



## BOARD PUBLIC MINUTES

**Tuesday, December 19, 2023, 7:00 pm**  
**Board Room**  
**Administration Building**  
**133 Greenbank Road**  
**Ottawa, Ontario**

Trustees: Alysha Aziz, Justine Bell (electronic communication), Donna Blackburn, Donna Dickson, Lyra Evans, Jennifer Jennekens, Nili Kaplan-Myrth (electronic communication), Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, Lynn Scott

Staff: Emma Hong (Student Trustee), Malaika Kamanzi (Student Trustee), Pino Buffone (Director of Education), Brett Reynolds (Associate Director of Education), Randy Gerrior (Associate Director, Business Operations), Michele Giroux (Executive Officer, Corporate Services), James Proulx (Executive Officer, Information Technology and Digital Transformation), Paula Hall (Superintendent of People, Culture and Leadership), Reg Lavergne (Superintendent of Instruction), Shawn Lehman (Superintendent of Instruction), Richard Sinclair (General Counsel), Carolyn Tanner (Human Rights and Equity Advisor), Sandy Owens (General Manager, Business & Learning Technologies), Diane Pernari (General Manager of Communications & Information Services), Nicole Guthrie (General Manager, Board Services), Michael Guilbault (Content Creator, Digital Multimedia Technician), Susan Baker (Committee Coordinator)

Guests: Suzanne Craig (Integrity Commissioner),

1. Call to Order -- Chair of the Board

Chair Scott called the public meeting to order at 7:00 p.m.

2. Acknowledgement of Territorial Lands

Chair Scott 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. Report from the Board (In Camera)

The Board met in camera this evening and Vice-Chair Milburn reported that there were no recommendations.

5. Approval of the Agenda

**Moved by Trustee Blackburn, seconded by Trustee Dickson,  
THAT the agenda be approved.**

**Carried**

6. Briefing from the Chair of the Board

During the briefing from Chair Scott, the following information was provided:

- The Ontario Public School Boards' Association (OPSBA) announced it has ratified the tentative agreement reached with the Elementary Teachers' Federation of Ontario (ETFO) Teachers and Occasional Teachers on 21 November 2023. This comes following an announcement last week that the majority of ETFO members voted in favour of this agreement; and
- Central agreements are now in place with both the elementary and secondary teacher federations. As a result, there will be no provincial labour action in English public schools across Ontario over the next three years.

7. Briefing from the Director

During the briefing from Director Buffone, the following information was provided:

- The last day of school for elementary and secondary students will be 22 December 2023;
- All elementary and secondary schools (including school offices), EarlyON Child and Family Centres, and Ottawa-Carleton District School Board (OCDSB) administrative sites will be closed as of the end of regular hours on 22 December 2023;
- Secondary school offices and OCDSB administrative sites will reopen on 2 January 2023;
- Elementary school offices and EarlyON Child and Family Centres will reopen on 8 January 2024;
- All students will return to class on 8 January 2024; and

- Best wishes were extended to those in the community who are celebrating various holidays during the winter holiday season.

8. Delegations

There were no delegations.

9. Confirmation of Board Minutes

9.1 28 November 2023

**Moved by Trustee Lee, seconded by Trustee Nash,**

**THAT the Board Minutes, dated 28 November 2023, be confirmed.**

**Carried**

10. Business Arising from Board Minutes

There was no business arising from the minutes.

11. Matters for Action

11.1 Receipt of Committee of the Whole Report

11.1.a 5 December 2023

**Moved by Trustee Milburn, seconded by Trustee Presley,**

**THAT the Committee of the Whole report, dated 5 December 2023, be received.**

**Carried**

11.1.a.a Approval of Needs Analysis for the 2024-2025 Budget

**Moved by** Alysha Aziz

**Seconded by** Cathryne Milburn

**THAT staff develop an analysis of needs in the following areas as part of the 2024-2025 budget process:**

- **Transportation;**
- **Special Education;**
- **Mental Health and Well-Being;**
- **Cost pressures related to facilities, renovations and new builds;**
- **Employee Replacement Costs; and**
- **Cybersecurity.**

For (11): Alysha Aziz, Justine Bell, Donna Blackburn, Lyra Evans, Jennifer Jennekens, Nili Kaplan-Myrth, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, and Lynn Scott

Abstain (1): Donna Dickson,

**Carried (11 to 0)**

11.2 11 December 2023, COW Budget

**Moved by Trustee Lyra Evans, seconded by Trustee Jennekens, THAT the Committee of the Whole Budget Report, dated 11 December 2023, be received.**

**Carried**

11.3 7 December 2023, Ad Hoc Policy Committee

**Moved by Trustee Milburn, seconded by Trustee Blackburn, THAT the Ad Hoc Policy Committee Report of 7 December 2023, be received.**

