

MONDAY, MAY 16, 2022

Open Session: 5:00 – 6:00 (Virtual Meeting via MS Teams)

AD HOC GOVERNANCE AGENDA

ATTENDANCE

Trustee Committee Members

Trustee Doug Newton (Chair)

Trustee Nancy Beamer

Trustee Alex Bradnam

Trustee Lora Campbell

Trustee Elizabeth Klassen

Administration/Resource

Warren Hoshizaki – Director of Education

Karen Bellamy – Executive Assistant to Director of Education

Jennifer Feren – Board Lawyer

Recording Secretary

Kerry Baker – Legal Assistant to the Board Lawyer

1. CALL TO ORDER / WELCOME

2. APPROVAL OF AGENDA

3. BUSINESS ARISING FROM THE MINUTES

NONE

4. NEW BUSINESS

A. DSBN By-Laws and Rules of Order Amendments:

(c) **Electronic Attendance** (report attached)

(g) **Updating Terminology** (report attached)

AD HOC GOVERNANCE COMMITTEE

MONDAY, MAY 16, 2022



(h) Legislative Change to Organization Meeting Date (report attached)

B. Policy A-02: Attendance at Board and Committee Meetings (report attached)

RECOMMENDED CONSOLIDATED MOTION:

“That Policy A-02 be approved as amended and adopted.”

“That the recommended amendments to the Board By-Laws and Rules of Order that follow in the table below be approved.”

“That the Board Lawyer be directed, in accordance with the Board By-Law and Rules of Order, section Q-2, to deliver Notice of Recommended Motion at the Board Meeting to be held on May 24, 2022 for consideration of this Committee’s recommended amendments to the Board’s By-Laws and Rules of Order that follow in the table below, such that:

- (i) the recommendations from the Ad Hoc Governance Committee that follow in the table below shall come forward for consideration at the Board meeting scheduled for June 27, 2022; and**
- (ii) such amendments to take effect at the commencement on November 1, 2022 in time for the new term for Board Trustees.”**

		Ad Hoc Governance Committee Mandate Topic Reference
	That all references within the Board’s By-Laws and Rules of Order to the “Chairperson” or Vice-Chairperson” be amended to “Chair” and Vice-Chair”	(g) Updating Terminology
H-1	The attendance and absence of Board members at Board meetings shall be noted and recorded. In all cases, members attending by electronic means where permitted under the <i>Education Act</i> and its Regulations and the Board By-Laws, Policies and Administrative Procedures shall be deemed to be present and will be included for the purpose of calculating quorum.	(c) Electronic Attendance
M-6	Where a Board member attends a private (closed) session of a Board or Committee meeting (including Committee of the Whole Board) electronically, the Board member shall affirm the following: a) They are participating in the Closed Session in a private room without anyone else present and where no one else can hear the discussion and deliberation of the Board; and b) They are not recording or capturing the Closed Session.	(c) Electronic Attendance

