

SPECIAL COMMITTEE OF THE WHOLE PUBLIC REPORT

**Monday, June 14, 2021, 8:00 p.m.
Zoom Meeting**

Trustees Present: Justine Bell, Donna Blackburn (Trustee), Christine Boothby, Rob Campbell, Chris Ellis, Lyra Evans, Mark Fisher, Wendy Hough, Jennifer Jennekens, Keith Penny, Sandra Schwartz, Lynn Scott, Charles Chen (Student Trustee), Joy Liu (Student Trustee)

Staff Present: Camille Williams-Taylor (Director of Education), Brett Reynolds (Associate Director), Mike Carson (Chief Financial Officer), Janice McCoy (Superintendent of Human Resources), Michele Giroux (Executive Officer, Corporate Services), Dorothy Baker (Superintendent of Instruction), Shannon Smith (Superintendent of Instruction), Prince Duah (Superintendent of Instruction), Mary Jane Farrish (Superintendent of Instruction), Shawn Lehman (Superintendent of Instruction), Peter Symmonds (Superintendent of Learning Support Services), Nadia Towaij (Superintendent of Programming and Learning K-12), Carolyn Tanner (Human Rights and Equity Advisor), Stacey Kay (Manager of Learning Support Services), Sandra Owens (Manager of Business & Learning Technologies), Diane Pernari-Hergert (Manager of Communications & Information Services), Richard Sinclair (Manager of Legal Services and Labour Relations), Nicole Guthrie (Manager of Board Services), Rebecca Grandis (Senior Board Coordinator), Darren Gatley (Board/Committee Coordinator), Michael Guilbault (AV Technician)

1. Call to Order - Vice-Chair of the Board

Vice-Chair Penny called the meeting to order at 7:51 p.m. He acknowledged that the meeting is taking place on unceded Algonquin Territory and thanked the Algonquin Nations for hosting the meeting on their land.

2. Approval of Agenda

Moved by Trustee Blackburn,

THAT the agenda be approved.

Carried

3. Matters for Action:

3.1 Notice of Motion re School Resource Officer Program, Trustee Lyra Evans

Moved by Trustee Lyra Evans,

- A. THAT the Ottawa-Carleton District School Board immediately and completely end its engagement with the School Resource Officer program;
- B. THAT the Ottawa-Carleton District School Board (OCDSB) provides notice to Ottawa Police Service that as of 1 September 2021, the OCDSB shall only meet its minimum statutory obligations under the relevant provincial protocols and acts until further evaluation is complete;
- C. THAT the Ottawa-Carleton District School Board (OCDSB) issue a formal apology, published on the OCDSB website, social media, and in the local papers, to the communities and students who have been harmed by the School Resource Officer program; and
- D. THAT the Chair of the Board write a public letter to the City of Ottawa containing the following elements:
 - i. A direct ask of the strongest language, not asking the city to consider;
 - ii. Asking the City of Ottawa to reallocate the funds previously assigned to the Ottawa-Carleton District School Board share of the School Resource Officer program into the formation of a mobile crisis team for youth;
 - iii. This team could operate 24/7, but should be available for schools to call upon in need as a non-police alternative to behaviours which may require it;
 - iv. This team should consist of people with a counselling, social work, and/or reconciliation background; and
 - v. This team must not contain any police officers or be funded, administered, or operated through OPS; and
 - vi. While the Ottawa-Carleton District School Board has approximately 65% of the students in the Ottawa area, we recognize that fewer people in the School Resource Officer role might require those remaining to cover larger areas, so we are requesting only 50% of the total previously allocated be diverted to this new team, or 1.6 million dollars.

In her introduction to the motion, Trustee Lyra Evans stated that, as reflected in the Policy and Practice Review of Police Involvement in Schools, trustees have heard the voice of the school community that is signaling an end to the School Resource Officer (SRO) program. In order to disrupt systemic discrimination of marginalized groups, the District need

only to meet its minimum statutory obligations under the relevant provincial protocols and legislation at this time. She expressed the view that a formal apology is owed to the community by the District, noting that under the *Apology Act* an organization can apologize without legal repercussions. Trustee Lyra Evans explained that part of the motion included asking the City of Ottawa to reallocate the funds previously assigned to the District's share of the SRO program into the formation of a mobile crisis team for youth. Professionals with a background in social work or youth counselling are better equipped to respond to an incident which requires behaviour de-escalation. The City of Ottawa has an opportunity to show leadership on the establishment of programs that genuinely support healthy communities. She expressed concern about the possibility that the funds which were allocated to the SRO program will simply be reassigned to increased policing within communities.