**Carried**

11.3.a Approval of the Amalgamation of Extended Day and Child Care Programs Policies

- A. **THAT the proposed amalgamated policy P.035.SCO Extended Day and Child Care Programs, attached as Appendix A to Report 23-078, be approved (Attached as Appendix A); and**
- B. **THAT the standing policy P.059.SCO Child Care Programs in Schools, attached as Appendix B to Report 23-078, be rescinded (Attached as Appendix B).**

For (12): Alysha Aziz, Justine Bell, Donna Blackburn, Donna Dickson, Lyra Evans, Jennifer Jennekens, Nili Kaplan-Myrth, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, and Lynn Scott

**Carried (12 to 0)**

12. Investigative Report - Code of Conduct, Suzanne Craig, Integrity Commissioner

12.1 Code of Conduct Formal Review Report - Global Findings

Chair Scott called a recess from 7:12 p.m. to 7:25 p.m.

Integrity Commissioner Suzanne Craig presented her Formal Review Global Report on Board Member Code of Conduct Complaints against Trustees Blackburn, Dickson, and Kaplan-Myrth. Although the allegations against the three trustees were combined into one investigation as they relate to the same events, each trustee was treated separately and in confidence. The names of the persons who submitted the complaints were not disclosed and all parties were advised that the findings of the Integrity Commissioner were to remain confidential until the report is presented to the Board.

The report includes the investigative processes followed as well as the findings and recommendations of the Integrity Commissioner. If the Board determines that a trustee has breached the Code of Conduct, it must impose a sanction. Ms. Craig found that Trustee Kaplan-Myrth violated the Code of Conduct and made a recommendation with respect to sanctions. She also found that Trustees Blackburn and Dickson did not violate the Code of Conduct.

In response to a query from Trustee Lyra Evans, Ms. Craig confirmed that the Board may accept or reject her findings.

Chair Scott advised that the Board shall vote on the basis of facts contained in the final report, and not consider any facts other than those set out in the final report. She noted that all respondents were given an opportunity to review and comment on the report. She added that if a trustee is found to be in breach of the Code of Conduct, the Board must consider sanctions. Each respondent is refrained from participating in the debate or voting on motions with respect to complaint(s) made against them.

Executive Officer Giroux noted that it is not necessary to pass a motion if the Integrity Commission does not recommend a breach; however, trustees may pass a motion if they disagree with the Integrity Commissioner and deem that a breach has occurred.

## 12.2 Determination of Breach - Trustee Kaplan-Myrth

Moved by Trustee Milburn, seconded by Trustee Lyra Evans,

Upon review of the facts as documented in the Integrity Commissioner's final report dated 15 December 2023 regarding a Code of Conduct complaint in relation to Trustee Kaplan-Myrth, the Board finds:

THAT Trustee Kaplan-Myrth has breached Sections 3.5, 3.7, 3.8, 3.15, 3.17, and 3.18 of Policy P.073, Board Member Code of Conduct.

Chair Scott noted that Trustee Kaplan-Myrth may not participate in the debate or vote on the motion, and that a 2/3 majority is required for the motion to pass.

During discussion, and in response to queries, the following points were noted:

- Trustee Milburn submitted that the report determined that this breach has occurred and called upon all trustees to do better and show respect to each other;
- Trustee Lyra Evans spoke about the need for all trustees to be accountable for their actions; and
- Student Trustee Hong urged the Board to consider their responsibilities to students and hold themselves accountable for their actions.

**Moved by** Cathryne Milburn

**Seconded by** Lyra Evans

**Upon review of the facts as documented in the Integrity Commissioner's final report dated 15 December 2023 regarding a Code of Conduct complaint in relation to Trustee Kaplan-Myrth, the Board finds:**

**THAT Trustee Kaplan-Myrth has breached Sections 3.5, 3.7, 3.8, 3.15, 3.17, and 3.18 of Policy P.073, Board Member Code of Conduct.**

For (11): Alysha Aziz, Justine Bell, Donna Blackburn, Donna Dickson, Lyra Evans, Jennifer Jennekens, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, and Lynn Scott

Conflict (1): Nili Kaplan-Myrth

**Carried (11 to 0)**

### 12.3 Determination of Breach - Trustee Blackburn

Moved by Trustee Lyra Evans, seconded by Trustee Milburn,

Upon review of the facts as documented in the Integrity Commissioner's final report dated 15 December 2023 regarding a Code of Conduct complaint in relation to Trustee Blackburn, the Board finds:

- A. THAT Trustee Blackburn has breached sections 3.7, 3.15, and 3.18 of Policy P.073.GOV, Board Member Code of Conduct for misleading staff in such a way as to impede their ability to fulfill the duties of their job.
- B. THAT Trustee Blackburn breached 3.29 and 3.20 for giving media interviews in contravention of section 3.1 in Policy P.136.COM.