AD HOC GOVERNANCE COMMITTEE

MONDAY, MAY 16, 2022



R-2	At all meetings of the Board, regular and special, the presence of a majority of all the members constituting the Board shall be necessary to form a quorum. In all cases, members attending by electronic means where permitted under the <i>Education Act</i> and its Regulations and the Board By-Laws, Policies and Administrative Procedures shall be deemed to be present and will be included for the purpose of calculating quorum.	(c) Electronic Attendance
R-29	No motion or amendment shall be debated to put to a vote unless the same in in writing and seconded, except that, formal motions to adopt reports, to refer, to postpone, to lay on the table , to put call the previous question, to file, to go into Committee of the Whole, to rise and report, adjourn, or such as the Chairperson shall not so require, may be made verbally.	(g) Updating Terminology
R-33	When a motion is under debate, the only motion in order shall be: (a) to adjourn, (b) to lay on the table , (c) to put call the previous question, (d) to postpone, (e) to refer, (f) to amend, which shall have precedence in the order above named, and the first, second and third shall be decided without debate.	(g) Updating Terminology
R-37	<u>Motion to Lay on the Table</u> A motion to lay on the table only, is not debatable; but a motion to lay on the table with any other condition is subject to debate and amendment.	(g) Updating Terminology
R-38	When a question has been laid on the table , it shall not be taken up again at the same meeting, except by a vote in favour thereof by two-thirds of the members present.	(g) Updating Terminology
R-39	<u>Tie Vote on Motions – Deemed Tabled</u> In all cases where a vote is taken on a motion, and there is with the Chairperson’s vote, a tie, the motion shall be deemed to be tabled for a period of time not to exceed three months. In the event that a motion is deemed to be tabled it may be lifted from the table in any subsequent meeting during the three month period by a simple majority. In the event that a motion is deemed to be tabled and is not lifted from the table in a subsequent meeting during the three month period, then it shall automatically be lifted from the table at the end of the three month period.	(g) Updating Terminology
R-40	<u>Motion to Put Call the Previous Question</u> The motion for the previous to call the question shall preclude all further amendment or debate, and shall be submitted by the Chairperson in this form: “ SHALL THE MAIN QUESTION IN DEBATE BE NOW PUT SHALL I CALL THE QUESTION?” If adopted, the Chairperson shall at once proceed to put call the main question, first putting calling any amendments pending, to the vote of the Board.	(g) Updating Terminology

AD HOC GOVERNANCE COMMITTEE

MONDAY, MAY 16, 2022



R-56	<p>Recorded Vote</p> <p>The year and days Trustees voting “in favour” or “opposed” shall not be recorded upon any question unless requested by at least one member, and such request must be made before the Chairperson calls upon the members to vote upon the same.</p>	(g) Updating Terminology
F-1	<p>The order of business for the Organization Meeting is to elect the Chairperson and Vice-Chairperson of the Board and to pass the Signing Authority resolution and the Borrowing Authority resolution. In an election year, it will also ask for Trustees to make committee selections by Trustees submitting their committee preferences to the Director’s Office as outlined in By-Law L-4, preferably by electronic submission. The Organization Meeting must be held within seven (7) days of the day on which the term of office of the Board commences, being within seven (7) days of November 15th of each year.</p>	(h) Legislative Change to Organization Meeting Date
F-6.1	<p>Nominations</p> <p>i) The Secretary of the Board shall receive written nominations of members of the Board for the position of Chairperson and Vice-Chairperson.</p> <p>ii) Nominations shall be submitted to the Secretary of the Board from December 1st November 15th until 12:00 noon on the day of the Organization Meeting and may be submitted only by members of the Board.</p> <p>iii) The Secretary shall confirm with each nominee, the nominee’s acceptance of the nomination.</p> <p>iv) A Board member may be nominated for both Chairperson and Vice-Chairperson but, if elected as Chairperson, must either decline the position or withdraw from the ballot for Vice-Chairperson.</p> <p>v) A Board member may nominate only one member of the Board for each position. This includes the Board member making the nomination.</p> <p>vi) After nominations are closed, the Secretary will prepare separate ballots containing the names of the candidates for each position.</p>	(h) Legislative Change to Organization Meeting Date
G-1	<p>The regular meetings of the Board shall be held on the fourth Tuesday of each month between September and June, save and except for:</p> <ul style="list-style-type: none"> • the month of November when the regular Board meeting will be held on the third Tuesday of the month; and save and except for • the month of December when the regular Board meeting will be held on the first Tuesday of the month., and save and except for • the month of June when the regular meeting of the Board shall be held on the fourth Monday of the month. 	(h) Legislative Change to Organization Meeting Date

