regard for every Trustee's opinion or views.
2. The Presiding Officer shall adhere to parliamentary procedures as outlined in the Board's Operational By-Law.
3. The Presiding Officer is authorized under Section 207(3), *Exclusion of persons, of the Education Act* to expel or exclude from any meeting, any person who has been guilty of improper conduct at the meeting. This may be done at the sole discretion of the Presiding Officer without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached the Code.
4. Trustees shall respect the role of the Chair of the Board in accordance with Board policy, Operational By-Law and the provisions outlined in Section 218.4, Additional duties of chair, of the Education Act.

SECTION 17: Upholding Decisions

1. Trustees shall accept that decision-making authority rests with the Board of Trustees and no trustee or group of trustees have power to make decisions unless otherwise delegated by the Board or the Education Act.
2. Trustees shall uphold the implementation of any board resolution after it is passed by the Board. Reconsideration of a Board decision may only be permitted in accordance with the Board's Operational By-Law.
3. A Trustee should be able to explain the rationale for a decision of the Board and respectfully state their position provided it does not undermine the Board's decision.
4. The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other trustee shall speak on behalf of the Board unless expressly authorized by the Chair or the Board to do so. When individual trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

SECTION 18: Integrity Commissioner

1. If there is uncertainty about whether an action or activity refers to conduct prohibited by the Code, a trustee may directly seek the advice of the Integrity Commissioner. This shall not constitute an inquiry or investigation by the Integrity Commissioner pursuant to the Complaint Protocol. Where a Trustee has received written advice on a particular matter, the advice is binding on the Board in any subsequent consideration of the conduct of the Trustee in the same matter as long as the Trustee disclosed all relevant facts to the Integrity Commissioner at the time the advice was provided.
2. The Integrity Commissioner may work with the Chair and/or Corporate Secretariat and Trustee Services when providing advice to trustees about the Code.

SECTION 19: Sanctions

1. The Education Act authorizes the Board of Trustees to impose one or more of three sanctions following an inquiry into whether the trustee has breached this Code of Conduct.
 - a. Censuring the trustee.
 - b. Barring the trustee from attending all or part of a meeting of the Board of Trustees or a meeting of the committee of the Board of Trustees.
 - c. Barring the trustee from sitting on one or more committees of the Board of Trustees, for the period of time specified by the Board of Trustees.
2. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or requirement to complete specified professional development at the expense of the Board.
3. The Board has no power to declare the seat vacant or suspend a trustees' honorarium.

History

Approved: July 10, 2017

Revised: May 7, 2019



YORK REGION DISTRICT SCHOOL BOARD

TRUSTEE CODE OF CONDUCT

ACKNOWLEDGEMENT AND UNDERTAKING

I confirm that I have read, understand and agree to abide by the York Region District School Board Trustee Code of Conduct and the enforcement processes outlined in the Complaint Protocol for the Trustee Code of Conduct.

DATE: _____

Trustee (Please Print): _____

SIGNATURE OF TRUSTEE: _____

Witness (Please Print): _____

SIGNATURE OF WITNESS: _____

**ADDENDUM TO THE
YORK REGION DISTRICT SCHOOL BOARD
OPERATIONAL BY-LAW**

COMPLAINT PROTOCOL FOR THE TRUSTEE CODE OF CONDUCT

SECTION 1: Objective	1
SECTION 2: Definitions.....	1
SECTION 3: Application.....	2
SECTION 4: Limitations	2
<i>Timelines</i>	2
<i>Municipal Election Period</i>	2
<i>Anonymity</i>	3
<i>Statutory Powers Procedure Act</i>	3
<i>Removal from Office or Suspension of Honorarium</i>	3
SECTION 5: Enforcement of the Code.....	3
SECTION 6: Informal Resolution Process	4
SECTION 7: Initiating a Formal Complaint.....	4
<i>Initial Assessment of Complaint by Integrity Commissioner</i>	5
SECTION 8: Formal Inquiry	6
<i>Suspension of Formal Inquiry</i>	8
SECTION 9: Confidentiality.....	8
SECTION 10: Board Decision	8
SECTION 11: Sanctions.....	10
SECTION 12: Reconsideration of the Board's Decision.....	10
SECTION 13: Payment of Costs	11
SECTION 14: Related Documents.....	12
History	12

