



COMMITTEE OF THE WHOLE PUBLIC REPORT

Tuesday, May 9, 2023, 6:30 p.m.

Confederation Education Centre

- Trustees Present: Alysha Aziz, Justine Bell (electronic communication), Donna Blackburn, Donna Dickson, Lyra Evans (electronic communication), Nili Kaplan-Myrth, Jennifer Jennekens, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, Lynn Scott, Antong Hou (Student Trustee)
- Staff Present: Michele Giroux (Director of Education), Brett Reynolds (Associate Director of Education), Randy Gerrior (Associate Director, Business Operations), Janice McCoy (Executive Officer), James Proulx (Executive Officer, Information Technology and Digital Transformation), Paula Hall (Superintendent of People, Culture and Leadership), Reg Lavergne (Superintendent of Instruction), Richard Sinclair (General Counsel, Superintendent of Labour Relations, Risk Management and Privacy), Brent Smith (Superintendent), Peter Symmonds (Superintendent of Learning Support Services), Andrea Rahim (Strategic Business Analyst), Stacey Kay (General Manager, Learning Support Services), Pamela LeMaistre (General Manager, Human Resources), Joan Oracheski (General Manager, Quality Assurance, Research Evaluation & Analytics Division), Sandra Owens (General Manager, Business & Learning Technologies), Diane Pernari (General Manager, Communications & Information Services), Kathleen Jubenville (Research Officer, READ), Vatansho Vatanshiov (Research Officer, READ), Nicole Guthrie (General Manager of Board Services), Michael Guilbault (Content Creator, Multimedia Technician), Marco Paladino (Training & Support Specialist), James Baker (Board/Committee Coordinator)
- Non-Voting Representatives Present: Lili Miller (IEC), Suzanne Lyon (PIC), Stephanie Kirkey (OSSTF), Andrew Nordman (OCEOC), Nathalie Sharma (OCEOC-ALT), Thomas Holloway (OCASC), Phil Battison (OSSTF-D25), Steve Spidell (OCSSAN)

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

Chair Blackburn called the meeting to order at 6:32 p.m.

2. Acknowledgement of Territorial Lands

Chair Blackburn acknowledged that the meeting is taking place on unceded Algonquin Homelands and thanked the Algonquin Nations for hosting the meeting on their land.

3. Declarations of Interest

No declarations of interest were filed.

4. Approval of Agenda

Moved by Trustee Scott,

THAT the agenda be approved.

Carried

5. Briefing from the Chair of the Board

Chair Lyra Evans reported the following:

- She had met with the standing committee on social policy in Toronto regarding Bill 98, *Better Schools and Student Outcomes Act*, where she:
 - raised concerns regarding the removal of autonomy of funding, developing strategic priorities, changes to the disposal of property, the implementation of design standards, the removal of boards to be innovative or collaborative, changes to curriculum in response to labour conditions; and
 - shared the Board's support for the apprenticeship pathways, changes to the code of conduct, and the regular curriculum review cycle.

6. Briefing from the Director

Director Giroux reported the following:

- She has received questions about police involvement in schools; has met with the conversations with the president of the Ottawa Police Association (OPA). She has arranged to with speaking with the Chief of Police with the Ottawa Police Services (OPS);
- Registration is open for summer school programs for students in grades 6-12 and adult learners;
- On 10 May 2023, Ottawa-Carleton District School Board (OCDSB) speech language pathologists held a session to provide families with information and resources about developing children's communication skills. The team is holding this open house due to high interest and engagement from their previous session in March 2023;

- On 13 May 2023, the annual open trails day at the Bill Mason Outdoor Education Centre provided an opportunity to enjoy the spring weather and see the 77-acre outdoor classroom; and
- In April 2023, the OCDSB welcomed 70 grade 11 students from Yokohama, Japan for an exchange program presented by the Ottawa-Carleton Education Network (OCENET). For two weeks, the students attended Cairine Wilson Secondary School, Canterbury High School, Colonel By Secondary School, and Gloucester High School. 2023 marked the third Ottawa-Yokohama exchange since the program began in 2016. Over the summer of 2023, 34 OCDSB students will head to Yokohama for the second phase of the exchange.