AD HOC GOVERNANCE COMMITTEE

MONDAY, MAY 16, 2022



	<p>Should any Tuesday or Monday fall on a statutory or civic holiday, the Board shall meet on the evening of the following day at the same hour, or as otherwise decided by the Board. Committee of the Whole shall commence at 6:15 p.m. and the regular Board meeting, public session, shall commence at 7:00 p.m.</p>	
J-1	<p>In each municipal election year, at the November Board meeting, the following meetings will be held:</p> <ul style="list-style-type: none">i) Organization Meeting at 6:00 p.m. – for order of business as set out in By-Law F-1 and the Declaration of Officeii) Committee of the Whole Meeting at 6:15 p.m.iii) Inaugural Meeting of the Board at 7:00 p.m. – for the regular Board meeting, public session, unless otherwise determined by Board Motion. <p>the Inaugural Meeting of the Board shall be held on the first Board meeting in December following the Organization Meeting, at the hour of 6:15 p.m. for Committee of the Whole and 7:00 p.m. for the regular Board meeting, public session, unless otherwise determined by Board motion</p>	<p>(h) Legislative Change to Organization Meeting Date</p>

5. ADJOURNMENT

DSBN By-Laws and Rules of Order Amendments

(c) Electronic Attendance

Monday, May 16, 2022

PURPOSE

- The *Education Act* confirms that where a Board member participates in a meeting through electronic means (where permitted under the *Education Act* and its Regulations), the member shall be deemed to be present at the meeting.
- Where a Board member is permitted to attend a private (closed) session of a Board or Committee meeting (including Committee of the Whole) through electronic means (where permitted under the *Education Act* and its Regulations), a Board member has been providing affirmation respecting the confidentiality of the private (closed) session that is recorded in the minutes.
- Updating the By-Laws and Rules of Order to reflect this improves the transparency and codifies the Board's practice.

AMENDMENTS TO CONSIDER

Where the Trustees wish to update the Board's By-Laws and Rules of Order to clarify that permitted electronic attendance is deemed attendance and counts in quorum, the following amendments to the By-Laws and Rules of Order are suggested as follows:

H-1 The attendance and absence of Board members at Board meetings shall be noted and recorded. In all cases, members attending by electronic means where permitted under the *Education Act* and its Regulations and the Board By-Laws, Policies and Administrative Procedures shall be deemed to be present and will be included for the purpose of calculating quorum.

M-6 Where a Board member attends a private (closed) session of a Board or Committee meeting (including Committee of the Whole Board) electronically, the Board member shall affirm the following:

- a) They are participating in the Closed Session in a private room without anyone else present and where no one else can hear the discussion and deliberation of the Board; and**
- b) They are not recording or capturing the Closed Session.**

AD HOC GOVERNANCE COMMITTEE

Monday, May 16, 2022

R-2 At all meetings of the Board, regular and special, the presence of a majority of all the members constituting the Board shall be necessary to form a quorum. In all cases, members attending by electronic means where permitted under the *Education Act* and its Regulations and the Board By-Laws, Policies and Administrative Procedures shall be deemed to be present and will be included for the purpose of calculating quorum.

Respectfully submitted,

Jennifer Feren
School Board Lawyer

Date: May 16, 2022

For further information, please contact Jennifer Feren, School Board Lawyer

DSBN By-Laws and Rules of Order Amendments

(g) Updating Terminology

Monday, May 16, 2022

PURPOSE

- The Board By-Laws and Rules of Order include some terminology that invites updating for consistency and accessibility.
- For example, in some cases the term “Chair” and “Vice-Chair” and in other cases, the term “Chairperson” and “Vice Chairperson” are used. During meetings, the practice is to call the individuals “Chair [last name]” or “Vice-Chair [last name]” so for consistency, it would be appropriate to ensure that all references within the Board By-Laws and Rules of Order reflect this.
- As well, some procedural motions incorporate terminology that, although is correct, may hinder the debate than if more accessible terminology is used. Specifically, consideration of simplifying, “Motion to Lay on the Table” to become “Motion to Table” and “Motion to Put the Previous Question” to become “Motion to Call the Question”.