COMPLAINT PROTOCOL FOR THE TRUSTEE CODE OF CONDUCT

SECTION 1: Objective

The Board has established a Trustee Code of Conduct (**Code**) to govern the conduct of Trustees and to provide transparency, accountability, and public confidence in its governance of the York Region District School Board.

This Complaint Protocol for the Trustee Code of Conduct (**Protocol**) describes how complaints concerning alleged breaches of the YRDSB Trustee Code of Conduct are reported, investigated and resolved.

SECTION 2: Definitions

Board

The Board of Trustees of the York Region District School Board (YRDSB).

Complaint Form

A formal document that must be completed in order to initiate a Formal Inquiry by the Integrity Commissioner under the Trustee Code of Conduct. The form shall include any documentation necessary to support the complaint.

Informal Resolution Process

A collaborative process whereby a Trustee or Community Member informally brings a concern or allegation of a breach of the Trustee Code of Conduct ("the Code") to the attention of a Trustee who is alleged to have breached the Code with the purpose of repairing and restoring relationships and discussing possible remedial measures to correct the offending behavior.

Formal Inquiry

Includes an investigation.

Integrity Commissioner

Individual who is appointed by the Board of Trustees in accordance with Part 5, Accountability Framework of the York Region District School Board Operational By-Law.

Community Member

Any member of the York Region District School Board community including, but not limited to parents/guardians, students, staff, advisory committee members, community partners and members of the public.

Trustee (Board member)

An individual who is elected, acclaimed or appointed to the office of trustee or member of the Board pursuant to the provisions of the Municipal Elections Act and the Education Act.

SECTION 3: Application

The Protocol outlines a number of ways by which concerns related to the conduct of Trustees are addressed. The formal complaint process is aligned with the Section 218.3(2), *Enforcement of Code of Conduct*, of the [Education Act](#).

As permitted by Ontario Regulation 43/10, Provincial Interest in Education dated January 26, 2017, [Minister's Direction #8](#) to the York Region District School Board dated April 11, 2017 required the Board to establish an Office of the Integrity Commissioner. The Integrity Commissioner supports the Board of Trustees in addressing complaints against a trustee.

The Code and Protocol apply to Trustees who have made the Declaration and filed it as outlined in Sections 209(1)(2)(4) of the *Education Act* and only while they hold their seat. The Code and Protocol apply to student trustees once they are elected or appointed to the Board of Trustees and only while they hold their seat.

Conduct by a Trustee outside of the above timeframe will not be the subject of a complaint under the Code and will not be investigated pursuant to the Protocol.

SECTION 4: Limitations

Timelines

1. Any allegation of a breach of the Code must be brought forward no later than six (6) weeks after the breach comes to the knowledge of the Trustee or Community Member who is identifying an alleged breach. Notwithstanding the foregoing, in no circumstances shall a complaint be made after the expiration of six (6) months from the time the contravention is alleged to have occurred.

Municipal Election Period

2. In a municipal election year, formal complaints about the conduct of a sitting Trustee who is seeking re-election to any office shall not be brought during the period commencing after the Civic Holiday Monday in August and ending when a new Board is deemed organized under Section 6 of the *Municipal Elections Act*. The limitation period for bringing a complaint shall be extended as necessary. If the Trustee accused of a breach of the Code is not re-elected, no Inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The Informal Resolution Process may be enacted during this period, without the participation of the Integrity Commissioner.

During this period, any open formal complaint investigation(s) shall be suspended and only continued if the Trustee accused of a breach of the Code is re-elected or acclaimed.

Anonymity

3. Anonymous complaints will not be accepted or investigated.

Statutory Powers Procedure Act

4. The [Statutory Powers Procedure Act](#) does not apply to anything done regarding the enforcement of the Code. No formal trial-type hearing will be conducted.