7. Delegations

There were no delegations.

8. Matters for Action:

8.1 Report 23-036, Approval of Revisions to Policy P.073.GOV Board Member Code of Conduct (J. McCoy)

Your Committee had before it Report 23-036, seeking approval of the revisions to Policy P.073.GOV Board Member Code of Conduct.

Moved by Trustee Lee,

THAT the proposed changes to Policy P.073.GOV Board Member Code of Conduct, attached as Appendix A to Report 23-036, be approved.

An amendment moved by Trustee Scott,

THAT section 3.2 be amended to read "All members of the Board shall be governed equally by this code of conduct and are expected to uphold the letter and spirit of this code of conduct in their interactions with other members of the Board, with the employees of the Board, and with students, families, and members of the public, including their communications orally in person, in writing and via social media."

A sub-amendment moved by Trustee Milburn,

THAT "interviews, parent council updates and trustee communications", be added at the end of clause 3.4.

Carried, friendly

An amendment moved by Trustee Scott,

THAT section 3.2 be amended to read "All members of the Board shall be governed equally by this code of conduct and are expected to uphold the letter and spirit of this code of conduct in their interactions with other members of the Board, with the employees of the Board, and with students, families, and members of the public, including their

communications orally in person, in writing and via social media, interviews, parent council updates and trustee communications."

Carried, friendly

An amendment moved by Trustee Lyra Evans,

THAT section 3.10 be amended to read "Acceptable gifts include holiday gifts (e.g., fruit baskets or candy), inexpensive advertising and promotional materials (e.g., pens or key chains), and/or inexpensive awards to recognize service and accomplishment in civic, charitable, educational or religious organizations (e.g., nominal gift certificates to bookstores).

Carried, friendly

An amendment moved by Trustee Scott,

THAT in section 3.20 the word "students" be inserted after the words "one another,".

Carried, friendly

An amendment moved by Trustee Presley,

THAT in section 3.20 the words "media interviews and correspondence and" be inserted before the words "via social media."

Carried, friendly

An amendment moved by Trustee Scott,

THAT section 3.23 be amended to read "Should conflict arise with another Board Member, be inserted before "All Board members."

Carried, friendly

An amendment moved by Trustee Scott,

THAT section 3.37 be amended to read "Board Members have a duty to respond to and comply with all requests of the Integrity Commissioner in a timely manner, and failure to do so is a violation of this Code of Conduct."

Carried, friendly

An amendment moved by Trustee Scott,

THAT section 4.1 be amended to read as "The Code of Conduct applies equally to all Board Members including the Chair of the Board, and to student trustees."

Carried, friendly

An amendment moved by Trustee Milburn,

THAT section 4.9 be amended to read "The Integrity Commissioner will work with the Chair and Director when providing advice to Board Members, maintaining the confidentiality of Board Members, where possible."

A sub-amendment moved by Trustee Aziz,

THAT the words "where possible" be removed from section 4.9.

Staff and Trustee Milburn clarified the intent of the proposed amendment to protect confidentiality during discussions.

With the consent of the committee, Trustee Aziz withdrew her sub-amendment.

An amendment moved by Trustee Milburn,

THAT section 4.9 be amended to read "The Integrity Commissioner will work with the Chair and Director when providing advice to Board Members, maintaining the confidentiality of Board Members, where possible."

Carried

In response to a question of clarification regarding section 4.10, staff advised that the term "complaint" is fully defined as written documentation of the allegation as noted in Appendix A.

An amendment moved by Trustee Scott,

THAT section 4.11 be amended to add the word "All" at the beginning of the clause.

Carried, friendly

In response to a question of clarification regarding the distinction between the formal and informal parts of the process, staff advised that complaints are to be handled formally; however, matters could be resolved informally before being brought to the attention of the Chair.

An amendment moved by Trustee Scott,

THAT section 4.21 be amended to read "The Integrity Commissioner shall provide to the Chair a confidential copy of the Complaint within ten (10) days of a determination that the Complaint will be managed by the formal process following the failure of an informal process."