An amendment moved by Trustee Bell,

THAT a new Part E, F and G be added:

E. THAT the Board adopt a do not harm approach as a guiding principle. That this approach is undertaken by staff when an incident or a series of incidents arise that involve harm, especially related to anti-racism, human rights, equity, and inclusion. This approach would require proactive efforts to stop the harm be initiated immediately, in consultation with the student who has been harmed and their family or guardian. Additional reviews, studies, or data on the systemic nature of such harm may be warranted, but should not precede or override the immediate end to such harm and attention to the needs of the student who has been harmed.

F. THAT the Board commits to incorporating an intersectional and anti-racism analysis lens in all policies presented to the Board.

G. THAT the Board of Trustees commit to individually and collectively undertaking anti-racism and decolonization training with support from Board Services prior to September 2021.

Trustee Scott requested that each Part be dealt with separately.

A sub-amendment moved by Trustee Boothby,

THAT section E be amended to the following: “the Board adopt a do not harm approach as a guiding principle. That this approach is undertaken by staff when an incident or a series of incidents arise that involve harm, especially related to anti-racism, human rights, equity, and inclusion”.

Trustees speaking in favour of the sub-amendment expressed concern over the ability to operationalize the approach to enlisting proactive efforts to stop harm. Policies and procedures govern actions and approaches.

Director Williams-Taylor commented that the approach works as a principle but is not a measurable objective. She noted that the word 'harm'

is subjective. A principle is subject to interpretation. There is risk of potential liability around the wording contained in the last two sentences of the amendment.

Trustee Boothby reflected that trustees have the obligation to the policy that is being set. She noted that the sub-amendment removes the accountability for the policy from trustees and onto staff.

Trustee Bell maintained that as a guiding principle, the language in the amendment attests to stopping the harm which was highlighted in the review. Building the principle into the policies and procedures is the way forward. She contended that as she and other trustees, along with staff, receive more training on anti-racism and human rights-based approaches and the principle will be more easily understood.

Director Williams-Taylor acknowledged that though the principle may be tied into overarching policy and can thereby be tied to a measured statement of commitments, the ambiguity of using words like "approach" in a motion is troublesome in applied practice.

Ms. Miller expressed her disappointment about the resistance to adopt the principle within the motion.

Trustee Hough expressed the view that full form of the amendment to the main motion was acceptable and serves as a compassionate response to the school community.

Trustee Scott highlighted the importance of recognizing the difference between the operational elements and the policy elements in the work of the District. She noted her support for Trustee Boothby's sub-amendment as it served to clearly reflect a policy directive.

Committee members speaking against the sub-amendment noted that the last two sentences of section E provide context and should remain as part of the motion. Members also noted that motions could provide policy and operational direction to staff.

Director Williams-Taylor noted that "do no harm" is the intended way forward; however, competing priorities from different groups makes it difficult to operationalize in a way to meet everyone's needs. Competing interests would require a case by case approach as a blanket statement will result in disagreements around each decision.

HREA Tanner noted that there is no hierarchy of rights, although there can be situations of competing rights. As the Human Rights policy is being developed, the Ontario Human Rights Commission provides guidance in situations regarding competing rights; however, each case needs to be examined on a case-by-case basis. She noted that just because someone indicates that their right is being infringed does not mean this is the case and would involve deeper analysis.

Members speaking in favour of the sub-amendment noted that the language suggests removing the exercise of judgment to mitigate harm that may have occurred. Members noted that there is no need to be overly specific and staff could be permitted to work through the process of resolving conflict and providing consultations, which is already a staff expectation.

Trustee Bell noted that including “do no harm” would set expectations and would demonstrate to the community that the Board takes the matter seriously.

Trustee Boothby noted that the sub-amendment should stand, as the original amendment permits multiple interpretations and it is not clear how staff could operationalize this. She noted that this would cause inconsistencies across the District as practices may differ at every school. She urged trustees to set policies that are broadly applicable and not to appease one group and not another.