AMENDMENTS TO CONSIDER

Where the Trustees wish to update the Board’s By-Laws and Rules of Order to update terminology, the following amendments to the By-Laws and Rules of Order are suggested as follows:

That all references within the Board’s By-Laws and Rules of Order to the “Chairperson” or “Vice-Chairperson” be amended to “Chair” and Vice-Chair”

R-29 No motion or amendment shall be debated to put to a vote unless the same in in writing and seconded, except that, formal motions to adopt reports, to refer, to postpone, to ~~lay on the table~~, to ~~put call the previous~~ question, to file, to go into Committee of the Whole, to rise and report, adjourn, or such as the Chairperson shall not so require, may be made verbally.

R-33 When a motion is under debate, the only motion in order shall be: (a) to adjourn, (b) to ~~lay on the table~~, (c) to ~~put call the previous~~ question, (d) to postpone, (e) to refer, (f) to amend, which shall have precedence in the order above named, and the first, second and third shall be decided without debate.

AD HOC GOVERNANCE COMMITTEE

Monday, May 16, 2022

Motion to Lay on the Table

R-37 A motion to ~~lay on the table~~ only, is not debatable; but a motion to ~~lay on the table~~ with any other condition is subject to debate and amendment.

R-38 When a question has been ~~laid on the table~~, it shall not be taken up again at the same meeting, except by a vote in favour thereof by two-thirds of the members present.

Tie Vote on Motions – Deemed Tabled

R-39 In all cases where a vote is taken on a motion, and there is with the Chairperson's vote, a tie, the motion shall be deemed to be tabled for a period of time not to exceed three months. In the event that a motion is deemed to be tabled it may be lifted ~~from the table~~ in any subsequent meeting during the three month period by a simple majority. In the event that a motion is deemed to be tabled and is not lifted ~~from the table~~ in a subsequent meeting during the three month period, then it shall automatically be lifted ~~from the table~~ at the end of the three month period.

Motion to Put Call the Previous Question

R-40 The motion ~~for the previous~~ to call the question shall preclude all further amendment or debate, and shall be submitted by the Chairperson in this form: "~~SHALL THE MAIN QUESTION IN DEBATE BE NOW PUT~~SHALL I CALL THE QUESTION?" If adopted, the Chairperson shall at once proceed to ~~put call~~ the main question, first ~~putting~~ calling any amendments pending, to the vote of the Board.

Recorded Vote

R-56 The ~~yeas and nays~~ Trustees voting "in favour" or "opposed" shall not be recorded upon any question unless requested by at least one member, and such request must be made before the Chairperson calls upon the members to vote upon the same.

Respectfully submitted,

Jennifer Feren
School Board Lawyer

Date: May 16, 2022

For further information, please contact Jennifer Feren, School Board Lawyer

DSBN By-Laws and Rules of Order Amendments

(h) Legislative Change to Organization Meeting Date

Monday, May 16, 2022

PURPOSE

- Legislation was changed such that the term of office for the 2022-2026 commences November 15th of each election year.
- Incorporating a process will improve the transparency of the appointment of any third disinterested scrutineer.

AMENDMENTS TO CONSIDER

Where the Trustees wish to update the Board's By-Laws and Rules of Order to address the legislative change to Organization Meeting Date, the following amendments to the By-Laws are suggested as follows:

F-1 The order of business for the Organization Meeting is to elect the Chairperson and Vice-Chairperson of the Board and to pass the Signing Authority resolution and the Borrowing Authority resolution. In an election year, it will also ask for Trustees to make committee selections by Trustees submitting their committee preferences to the Director's Office as outlined in By-Law L-4, preferably by electronic submission. The Organization Meeting must be held within seven (7) days of the day on which the term of office of the Board commences, being within seven (7) days of November 15th of each year.