Carried, friendly

An amendment moved by Trustee Scott,

THAT new section 4.22 be added to read "At the discretion of the Integrity Commissioner, all Board Members shall be informed as soon as possible of the existence of a complaint being managed through the Formal Review

Process if the incident that precipitated the complaint has been a topic of broad public discussion, comment and criticism.”

A sub-amendment moved by Trustee Lyra Evans,

THAT everything following the words "Formal Review Process" be removed.

Carried, friendly

An amendment moved by Trustee Scott,

THAT new section 4.22 be added to read “At the discretion of the Integrity Commissioner, all Board Members shall be informed as soon as possible of the existence of a complaint being managed through the Formal Review Process.”

Carried, friendly

An amendment moved by Trustee Scott,

THAT new section 4.34 be added to read “Board Members other than the complainant or the respondent who have, in advance of the Board's debate on the matter, published their personal determinations as to whether a breach has occurred or what sanctions should be imposed shall be asked to recuse themselves from voting on the matter.”

It was noted that the review process is a quasi-legal process in which a decision could be appealed and brought before the courts for judicial review.

Concerns were expressed about potential bias and its impact on a review, and whether trustees can or should exercise discretion to recuse themselves.

Staff highlighted that recusal is discretionary and not mandatory.

Following a recess at 7:21 p.m., Chair Blackburn called the meeting back to order at 7:26 p.m.

Staff noted that nothing in law or within the Ontario Public School Board's (OPSBA) policies precludes a complainant from participating in a review while a respondent cannot.

Staff recommended language to contemplate a reasonable apprehension of bias and that a recusal by a trustee is voluntary.

Trustee Scott advised that she is withdrawing her proposed amendment and replacing it with the language presented by staff.

With the consent of the committee, Trustee Scott withdrew her amendment.

An amendment moved by Trustee Scott,

THAT a new section 4.34 be added to read "Where there is a reasonable apprehension of bias on the part of a board member based on prior public comments, the board member should consider recusing themselves from voting on the matter."

In response to a query, staff clarified that the intent is to identify the prospect that a trustee, other than a complainant or respondent, could lead to a reasonable apprehension of bias.

Staff noted that a recusal is merely a suggestion; however the issue could be raised in an appeal or judicial review.

Concerns were expressed that the language cannot be enforced and may not be effective as a "toxic" person would not self-identify and that people can be vexatious.

Clarification was presented that the intent of the clause is to make trustees aware of what they need to consider, and to serve as a means to protect the Board against expenses for human resources and legal fees.

Concerns were expressed that the language is too broad and creates conflict regarding matters that are years old.

A sub-amendment moved by Trustee Scott,

THAT the words "from voting on the matter" be removed.

It was suggested that people are capable of changing their minds and putting biases aside.

It was suggested that the Committee give consideration to marginalized communities and the harm of imposing silence, and the impact on future trustees whose values are not aligned with the current Board.

A sub-amendment moved by Trustee Scott,

THAT "from voting on the matter" be removed.

Carried

A sub-amendment moved by Trustee Lee,

THAT "on the matter" be added after the words "prior public comments."

It was suggested that trustees should not be asked to be silent on a matter as it is their duty as elected officials to be upstanding citizens by calling out objectionable behaviour, doing so is to exercise freedom of speech on behalf of constituents.

Staff reinforced the concept of reasonable apprehension of bias and the duty to recuse as it could become an issue on judicial review.

Trustee Jennekens assumed the Chair.

It was suggested that there is a need to be prudent governors to protect the Board with respect to liability, risk management, and harm to its reputation.

It was suggested that the issue is about governance, not about protecting the vulnerable or about hate or equity.

Trustee Blackburn resumed the Chair.

It was suggested that the Board needs to do its best in being unbiased until a vote on a complaint.

A sub-amendment moved by Trustee Lee,

THAT the words "on the matter" be added after the words "prior public comments."

Carried, friendly

Concerns were expressed regarding the implication that a recusal would result in one less vote and silence voices.

Concerns were expressed that public confidence could be eroded if people cannot speak out on issues impacting communities.