A sub-amendment moved by Trustee Boothby,

THAT section E be amended to the following: “the Board adopt a do not harm approach as a guiding principle. That this approach is undertaken by staff when an incident or a series of incidents arise that involve harm, especially related to anti-racism, human rights, equity, and inclusion”.

Carried

A sub-amendment moved by Trustee Scott,

THAT section E be amended to substitute “not” with “no”.

Carried, friendly

A sub-amendment moved by Trustee Scott,

THAT section E be amended to the following: “the Board adopt a do no harm approach as a guiding principle when an incident or a series of incidents arise that involve harm, especially related to anti-racism, human rights, equity, and inclusion”.

Carried, friendly

Director Williams-Taylor noted that if section E of the motion were to be implemented, that there would be a level of ambiguity and subjectivity. Although there may be occasions where individuals may not be in agreement with decisions of the “do no harm” approach, this will allow staff to be more reflective on decisions made.

An amendment moved by Trustee Bell,

E. THAT the Board adopt a do no harm approach as a guiding principle when an incident or a series of incidents arise that involve harm, especially related to anti-racism, human rights, equity, and inclusion.

Carried

An amendment moved by Trustee Bell,

F. THAT the Board commits to incorporating an intersectional and anti-racism analysis lens in all policies presented to the board.

In introducing the amendment, Trustee Bell noted that this would demonstrate to the community that the Board is committed to receiving the expertise necessary to have an anti-racist lens during policy reviews.

Director Williams-Taylor noted that the accountability and governance section of the Indigenous, Equity and Human Rights Roadmap, outlines that cyclical policy reviews will be completed through an Indigenous, equity, and human rights lens. She noted that the nature of this work would be significant for staff in applying an additional lens as there are over 125 policies and procedures that require review and updates.

Members speaking in favour of the amendment noted that it would provide accountability and would ensure that policies reflect anti-racism. Although the amendment does not set a standard, it provides an intention and direction.

Director Williams-Taylor noted that the Human Rights policy will be the first policy to be presented to trustees in the fall of 2021 as it will influence the remaining policies to be reviewed.

A sub-amendment moved by Trustee Scott,

THAT section F be amended to the following: “the Board of Trustees reaffirm its commitment to incorporating an intersectional and anti-racism analysis lens in all policies presented to the board”.

In introducing the sub-amendment, Trustee Scott noted that the commitment has already been made and that this would be a reaffirmation as the Human Rights policy would encompass this.

In speaking against the sub-amendment, Trustee Bell noted that the Indigenous, Equity and Human Rights Roadmap is an operational document and not an all-encompassing Board policy. She noted that the intention is to provide commitment at the Board level.

A sub-amendment moved by Trustee Scott,

THAT section F be amended to the following: “the Board of Trustees reaffirm its commitment to incorporating an intersectional and anti-racism analysis lens in all policies presented to the board”.

Carried

A sub-amendment moved by Trustee Hough,

THAT section F be amended to replace “in all policies presented to the board” with “as new policies are adopted and existing policies are updated.”

In introducing the motion, Trustee Hough noted that it is important to ensure that an anti-racism lens is applied to each incoming and existing policy as they are presented to the Board.

The members noted their understanding that staff would undertake reviews of each policy prior to their presentation to trustees for consideration.

A sub-amendment moved by Trustee Hough,

THAT section F be amended to replace “in all policies presented to the board” with “as new policies are adopted and existing policies are updated.”

Carried

Director Williams-Taylor clarified that section F would apply to the local protocol and procedures when they are presented for review.

Director Williams-Taylor noted that lenses are applied at discussions in the Director’s Executive Council when considering items such as plans, decisions, memos, and implementation. These core business discussions consider who is and is not included, how resources are allocated to the most vulnerable students, and focus on student achievement, outcomes, and impact as the first priority. She noted that sometimes compromises are required and recognized that policy does not make people behave in a certain way, it is the commitment to practice that does. She added that a third party equity coach works with senior staff regarding the decision framework on procedures and practices.

HREA Tanner noted that an intersectional and anti-racism analysis lens could be replaced with a Human Rights and equity-based lens to achieve the same result.