Removal from Office or Suspension of Honorarium

5. Notwithstanding any changes to the Education Act, the Board has no power to remove a trustee from their elected seat or suspend their honorarium for a breach of the Code.

SECTION 5: Enforcement of the Code

1. A Trustee or Community Member who has reasonable grounds to believe that a Trustee of the Board has breached the Code may bring the alleged breach to the attention of the Board.
2. Any allegation of a breach of the Code shall be investigated as outlined in the Informal Resolution Process or Formal Inquiry Process.
3. Only serious and/or reoccurring breaches of the Code should be investigated as outlined in the Formal Inquiry Process. It is expected that whenever possible, allegations of a breach of the Code shall be investigated following the Informal Resolution Process. It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the York Region District School Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding their obligations under the Code.

SECTION 6: Informal Resolution Process

Trustees and Community Members are encouraged to use informal means to address alleged breaches of the Code. The purpose of the informal resolution process is to repair relationships and bring the allegation of the breach directly to the attention of the Trustee who is alleged to have breached the Code and to discuss possible remedial measures to correct the offending behavior. The Informal Resolution Process is conducted in private and to remain confidential.

The following steps should be undertaken to facilitate a conversation between parties in order to come to an informal resolution.

1. Trustees and Community Members who have reasonable grounds to believe that a Trustee has contravened the Code are encouraged to personally outreach to the Trustee to advise them of the section(s) of the Code they believe the has been contravened with an explanation as to why. It is best practice to keep a written record of the incident(s) including date(s), time(s), location(s), the name(s) of witnesses and any other relevant information related to the matter for future reference.
2. With agreement of all parties, the Chair of the Board or the Integrity Commissioner may be contacted to support the process or facilitate mediation.
3. As part of the Informal Resolution Process, the Trustee and complainant may discuss remedial measures including, but not limited to an apology and/or a commitment to attend professional development or training. Agreed upon remedial measures shall remain confidential between the parties.
4. If the complainant is not satisfied with the outcome of the Informal Resolution Process, they may initiate a formal Inquiry as outlined below.

SECTION 7: Initiating a Formal Inquiry

1. A Trustee who has reasonable grounds to believe that a Trustee has breached the Code may bring the breach to the attention of the Board by filing a written complaint with the Integrity Commissioner. Trustees are also required to complete the Trustee Code of Conduct Complaint Form. All submissions must be signed by the complainant and set out the following information:
 - a) the name of the Trustee who is alleged to have breached the Code;
 - b) the alleged breach or breaches of the Code;
 - c) information as to when the breach came to the complainant's attention;

- d) the grounds for the belief by the complainant that a breach of the Code has occurred; and
 - e) the names and contact information of the complainant and any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
2. A Community Member who has reasonable grounds to believe that a Trustee has breached the Code may bring the breach to the attention of the Board by making an oral or written complaint to the Integrity Commissioner. The Trustee Code of Conduct Complaint Form is not required to be completed by a Community Member. The Integrity Commissioner shall confirm the complainant is a Community Member of the York Region District School Board.

Initial Assessment of Complaint by Integrity Commissioner

3. The Integrity Commissioner shall perform an initial assessment to determine if the matter is:
- a) related to non-compliance of the Code;
 - b) more appropriately dealt with by other legislation; and
 - c) more in the nature of positions or views of a Trustee on matters to be determined by the Board, including votes cast as opposed to behaviour outlined under the Trustee Code of Conduct.
4. The Integrity Commissioner shall notify a complainant, in writing and with rationale, if the complaint does not relate to non-compliance of the Code and indicate that the matter will not be investigated by the Integrity Commissioner within 15 business days.
5. For matters covered by other legislation, the Integrity Commissioner may advise the complainant as follows:
- a) if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - b) if the complaint is with respect to non-compliance with the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with the complainant's own legal counsel;
 - c) if the complaint is with respect to non-compliance with the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter will first be referred for review to the Information Access and Privacy Office of the York Region District School Board; or
 - d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to consider, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