F-6.1 Nominations

- i) The Secretary of the Board shall receive written nominations of members of the Board for the position of Chairperson and Vice-Chairperson.**
- ii) Nominations shall be submitted to the Secretary of the Board from ~~December 1st~~ November 15th until 12:00 noon on the day of the Organization Meeting and may be submitted only by members of the Board.**
- iii) The Secretary shall confirm with each nominee, the nominee's acceptance of the nomination.**
- iv) A Board member may be nominated for both Chairperson and Vice-Chairperson but, if elected as Chairperson, must either decline the position or withdraw from the ballot for Vice-Chairperson.**

AD HOC GOVERNANCE COMMITTEE

Monday, May 16, 2022

- v) A Board member may nominate only one member of the Board for each position. This includes the Board member making the nomination.
- vi) After nominations are closed, the Secretary will prepare separate ballots containing the names of the candidates for each position.

G-1 The regular meetings of the Board shall be held on the fourth Tuesday of each month between September and June, save and except for:

- the month of November when the regular Board meeting will be held on the third Tuesday of the month; and ~~save and except for~~
- the month of December when the regular Board meeting will be held on the first Tuesday of the month, ~~and save and except for~~
- ~~the month of June when the regular meeting of the Board shall be held on the fourth Monday of the month.~~

Should any Tuesday ~~or Monday~~ fall on a statutory or civic holiday, the Board shall meet on the evening of the following day at the same hour, or as otherwise decided by the Board. Committee of the Whole shall commence at 6:15 p.m. and the regular Board meeting, public session, shall commence at 7:00 p.m.

J-1 In each municipal election year, at the November Board meeting, the following meetings will be held:

- i) Organization Meeting at 6:00 p.m. – for order of business as set out in By-Law F-1 and the Declaration of Office
 - ii) Committee of the Whole Meeting at 6:15 p.m.
 - iii) Inaugural Meeting of the Board at 7:00 p.m. – for the regular Board meeting, public session, unless otherwise determined by Board Motion.
- ~~the Inaugural Meeting of the Board shall be held on the first Board meeting in December following the Organization Meeting, at the hour of 6:15 p.m. for Committee of the Whole and 7:00 p.m. for the regular Board meeting, public session, unless otherwise determined by Board motion.~~

Respectfully submitted,

Jennifer Feren
School Board Lawyer

Date: May 16, 2022

For further information, please contact Jennifer Feren, School Board Lawyer

Policy A-02 – Attendance at Board and Committee Meetings

Monday, May 16, 2022

BACKGROUND

- Section 208.1 of the *Education Act* confirms that Regulations may be passed to govern electronic meetings.
- Ontario Regulation 463/97 – Electronic Meetings and Meeting Attendance has been amended because of the pandemic and new requirements set.
- Some of the requirements were interim measures directly related to the pandemic. For example, the requirement for Boards to meet in person was waived until the end of term (i.e., November 14, 2022).
- There are other new amendments that are required to be reflected in the Board’s policy on electronic meetings and include, **starting November 15, 2022**, such things as:
 - Confirming that all Trustees must be physically present in the meeting room for at least three (3) regular Board meetings in each 12-month annual term, except if all schools of the DSBN are closed for two or more months under an order of the Minister of Education, Chief Medical Officer of Health (or local medical officer of health) or the Lieutenant Governor in Council).
 - Confirming that the Chair, at least one additional Board member and the Director (or designate) must be physically present for Board Meetings and Committee of the Whole meetings (and similarly the Committee Chair and the Director or designate must be physically present for Committee meetings).
 - Where Trustees or Student Trustees are permitted to attend electronically for remote participation, they will be counted in quorum and the electronic means for remote participation must permit the Trustee or Student Trustee to hear and be heard by all participants.
 - The meeting room for Board Meetings and Committee meetings shall be open to permit physical attendance by members of the public except when school closures are ordered. Further, a means for the public to observe electronically (including being able to hear all participants and to be heard when presenting as delegates) must be available.