An amendment moved by Trustee Bell,

F. THAT the Board of Trustees reaffirm its commitment to incorporating an intersectional and anti-racism analysis lens as new policies are adopted and existing policies are updated.

Carried

An amendment moved by Trustee Bell,

G. THAT the Board of Trustees commit to individually and collectively undertaking anti-racism and decolonization training with support from Board Services prior to September 2021.

A sub-amendment moved by Trustee Jennekens,

THAT section G be amended to the following: “the Board of Trustees commit to undertake anti-racism and decolonization training with support from Board Services.”

In introducing her sub-amendment, Trustee Jennekens noted that there is no need for a deadline as training and learning in this matter is an ongoing process.

Members speaking against the sub-amendment suggested that it is reasonable to have an individual mandate for trustees to do this training over the summer and that a timeline would demonstrate commitment.

Trustee Scott noted that learning is lifelong and trustees were involved in training such as the Osgoode Human Rights Professional Development course, Ontario Public School Boards’ Association (OPSBA) professional development training, and continued planning for professional development on these topics. She noted that training would not be complete before September 2021 and that this is already included in the work plan.

A sub-amendment moved by Trustee Jennekens,

THAT section G be amended to the following: “the Board of Trustees commit to undertake anti-racism and decolonization training with support from Board Services.”

Carried

Trustee Bell noted that decolonization training is a different area of focus than anti-racism training and hoped that trustees would be willing and able to initiate this training soon.

An amendment moved by Trustee Bell,

G. THAT the Board of Trustees commit to undertake anti-racism and decolonization training with support from Board Services.

Carried

Director Williams-Taylor confirmed that staff did not indicate any legal concerns with the amended language of section B of the motion.

Director Williams-Taylor confirmed that meeting the minimum statutory obligations for police involvement, including the operation of the protocol obligations, and that there was an understanding that senior staff would retain limited discretion.

In response to a query from Trustee Campbell, Executive Officer Giroux committed to providing a response regarding the publishing cost of issuing an apology through newspapers outlined in section C of the motion.

In response to a query from Trustee Campbell, Director Williams-Taylor noted that staff would provide a report to outline how staff could propose or carry out any alternatives to the specifics outlined in section D of the motion.

Director Williams-Taylor noted that there are aspects of decision making which are an extension of staff's discretion and that section B of the motion would effectively remove the District's discretion on items outside of the protocol. She noted that although the protocol is not a contract, there are obligations to legal legislative expectations regarding safety, obligations on provincial directions, and District commitments to protocol.

Superintendent Farrish noted that the local protocol helps frame engagement above and beyond the mandated provincial model. She noted that the provincial model cannot be opted out of and that the 22 elements of the provincial model must be included in local agreements. From this, she noted that school boards work with one or several police services in the local area to establish local needs relationships such as crime prevention and strategies to build positive relationships with police. She noted that these methods of engagement are not required and that the District could not participate in this manner, providing the District does not differ from the mandated provincial model. She noted that disengaging from some activities with OPS would not be a violation.

Trustee Lyra Evans clarified that the word "completely" used in section A of the motion would clarify that disengagement from the SRO program would be thorough.

Director Williams-Taylor noted that "completely", with the exception of the obligations, in section A of the motion allows the District to meet the minimum obligations without going beyond. She added that Manager Sinclair did not have any legal concerns with this language.

Trustee Lyra Evans expressed the view that city council controls the budget and that they could allocate funds from OPS to a mobile crisis youth team as outlined in section D of the motion. She added that OPS could appeal this decision.

Trustee Schwartz noted that the city budget passes at different times than the District. She added that the City of Ottawa recently passed their budget which may require the request in section D to be passed the following year.

Director Williams-Taylor noted that it is within the purview of the Board to determine whether they wish to request a municipal board to make decisions regarding another organization.

Moved by Trustee Ellis,

THAT debate be ended.

Carried

Student Trustee Liu called for a recorded vote and that student trustees be included in the vote.

Trustee Schwartz requested that each section be voted on individually.

Moved by Trustee Lyra Evans,

A. THAT the Ottawa-Carleton District School Board immediately and completely end its engagement with the School Resource Officer program.