6. If the Integrity Commissioner is of the opinion that the individual making the complaint is not acting in the public interest, the Integrity Commissioner shall not conduct an investigation, or, if during an Inquiry it becomes apparent the complainant is not acting in the public interest, the Integrity Commissioner shall terminate the Inquiry. The complainant and trustee alleged to have breached the Code will be advised in writing of this decision with reasons.
7. In assessing whether a complainant is acting in the public interest, the Integrity Commissioner shall consider:
 - a) whether the complainant is advancing a concern, issue or complaint that is consistent with the purpose of the Code, and in the circumstance of a complaint commenced by a Community Member, more in the nature of a private interest; and
 - b) whether the complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a Formal Inquiry.

SECTION 8: Formal Inquiry Process

If a Formal Inquiry of an allegation of a breach of the Code is undertaken, it shall be done by the Integrity Commissioner. Where appropriate, the Board will be advised that a Formal Inquiry of a complaint is being undertaken.

If the Integrity Commissioner determines that they would be biased or have a conflict of interest regarding the subject matter of the complaint to be investigated, Corporate Secretariat and Trustee Services will work with the Board to select an independent outside investigator to conduct the Inquiry.

Regardless of who undertakes the Formal Inquiry, the following steps shall be followed.

1. Once the initial assessment of the complaint has been completed, and it has been determined that the complaint relates to a non-compliance of the Code and the complainant is acting in the public interest, the Complaint Form and any reformulation will be provided to the Trustee alleged to have breached the Code within 15 business days of receipt by the Integrity Commissioner.

The Integrity Commissioner may reformulate the complaint to ensure that it accurately identifies and formulates an alleged breach or breaches of the Code.

2. The Trustee alleged to have breached the Code shall provide the Integrity Commissioner with a written response to the allegations within 10 business days of receiving the Complaint Form or such period of time as the Integrity Commissioner deems appropriate in exceptional circumstances.

3. At any time following receipt and review of the Complaint Form, or at any time during the Formal Inquiry, where the Integrity Commissioner believes there is an opportunity to successfully resolve the matter without a formal investigation, and both the complainant and the Trustee alleged to have breached the Code agree, an informal resolution may be pursued.
4. Procedural fairness shall govern the Formal Inquiry. The Formal Inquiry will be conducted in private.
5. If necessary, after reviewing the Complaint Form, for the purposes of investigation or resolution of the matter, the Integrity Commissioner may;
 - speak with anyone relevant to the complaint, and/or
 - be permitted access to Board documents or electronic materials and/or York Region District School Board property.
6. The Formal inquiry may involve both written and/or oral statements by any witnesses, persons with relevant information to the complaint, the complainant or the Trustee alleged to have breached the Code.
7. The Trustee who is alleged to have breached the Code shall have an opportunity to respond to the allegations both in a private meeting with the Integrity Commissioner and in writing.
8. If the Trustee who is alleged to have breached the Code refuses to participate in the Formal Inquiry, the Formal Inquiry will proceed in their absence.
9. The Integrity Commissioner may make interim reports to the Board, where necessary, and as required to address any instances of interference, obstruction, delay or retaliation against persons providing information to the Integrity Commissioner encountered during the Inquiry. Any such instances by a Trustee shall be a breach of the Code.
10. The final written report of the Integrity Commissioner shall outline the finding of facts and a recommendation and/or opinion as to whether or not the Code was breached with rationale. This shall be completed within 90 calendar days after the complaint was filed unless the Integrity Commissioner determines that a longer period of time is required to complete the final report and the reason is explained in the final report. The Board and the complainant shall be advised of the need for the extension of time with an expected date of delivery of the report.
11. The name(s) of the complainant and the Trustee alleged to have breached the Code will be in the final report. The names of witnesses or other persons associated with the investigation may not be disclosed to the Trustee alleged to have breached the Code or in the final report.