Chair Scott advised that Trustee Blackburn may not participate in the debate nor vote on the motion.

During discussion, and in response to queries, the following points were noted:

- Trustee Lyra Evans expressed the view that Trustee Blackburn did not act respectfully when she misled staff by identifying a reporter as her "media advisor" to prevent staff from clearing the room immediately following the Special Board meeting of 11 September 2023. Integrity Commissioner Craig advised that staff were not trying to clear the room but rather to maintain order and protect the safety of all present. The room was not a designated space for Trustee Kaplan-Myrth;
- Trustee Kaplan-Myrth noted that it was her husband who asked staff to clear the atrium because she felt unsafe. She also noted that she was offended by Trustee Blackburn's reference to her as being a "white woman" and felt "targeted and threatened" by her presence;
- Chair Scott advised Board members that a determination of a breach of the Code of Conduct is limited to the facts contained in the Integrity Commissioner's report; and

*An amendment moved by Trustee Lyra,*

*THAT the clause "for misleading staff in such a way as to impede their ability to fulfill the duties of their job" be removed from Part A of the motion.*

*Carried, friendly*

Trustee Milburn assumed the Chair.

- In response to a query from Trustee Scott with respect to whether the right to freedom of expression takes precedence over the Board Member Code of Conduct, staff advised that Policy P.136.COM, Media Relations and Designated Spokespersons, designates the Chair as the spokesperson for the Board. Staff noted that many trustees have spoken with the media in the past and staff has not contemplated whether freedom of information takes precedence over Board policies.

Trustee Scott resumed the Chair.

Trustee Lyra Evans requested separate votes on Parts A and B of the motion.

Chair Scott advised that a 2/3 majority are required for the motion to pass.

**Moved by** Lyra Evans

**Seconded by** Cathryne Milburn

**Upon review of the facts as documented in the Integrity Commissioner's final report dated 15 December 2023 regarding a Code of Conduct complaint in relation to Trustee Blackburn, the Board finds:**

**A. THAT Trustee Blackburn has breached sections 3.7, 3.15, and 3.18 of Policy P.073.GOV, Board Member Code of Conduct.**

For (6): Alysha Aziz, Justine Bell, Lyra Evans, Nili Kaplan-Myrth, Cathryne Milburn, and Amanda Presley

Against (5): Donna Dickson, Jennifer Jennekens, Matthew Lee, Suzanne Nash, and Lynn Scott

Conflict (1): Donna Blackburn

**Defeated (6 to 5)**

**Moved by** Lyra Evans

**Seconded by** Cathryne Milburn

**B. THAT Trustee Blackburn breached sections 3.29 and 3.20 for giving media interviews in contravention of section 3.1 in Policy P.136.COM.**

For (4): Alysha Aziz, Justine Bell, Lyra Evans, and Nili Kaplan-Myrth

Against (7): Donna Dickson, Jennifer Jennekens, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, and Lynn Scott

Conflict (1): Donna Blackburn

**Defeated (4 to 7)**

#### 12.4 Determination of Breach - Trustee Dickson

Moved by Trustee Lyra Evans, seconded by Trustee Milburn,

Upon review of the facts as documented in the Integrity Commissioner's final report dated 15 December 2023 regarding a Code of Conduct complaint in relation to Trustee Dickson, the Board finds:

THAT Trustee Dickson has breached sections 3.29, and 3.30 of policy P.073.GOV, Board Member Code of Conduct, for giving media interviews, in contravention of section 3.1 of Policy P.136.COM.



Chair Scott advised that Trustee Dickson may not participate in the debate nor vote on the motion.

During discussion, and in response to queries, the following points were noted:

- Trustee Lyra Evans noted that page 136 of the Integrity Commissioner's report, referred to remarks made by Trustee Dickson in an interview with True North Canada; and
- Trustee Aziz noted that individual Board members may speak with the media but they must uphold the decision of the Board and clearly state that they are not speaking on behalf of the Board.

**Moved by Trustee Blackburn, seconded by Trustee Jennekens,  
THAT the debate be closed.**

**Carried**

**Moved by** Lyra Evans

**Seconded by** Cathryne Milburn

**Upon review of the facts as documented in the Integrity Commissioner's final report dated 15 December 2023 regarding a Code of Conduct complaint in relation to Trustee Dickson, the Board finds:**

**THAT Trustee Dickson has breached sections 3.29, and 3.30 of policy P.073.GOV, Board Member Code of Conduct, for giving media interviews, in contravention of section 3.1 of Policy P.136.COM.**

For (3): Alysha Aziz, Lyra Evans, and Nili Kaplan-Myrth

Against (8): Justine Bell, Donna Blackburn, Jennifer Jennekens, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, and Lynn Scott

Conflict (1): Donna Dickson

**Defeated (3 to 8)**

#### 12.5 Determination of Sanctions (if required)

Trustee Scott called a recess at 8:32 p.m. to 8:39 p.m.