RECOMMENDED MOTION

“That Policy A-02 be approved as amended and adopted”

AD HOC GOVERNANCE COMMITTEE

Monday, May 16, 2022

APPENDED DATA

- Policy A-02 – Attendance at Board and Committee Meetings – tracked changes
- Policy A-02 – Attendance at Board and Committee Meetings – clean copy

Respectfully submitted,

Jennifer Feren
School Board Lawyer

Date: May 16, 2022

For further information, please contact Jennifer Feren, School Board Lawyer

District School Board of Niagara

POLICY

SECTION:	BOARD GOVERNANCE AND ADMINISTRATION	POLICY:	A-02
TOPIC:	ATTENDANCE AT BOARD OF TRUSTEE AND COMMITTEE MEETINGS	PAGE:	1 of 2
		DATE:	June 2017
REVIEW DATE:	June 2022	REVISED:	

In accordance with the *Education Act* provisions which allow the Board of Trustees to set the minimum requirements for attendance at meetings, the Board of Trustees of the District School Board of Niagara (DSBN) supports the policy that Board of Trustees Members ("Trustees") and Student Trustee(s) shall be physically present at Regular Board of Trustees Meetings ("Board Meetings") and Committee Meetings each year beginning December 1/November 15 to November 30/14, of the following year (the "Annual Term") for no less than the number of meetings mandated therein ~~unless there are extenuating circumstances.~~

Nothing in this policy shall apply to limit the DSBN's duty to accommodate a Trustee or Student Trustee in accordance with the Ontario Human Rights Code.

REQUIREMENTS OF THE EDUCATION ACT AND REGULATIONS

The *Education Act* ~~also~~ provides that if a ~~member of the Board of Trustees~~ absents ~~himself or herself~~themselves from three (3) consecutive regular ~~Board Mmeetings of the Board of Trustees~~ without being authorized by resolution entered in the Board of Trustees minutes, the ~~member Trustee~~ vacates ~~his/her~~their seat.

BENEFITS OF ATTENDANCE

~~The DSBN supports the concept that the holding of Board of Trustees meetings and Committee Meetings where Board of Trustees Members, staff members and members of the public are physically present in the same room allows for greater ease of personal interaction, enhances meaningful discussion, facilitates the decision-making process, and simplifies the voting procedures and declarations of conflict of interest.~~

Further, Trustees must be physically present in the meeting room of the DSBN for at least three (3) regular Board Meetings in each 12-month Annual Term. The following exceptions apply:

- The period beginning November 6, 2020, and ending November 14, 2022
- During a period whereby all schools of the DSBN are closed for a total of two (2) or more months pursuant to an order made by:
 - The Minister of Education under section 5(1) of the *Education Act*,
 - A medical officer of health or the Chief Medical Officer of Health under the *Health Protection and Promotion Act*, or
 - The Lieutenant Governor in Council under the *Emergency Management and Civil Protection Act*.

When a Trustee is elected or appointed to fill a vacancy, the individual must be physically present in the meeting room for at least one regular Board Meeting for each period of four (4) full calendar months from the period beginning on the day the Trustee is elected to the end of the current year's term, subject to the same exceptions regarding orders for school closures as set out above.

~~SPECIAL CIRCUMSTANCES – ELECTRONIC MEANS FOR REMOTE ATTENDANCE - TRUSTEES~~

~~However, t~~The Board of Trustees recognizes that ~~special~~ circumstances may arise that prevent the attendance of ~~Board of Trustees Members and Student Trustee(s)~~ from being physically present at ~~Board Mmeetings of the Board of Trustees or at committees Committee Meetings of the Board of Trustees.~~

In these ~~limited special~~ circumstances, in the interest of ensuring that a quorum is reached and providing for the maximum opportunity for participation by ~~Board of Trustees Members and Student Trustee(s)~~, the ~~Board of Trustees~~DSBN shall provide the electronic means for remote participation, ~~where practical, at all Board of Trustees and Committee Meetings~~ through the establishment of telephone conference call connections and/or virtual format as used by the DSBN (such as MS Teams) ~~in designated meeting rooms.~~