It was noted that a recusal is something to consider and would not interfere with the broader conversation.

An amendment moved by Trustee Scott,

THAT new section 4.34 be added to read "Where there is a reasonable apprehension of bias on the part of a board member based on prior public comments on the matter, the board member should consider recusing themselves."

Carried

An amendment moved by Trustee Scott,

THAT section 4.35 be amended to read "Both resolutions shall be decided by a vote of at least 2/3 of the members of the Board elected or appointed who have not recused themselves and excluding the respondent."

In response to a query, staff clarified that a sanction could be issued against a trustee with less than half of the Board present and voting.

Concerns were expressed about potential issues should the number of disqualified trustees become excessive.

Staff made reference to the OPSBA template that requires 2/3 of the Board, or eight trustees voting and problems that could arise should more than three trustees be disqualified.

It was noted that a trustee is not required to provide a reason for recusal and could abstain from voting. Concerns were expressed that recusal could be abused as a means to defeat the purpose of the complaint process.

Staff suggested that trustees consider what threshold they wish to have in applying sanctions and managing behaviours through the complaint process. It was noted that using a 2/3 test creates complexity.

It was suggested that having a high threshold is important with respect to complaint decisions as having a small group making decisions could be inappropriate.

Trustee Jennekens assumed the Chair.

It was suggested that trustees should not be required to recuse themselves since due process is required on matters in which a sanction could bar a trustee from attending meetings. There is a need to set the threshold high and trustees should not feel compelled to recuse themselves.

Trustee Blackburn resumed the Chair.

An amendment moved by Trustee Scott,

THAT section 4.35 be amended to read "Both resolutions shall be decided by a vote of at least 2/3 of the members of the Board elected or appointed who have not recused themselves and excluding the respondent."

Defeated

An amendment moved by Trustee Presley,

THAT section 4.56 be amended to read "In an election year, when a Code of Conduct complaint respecting a trustee who is seeking re-election is made during the period of 1 September and ending after the first Board meeting following the election, any informal or formal review shall be paused until after the first board meeting. If required, any applicable review shall resume immediately preceding the end of the first meeting. If the trustee who is the subject of the complaint is not re-elected, no review shall be undertaken."

Carried, friendly

An amendment moved by Trustee Scott,

THAT section 4.61 be amended to read "All Board Members shall sign the Board Member Code of Conduct Acknowledgement and Undertaking (Appendix B) upon the beginning of their term and following the approval by the Board of any revisions to the Code of Conduct during their term of office."

Carried, friendly

Concerns were expressed regarding the enforceability of section 4.61 and the application on trustee candidates.

Concerns were expressed that trustee candidates should be bound by the Code of Conduct and should be held accountable for their conduct once elected.

Staff advised that greater consideration should be given to the issue before taking action and other avenues could be explored to include the Code of Conduct with the trustees candidate package. Staff recommended deferring to the integrity commissioner.

It was suggested that a separate policy be considered for candidates.

Concerns were expressed with respect to section 4.54 and having meetings closed to the public if it includes the security of the property of the Board. It was suggested that the attendance of protestors have created safety concerns.

Staff advised that the *Education Act* is clear with respect to what would allow a meeting to be held in camera and that personal safety concerns do not fall within what constitutes security of the property.

Staff advised that any proposed amendment to a policy to include safety concerns is not within the purview of the Board and that such items should be brought to the attention of the Ministry for consultation and consideration of amending legislation.

It was confirmed by staff that section 4.54 only applies to subject matter of meetings as opposed to physical circumstances.

Staff reinforced that access to Board and Committee meetings must be provided to the public.

Moved by Trustee Lee,

THAT the proposed changes to Policy P.073.GOV Board Member Code of Conduct, attached as Appendix A to Report 23-036, be approved, as amended (Attached as Appendix A).

Carried

Following a recess at 8:43 p.m. Chair Blackburn called the meeting back to order at 8:53 p.m.

9. Report from Statutory and Other Committees

9.1 Parent Involvement Committee (PIC), 22 February 2023

Moved by Trustee Nash,

THAT the report of the the Parent Involvement Committee (PIC) dated 22 February 2023, be received.