12. If the alleged breach of the Code involves any matters or information for which a meeting may be closed pursuant to Subsection 207 (2), *Closing of certain committee meetings*, of the *Education Act* or the information may be exempt from disclosure pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, any final public version of the report may redact or anonymize that information from the final report. The redaction may also apply to the version of the report provided to a Community Member complainant.

Suspension of Formal Inquiry

13. If, during the course of the formal investigation, the Integrity Commissioner discovers that the subject-matter is being investigated by police, that a charge has been laid, or the subject matter is being dealt with in accordance with a procedure established under another *Act*, the Formal Inquiry shall be suspended until the police investigation, charge or matter under another *Act* has been finally disposed of. This shall be reported in confidence to the Board.

SECTION 9: Confidentiality

1. Unless otherwise required by law, York Region District School Board By-Law, policy or procedure, or as disclosed in a public report by the Integrity Commissioner to the Board; the complaint, response to the complaint, Inquiry into a complaint (whether informally or formally) and the terms of any settlement of a complaint, shall be kept confidential by all persons involved in the matter, including but not limited to;
 - the complainant,
 - Trustees,
 - witnesses,
 - the Integrity Commissioner, and
 - staff.
2. During the course of an Inquiry, any breach of confidentiality and/or actions that undermine the integrity of process including, but not limited to, publicly discussing details of any Inquiry, including on social media, may result in termination of an Inquiry and/or the Board may decide to summarily dismiss a complaint.

SECTION 10: Board Decision

1. The final report of the Integrity Commissioner shall be delivered to the Board through Corporate Secretariat and Trustee Services.
2. A decision by the Board as to whether or not the Code has been breached and the sanction, if any, shall be made as soon as practical after receipt of the final report by the Board.

3. The final report or the redacted version of the report, if appropriate, will be delivered to a Community Member complainant at the same time as it is made public.
4. The Integrity Commissioner may participate in the meeting at which the Board will be considering the final report to answer questions.
5. Trustees shall consider only the findings in the final report and as supplemented by the Integrity Commissioner at a meeting of Trustees when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter, including questioning the complainant, the Trustee who is alleged to have breached the Code or any witnesses or persons participating in the Inquiry.
6. If the Board determines that there has been no breach of the Code or that a contravention occurred, although the Trustee alleged to have breached the Code took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed. The Integrity Commissioner may provide an opinion in the final report on these matters.
7. The determination of a breach of the Code and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Inquiry Process must be done by resolution of the Board at a public meeting.

A recorded vote is required on any motion(s). Any resolution(s) shall be decided by a vote of at least 2/3 of Trustees who are present and voting.

The results of the vote and reason(s) for the Board's decision will be recorded in the minutes.

8. Despite Section 207 (1) of the Education Act, the part of the meeting of the Board during which a breach or alleged breach of the Code 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) being:
 - the security of the property of the board;
 - 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;
 - the acquisition or disposal of a school site;
 - decisions in respect of negotiations with employees of the board; or
 - litigation affecting the board.
9. The Trustee who is alleged to have breached the Code shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board may vote on the resolutions.

10. The Trustee who is alleged to have breached the Code may be present during the deliberations regarding the above, but shall not participate in the deliberations or be required to answer any questions.
11. The Trustee who is alleged to have breached the Code shall not in any way, after the final report is completed, influence the vote on the decision of breach or sanction, except as permitted during the reconsideration set out below after the Board has made their decision(s).

SECTION 11: Sanctions

1. If the Board determines that the Trustee has breached the Code, the Board may impose one or more of the following sanctions:
 - a) Censuring 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 Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board.
2. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or requirement to complete specified professional development at the expense of the York Region District School Board.
3. A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.
4. The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the Education Act regarding absences from meetings.