Permission must be granted in advance by the Chair of the Board of Trustees to join a meeting by electronic means for remote participation. Such requests would normally be made at least twenty-four hours before the scheduled meeting. The

District School Board of Niagara

POLICY

SECTION:	BOARD GOVERNANCE AND ADMINISTRATION	POLICY:	A-02
TOPIC:	ATTENDANCE AT BOARD OF TRUSTEE AND COMMITTEE MEETINGS	PAGE:	2 of 2
		DATE:	June 2017
REVIEW DATE:	June 2022	REVISED:	

Chair may refuse a Trustee's or Student Trustee's request to participate by electronic means for remote participation where it is necessary to comply with the requirements for physical presence as noted above.

Trustees who participate remotely through electronic means shall be deemed to be present at the meeting.

As set out in the Regulations, the electronic means for remote participation shall permit the Trustee or Student Trustee to hear and be heard by all other participants in the meeting and must be provided in a way to be in compliance with the rules governing conflict of interest.

Trustees and Student Trustees who participate remotely in Committee of the Whole (closed session) or Committee Meetings (closed session) must ensure the security and confidentiality of proceedings and shall affirm that:

- They are participating in the Closed Session in a private room without anyone else present and where no one else can hear the discussion and deliberation of the Board; and
- They are not recording or capturing the Closed Session.

Student Trustees who participate remotely through electronic means in the Committee of the Whole or Board Committee Meetings shall not participate in any proceedings that are closed to the public related to personal issues in accordance with the *Education Act*, s. 207(2)(b).

ELECTRONIC PARTICIPATION – MEMBERS OF THE PUBLIC

The meeting room for Board Meetings or Committee Meetings shall be open to permit physical attendance by members of the public, subject to the same exceptions regarding orders for school closures as set out above.

Further, the DSBN will make arrangements to allow the public to observe board meetings through electronic means, which includes permitting members of the public to hear all other participants in the meeting and be heard by all other participants in the meeting, where permitted by the DSBN's By-laws and Rules of Order (e.g., Delegations).

DESIGNATED ALTERNATE

In the event a ~~Board of Trustees Member~~ is unable to attend a Committee Meeting, the ~~Board of Trustees Member~~ or the Committee Chair shall make every effort to find an alternate ~~Board of Trustees Member~~ to attend as their designated replacement and shall notify the Committee Chair of the name of the designated ~~Board of Trustees Member~~. If a designate has not been named, then the Committee Chair will have the right to designate another ~~Board of Trustees Member~~, T and the designated replacement will have all voting privileges.

District School Board of Niagara

POLICY

SECTION:	BOARD GOVERNANCE AND ADMINISTRATION	POLICY:	A-02
TOPIC:	ATTENDANCE AT BOARD OF TRUSTEE AND COMMITTEE MEETINGS	PAGE:	1 of 2
		DATE:	June 2017
REVIEW DATE:	June 2022	REVISED:	

In accordance with the *Education Act* provisions which allow the Board of Trustees to set the minimum requirements for attendance at meetings, the Board of Trustees of the District School Board of Niagara (DSBN) supports the policy that Board of Trustees Members ("Trustees") and Student Trustee(s) shall be physically present at Regular Board of Trustees Meetings ("Board Meetings") and Committee Meetings each year beginning November 15 to November 14 of the following year (the "Annual Term") for no less than the number of meetings mandated therein.

Nothing in this policy shall apply to limit the DSBN's duty to accommodate a Trustee or Student Trustee in accordance with the Ontario *Human Rights Code*.

REQUIREMENTS OF THE EDUCATION ACT AND REGULATIONS

The *Education Act* provides that if a Trustee absents themselves from three (3) consecutive regular Board Meetings without being authorized by resolution entered in the Board of Trustees minutes, the Trustee vacates their seat.