Carried

9.2 Special Education Advisory Committee (SEAC), 1 March 2023

Moved by Trustee Dickson,

THAT the report of the Special Education Advisory Committee (SEAC) dated 1 March 2023, be received.

Carried

9.3 Indigenous Education Council (IEC), 23 March 2023

Moved by Trustee Presley,

THAT the report of the Indigenous Education Council (IEC) dated 23 March 2023, be received.

Carried

9.4 Advisory Committee on Equity (ACE), 30 March 2023

Moved by Trustee Dickson,

THAT the report of the Advisory Committee on Equity (ACE) dated 30 March 2023, be received.

Carried

9.5 Audit Committee, 12 April 2023

Moved by Trustee Scott,

That the report of the Audit Committee dated 12 April 2023, be received.

Carried

10. Matters for Discussion:

10.1 Report 23-040, Draft Strategic Plan 2023-2027 (M. Giroux)

Your Committee had before it Report 23-040 to provide an update regarding the Draft Strategic Plan 2023-2027.

During a discussion and in response to queries, the following information was provided:

- A number of initiatives and events had been undertaken to create the draft plan;
- The top three priorities are learning, well-being, and social responsibility;

- While the plan does address mental health, there is a focus on collaborating with community partners to assist students within the schools;
- A suggestion was made regarding social responsibility and progress regarding reconciliation to focus on changes to practices; and
- Further consultation will be conducted with advisory committees with the expectation of receiving feedback by 31 May 2023.

10.2 Report 23-030, Update on Student Achievement and Program Pathways (B. Smith)

Your Committee had before it Report 23-030 to provide an update on student achievement and program pathways.

During a discussion and in response to queries, the following information was provided:

- The report provided a first look at the effects of de-streaming Grade 9 Mathematics;
- The report demonstrates the impact of the COVID-19 pandemic;
- Both Independent Learning (IL) and Program and Learning (PAL) have student success educators placed at reception centers for newcomers;
- Trustees receive student achievement reports on an annual basis;
- Staff advised that a roadmap and budget would be provided to trustees to assist them in determining how to best support students;
- Staff advised that the Board's focus needs to be on the work that occurs at the student's desk;
- Student achievement in French programs are measured by end-of-the-year report cards and the number of students that achieve a grade of B- (75%) or higher;
- It was suggested that French immersion has equity gaps that staff has not addressed;
- Staff advised that a rich diversity of French programs exist and that there is great complexity in the delivery of these programs; and
- Staff have observed the positive impact of grade 9 Mathematics de-streaming including the evidence of no decline in the level of achievement.

11. Information Items:

11.1 Report from OPSBA (if required)

Trustee Scott reported:

- There are a number of retirements including the Deputy Minister of Education and other Deputy Ministers, which will impact how Ontario Public School Board's (OPSBA) will communicate with the Ministry; and
- The OPSBA Annual General Meeting will take place in June 2023. An information package has been distributed containing information about open positions and the nomination process.

11.2 OSTA Update (if required)

Trustee Lee provided an update and, in response to queries, the following information was provided:

- The Ottawa Student Transportation Authority (OSTA) has reinstated the Empty Seats program. Enrolment can be completed in schools. Availability is below pre-pandemic levels;
- OSTA approved its 2023-2024 budget in April 2023. OSTA has allocated a 3.7% increase in their budget to the OCDSB;
- A large portion of the OSTA budget increase has been allocated to the partnership with OC Transpo, to provide transportation to students 12 years of age and up; and
- Eligibility requirements for the Empty Seats program are a part of the OCDSB policy P.127.TRA Ottawa Student Transportation Authority.

12. New Business - Information and Inquiries

Trustee Jennekens assumed the Chair.

Trustee Blackburn provided notice of a motion regarding the improvement of relations between the OCDSB and the Ottawa Police Service (OPS).

Trustee Blackburn resumed the Chair.

13. Adjournment

The meeting adjourned at 9:56 p.m.

Donna Blackburn, Acting Chair