SECTION 12: Reconsideration of the Board's Decision

1. If the Board determines that a Trustee has breached the Code, the Board shall:
 - a) give the Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;
 - b) ensure the notice informs the Trustee that they may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least fourteen (14) days after the notice is received by the Trustee; and

- c) consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.
2. If the Board revokes a determination, any sanction imposed by the Board is revoked.
3. If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary or revoke the sanction.
4. If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.
5. The Board's decision(s) to confirm or revoke a determination or confirm, vary or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination.
6. The Board shall provide to the Trustee alleged to have breached the Code written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to confirm, vary or revoke a sanction.
7. The Trustee alleged to have breached the Code may be present during the deliberations regarding the above, but shall not participate in the deliberations or be required to answer any questions and shall not vote on the resolutions. The Trustee who brought the initial complaint may vote.
8. If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.

SECTION 13: Payment of Costs

1. Subject to Sections 13(5) and (6) hereof, a Trustee who is the subject of a formal complaint under this Protocol shall be reimbursed for actual and reasonable legal fees and related expenses incurred or owing ("Costs") up to a maximum of \$5,000.
2. In the case of an application under the Judicial Review Procedure Act for judicial review of actions or decisions by the Board, Trustees or Integrity Commissioner regarding a formal complaint made pursuant to this Protocol as against a Trustee:
 - a) where a Trustee made the judicial review application and the application was successful, the Trustee is eligible for reimbursement by the York Region District School Board of their Costs in connection with a judicial review application, less any Costs awarded by the court, up to a maximum of \$20,000; and/or

- b) a Trustee may apply for reimbursement of the Costs of intervention in a judicial review application where the Trustee's interests are at stake, up to a maximum of \$20,000.
- 3. The Board may consider the reimbursement of Costs above the limit in Sections 13(1) and 13(2) on a case-by-case basis.
- 4. Costs may be provided to a Trustee who is the subject of a formal complaint under this Protocol in advance of an investigation of the formal complaint, if the Integrity Commissioner is of the opinion that the use of a lawyer or paralegal by the Trustee would facilitate the carrying out of the investigation. Section 13(6) does not apply to the advance Costs paid under this subsection.
- 5. Costs shall only be reimbursed in paragraphs 1 above to the Trustee:
 - a) if the Integrity Commissioner settles the matter without a decision of the Board and concludes the complainant was not acting in the public interest within the meaning of this Protocol, or that there has been no contravention of the Code by the Trustee, or that if there was a contravention it was trivial, or committed through inadvertence, or an error of judgment made in good faith or the Trustee took all reasonable measures to prevent it; and the Integrity Commissioner's conclusion is not overturned on judicial review; or
 - b) where the Board receives the Integrity Commissioner's report on a breach of the Code and determines there was no breach or that there was a breach, but the Trustee took all reasonable measures to prevent it, or that contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith and the Board's decision is not overturned on judicial review.
- 6. Any award of Costs shall be contingent on a report to the Board with input from the Integrity Commissioner and Corporate Counsel, as required.

SECTION 14: Related Documents

York Region District School Board Operational By-Law

Appendix F: York Region District School Board Trustee Code of Conduct

York Region District School Board Code of Conduct Formal Complaint Form

History

Approved: November 28, 2017

Revised: July 9, 2019

YORK REGION DISTRICT SCHOOL BOARD PARLIAMENTARY PROCEDURE AT MEETINGS – BASED ON BOARD BY-LAWS AND ROBERT’S RULES OF ORDER, NEWLY REVISED, 10TH EDITION

BY-LAW REFERENCE	PURPOSE	LANGUAGE	SECONDER	DEBATE	AMEND	VOTE
2:05:11	ADJOURN (conclude meeting)	I move that the meeting be adjourned	Yes	No	No	Majority
2:05:14	AMEND (modify wording of motion)	I move that the motion be amended by	Yes	Yes (only if the motion to be amended is debatable)	Yes (only one amendment to an amendment is permitted)	Majority (addressed in reverse order)
2:05:10	CALL THE QUESTION (immediately ends debate for a vote)	I would like to call the question	Yes	No	No	2/3 Vote (may only be introduced after the Chair has confirmed that all trustees wishing to speak on a matter have had an opportunity to do so)