Further, Trustees must be physically present in the meeting room of the DSBN for at least three (3) regular Board Meetings in each 12-month Annual Term. The following exceptions apply:

- The period beginning November 6, 2020, and ending November 14, 2022
- During a period whereby all schools of the DSBN are closed for a total of two (2) or more months pursuant to an order made by:
 - The Minister of Education under section 5(1) of the *Education Act*;
 - A medical officer of health or the Chief Medical Officer of Health under the *Health Protection and Promotion Act*; or
 - The Lieutenant Governor in Council under the *Emergency Management and Civil Protection Act*.

When a Trustee is elected or appointed to fill a vacancy, the individual must be physically present in the meeting room for at least one regular Board Meeting for each period of four (4) full calendar months from the period beginning on the day the Trustee is elected to the end of the current year's term, subject to the same exceptions regarding orders for school closures as set out above.

ELECTRONIC MEANS FOR REMOTE ATTENDANCE - TRUSTEES

The Board of Trustees recognizes that circumstances may arise that prevent the attendance of Trustees and Student Trustees from being physically present at Board Meetings or at Committee Meetings.

In these circumstances, in the interest of ensuring that a quorum is reached and providing for the maximum opportunity for participation by Trustees and Student Trustees, the DSBN shall provide the electronic means for remote participation through the establishment of telephone conference call connections and/or virtual format as used by the DSBN (such as MS Teams).

Permission must be granted in advance by the Chair of the Board of Trustees to join a meeting by electronic means for remote participation. Such requests would normally be made at least twenty-four hours before the scheduled meeting. The Chair may refuse a Trustee's or Student Trustee's request to participate by electronic means for remote participation where it is necessary to comply with the requirements for physical presence as noted above.

Trustees who participate remotely through electronic means shall be deemed to be present at the meeting.

As set out in the Regulations, the electronic means for remote participation shall permit the Trustee or Student Trustee to hear and be heard by all other participants in the meeting and must be provided in a way to be in compliance with the rules governing conflict of interest.

Trustees and Student Trustees who participate remotely in Committee of the Whole (closed session) or Committee Meetings (closed session) must ensure the security and confidentiality of proceedings and shall affirm that:

District School Board of Niagara

POLICY

SECTION:	BOARD GOVERNANCE AND ADMINISTRATION	POLICY:	A-02
TOPIC:	ATTENDANCE AT BOARD OF TRUSTEE AND COMMITTEE MEETINGS	PAGE:	2 of 2
		DATE:	June 2017
REVIEW DATE:	June 2022	REVISED:	

- They are participating in the Closed Session in a private room without anyone else present and where no one else can hear the discussion and deliberation of the Board; and
- They are not recording or capturing the Closed Session.

Student Trustees who participate remotely through electronic means in the Committee of the Whole or Board Committee Meetings shall not participate in any proceedings that are closed to the public related to personal issues in accordance with the *Education Act*, s. 207(2)(b).

ELECTRONIC PARTICIPATION – MEMBERS OF THE PUBLIC

The meeting room for Board Meetings or Committee Meetings shall be open to permit physical attendance by members of the public, subject to the same exceptions regarding orders for school closures as set out above.

Further, the DSBN will make arrangements to allow the public to observe board meetings through electronic means, which includes permitting members of the public to hear all other participants in the meeting and be heard by all other participants in the meeting, where permitted by the DSBN's By-laws and Rules of Order (e.g., Delegations).

DESIGNATED ALTERNATE

In the event a Trustee is unable to attend a Committee Meeting, the Trustee or the Committee Chair shall make every effort to find an alternate Trustee to attend as their designated replacement and shall notify the Committee Chair of the name of the designated Trustee. If a designate has not been named, then the Committee Chair will have the right to designate another Trustee. The designated replacement will have all voting privileges.