Carried

FOR: Trustees Scott, Boothby, Hough, Campbell, Ellis, Jennekens, Penny, Lyra Evans, Bell, Schwartz, Fisher, Chen, Liu (13)

AGAINST: Trustee Blackburn (1)

ABSTENTIONS: Nil (0)

Moved by Trustee Lyra Evans,

B. THAT the Ottawa-Carleton District School Board (OCDSB) provides notice to Ottawa Police Service that as of 1 September 2021, the OCDSB shall only meet its minimum statutory obligations under the relevant provincial protocols and acts until further evaluation is complete.

Carried

FOR: Trustees Scott, Boothby, Hough, Campbell, Ellis, Jennekens, Penny, Lyra Evans, Bell, Fisher, Chen, Liu (12)

AGAINST: Trustee Blackburn (1)

ABSTENTIONS: Trustee Schwartz (1)

Moved by Trustee Lyra Evans,

C. THAT the Ottawa-Carleton District School Board (OCDSB) issue a formal apology, published on the OCDSB website, social media, and in the local papers, to the communities and students who have been harmed by the School Resource Officer program.

Carried

FOR: Trustees Scott, Boothby, Hough, Campbell, Ellis, Jennekens, Penny, Lyra Evans, Bell, Fisher, Schwartz, Chen, Liu (13)

AGAINST: Trustee Blackburn (1)

ABSTENTIONS: Nil (0)

Moved by Trustee Lyra Evans,

D. THAT the Chair of the Board write a public letter to the City of Ottawa containing the following elements:

- i. **A direct ask of the strongest language, not asking the city to consider;**
- ii. **Asking the City of Ottawa to reallocate the funds previously assigned to the Ottawa-Carleton District School Board share of the School Resource Officer program into the formation of a mobile crisis team for youth;**
- iii. **This team could operate 24/7, but should be available for schools to call upon in need as a non-police alternative to behaviours which may require it;**
- iv. **This team should consist of people with a counselling, social work, and/or reconciliation background;**
- v. **This team must not contain any police officers or be funded, administered, or operated through OPS; and**
- vi. **While the Ottawa-Carleton District School Board has approximately 65% of the students in the Ottawa area, we recognize that fewer people in the School Resource Officer role might require those remaining to cover larger areas, so we are requesting only 50% of the total previously allocated be diverted to this new team, or 1.6 million dollars.**

Carried

FOR: Trustees Hough, Campbell, Jennekens, Lyra Evans, Bell, Chen, Liu (7)

AGAINST: Trustees Ellis, Penny, Fisher, Schwartz (4)

ABSTENTIONS: Trustees Scott, Boothby (2)

ABSENT: Trustee Blackburn (1)

Moved by Trustee Lyra Evans,

E. THAT the Board adopt a do no harm approach as a guiding principle when an incident or a series of incidents arise that involve harm, especially related to anti-racism, human rights, equity, and inclusion.

Carried

FOR: Trustees Scott, Boothby, Hough, Campbell, Ellis, Jennekens, Penny, Lyra Evans, Bell, Fisher, Schwartz, Chen, Liu (13)

AGAINST: Nil (0)

ABSTENTIONS: Nil (0)

ABSENT: Trustee Blackburn (1)

Moved by Trustee Lyra Evans,

F. THAT the Board of Trustees reaffirm its commitment to incorporating an intersectional and anti-racism analysis lens as new policies are adopted and existing policies are updated.

Carried

FOR: Trustees Scott, Boothby, Hough, Campbell, Ellis, Jennekens, Penny, Lyra Evans, Bell, Fisher, Schwartz, Chen, Liu (13)

AGAINST: Nil (0)

ABSTENTIONS: Nil (0)

ABSENT: Trustee Blackburn (1)

Moved by Trustee Lyra Evans,

G. THAT the Board of Trustees commit to undertake anti-racism and decolonization training with support from Board Services.

Carried

FOR: Trustees Scott, Boothby, Hough, Campbell, Ellis, Jennekens, Penny, Lyra Evans, Bell, Fisher, Schwartz, Chen, Liu (13)

AGAINST: Nil (0)

ABSTENTIONS: Nil (0)

ABSENT: Trustee Blackburn (1)

4. Adjournment

The meeting adjourned at 10:35 p.m.

Keith Penny, Chair