YORK REGION DISTRICT SCHOOL BOARD PARLIAMENTARY PROCEDURE AT MEETINGS – BASED ON BOARD BY-LAWS AND ROBERT’S RULES OF ORDER, NEWLY REVISED, 10TH EDITION

BY-LAW REFERENCE	PURPOSE	LANGUAGE	SECONDER	DEBATE	AMEND	VOTE
2:05:10	DIVIDE MOTION FOR SEPARATE VOTES	I move that the question be divided for voting purposes, as follows ...	Yes	No	Yes	Majority
2:05:14	FRIENDLY AMENDMENT (improves the effect of the main motion and increase its chances of adoption)	I would like to make a friendly amendment on	No	Yes	Yes (only one amendment to a friendly amendment is permitted)	Unanimous Consent
2:05:10	PARLIAMEN- TARY INQUIRY (clarify meeting procedure)	I would like to make a parliament- ary inquiry	No	No	No	None (response provided by the Chair)
2:05:10	POINT OF ORDER (enforces meeting procedure)	I would like to call a point of order	No	No	No	None (ruled on by the Chair)

YORK REGION DISTRICT SCHOOL BOARD PARLIAMENTARY PROCEDURE AT MEETINGS – BASED ON BOARD BY-LAWS AND ROBERT’S RULES OF ORDER, NEWLY REVISED, 10TH EDITION

BY-LAW REFERENCE	PURPOSE	LANGUAGE	SECONDER	DEBATE	AMEND	VOTE
2:05:12	POSTPONE TO AN INDEFINITE TIME (usually used to end debate without a vote)	I move that the motion be postponed	Yes	Yes (only on the merits of postponing)	No	Majority
2:05:12	POSTPONE TO A SPECIFIC TIME	I move that the motion be postponed to ...	Yes	Yes (only as to merits of postponing)	Yes (only about the specific time)	Majority
2:05:10	QUESTION OF PRIVILEGE (relates to the rights and privileges of the members and may be used to address an impediment to the meeting such as noise disorder)	I would like to raise a question of privilege	No (unless it is raised in the form of a motion)	No	No	None (ruled on by the Chair)

YORK REGION DISTRICT SCHOOL BOARD PARLIAMENTARY PROCEDURE AT MEETINGS – BASED ON BOARD BY-LAWS AND ROBERT’S RULES OF ORDER, NEWLY REVISED, 10TH EDITION

BY-LAW REFERENCE	PURPOSE	LANGUAGE	SECONDER	DEBATE	AMEND	VOTE
2:05:10	RECESS	I move that a recess be called for ...	Yes	No (if no business is pending it is debatable)	Yes (only regarding length of time)	Majority
2:06:00	RECONSIDER (can only be moved by a member who voted in favour of the prevailing side)	I move that motion # ... of ... be reconsidered	Yes	Yes	No	2/3 Vote (within a twelve month period of time)
2:05:10, 2:05:13	REFER (precludes all amendments to the main question)	I move that the motion be referred to staff for study or to a specific committee	Yes	Yes (limited to the merits of the referral)	Yes	Majority

YORK REGION DISTRICT SCHOOL BOARD PARLIAMENTARY PROCEDURE AT MEETINGS – BASED ON BOARD BY-LAWS AND ROBERT’S RULES OF ORDER, NEWLY REVISED, 10TH EDITION

BY-LAW REFERENCE	PURPOSE	LANGUAGE	SECONDER	DEBATE	AMEND	VOTE
4:06:02	SUSPEND MEETING RULES (except for section 2:02:01 regarding special meetings)	I move that section ... of the Board By- Laws be suspended	Yes	No	No	2/3 Vote
2:05:12	TABLE (lay aside temporarily to consider other business)	I move that the motion under discussion be tabled	Yes	No	No	Majority
2:05:12	TAKE MATTER FROM THE TABLE (used to bring forward a matter temporarily put aside for additional discussion)	That motion # ... of ... be taken from the table	Yes	No	No	Majority