Trustee Scott advised that, having found Trustee Nili Kaplan-Myrth in breach of the Code of Conduct, the Board may impose one or more of the following sanctions: censure, barring her from attending the next Board

meeting, and/or barring her from sitting on one or more Committees of the Board.

Moved by Trustee Milburn, seconded by Trustee Dickson,

- A. THAT, in accordance with Sections 4.41(b) of Policy P.073.GOV, Trustee Kaplan-Myrth be barred from attending the next regular Board meeting on 30 January 2024; and
- B. THAT, in accordance with Section 4.41(c) of Policy P.073.GOV, Trustee Kaplan-Myrth be barred from sitting on the following Committees of the Board for a six (6) month period beginning 1 January 2024 to 30 June 2024 inclusive:
  - Committee of the Whole;
  - Committee of the Whole Budget;
  - Ad Hoc Policy Review Committee;
  - Advocacy Strategy Committee;
  - Advisory Committee on Equity.

During discussion of the motion, and in response to queries, the following information was noted:

- Trustee Lyra Evans expressed concern that the length of the term of barring Trustee Kaplan-Myrth from sitting on the Committees listed in the motion was excessive for a first breach of the Code of Conduct and queried whether there were any additional sanctions that could be imposed should there be a future breach of the Code of Conduct. Executive Officer Giroux advised that if there is another breach of the Code of Conduct, a new motion would be required to impose appropriate sanctions, including censure, a bar from attending another Board meeting, and a bar from sitting on any committees of the Board, including the Special Education Advisory Committee (SEAC);
- Policy P.073.GOV provides the authority for the Integrity Commissioner to recommend restorative actions. These recommendations will be left to the Chair, in consultation with the Director Education, to consider implementation; and
- Trustee Aziz requested an update on safety measures that are currently in place be provided at a future in camera meeting;

An amendment moved by Trustee Aziz, seconded by Trustee Presley,

THAT "a three (3) month period beginning 1 January 2024 to 30 March 2024" replace "a six (6) month period beginning 1 January 2024 to 30 June 2024".

- Trustee Aziz noted that as this was Trustee Kaplan-Myrth's first breach of the Code of Conduct, mediation and a reconciliation approach should be considered;
- Board members in support of the amendment expressed concern for the length of time Trustee Kaplan-Myrth's constituents would be without representation if she were barred for six months;
- Board members who are barred from attending Board meetings or sitting on Committees would not be entitled to receive any materials related to that meeting that are not available to members of the public; and
- Trustee Bell expressed the opinion that the sanctions are not appropriately commensurate with the facts and they would hurt her community.

*An amendment moved by Trustee Aziz, seconded by Trustee Presley,*

*THAT "a three (3) month period beginning 1 January 2024 to 30 March 2024" replace "a six (6) month period beginning 1 January 2024 to 30 June 2024".*

*Carried*

Chair Scott thanked Integrity Commissioner Craig for her report and noted that she would follow up with staff with respect to the additional recommendations proposed by Ms. Craig including mediation and safety planning.

**Moved by** Cathryne Milburn

**Seconded by** Donna Dickson

- A. **THAT, in accordance with Sections 4.41(b) of Policy P.073.GOV, Trustee Kaplan-Myrth be barred from attending the next regular Board meeting on 30 January 2024; and**
- B. **THAT, in accordance with Section 4.41(c) of Policy P.073.GOV, Trustee Kaplan-Myrth be barred from sitting on the following committees of the Board for a three (3) month period beginning 1 January 2024 to 30 March 2024 inclusive:**
  - **Committee of the Whole;**
  - **Committee of the Whole Budget;**

- **Ad Hoc Policy Review Committee;**
- **Advocacy Strategy Committee;**
- **Advisory Committee on Equity.**

For (10): Alysha Aziz, Donna Blackburn, Donna Dickson, Lyra Evans, Jennifer Jennekens, Matthew Lee, Cathryne Milburn, Suzanne Nash, Amanda Presley, and Lynn Scott

Against (1): Justine Bell

Conflict (1): Nili Kaplan-Myrth

**Carried (10 to 1)**

13. Matters for Discussion

13.1 Report from OSTA Representatives (if required)

There was no report from OSTA.

13.2 Report from OPSBA Representatives (if required)

Trustee Jennekens advised that the Ontario Public School Boards' Association (OPSBA) Board of Directors ratified the tentative agreement with the Elementary Teachers' Federation of Ontario (ETFO) Teachers and Occasional Teachers.

14. Board Work Plan

The Board Work Plan was provided for information.

15. Matters for Information

There were no matters for information.

16. New Business -- Information and Inquiries

There was no new business.

17. Adjournment

The meeting adjourned at 9:35 p.m.

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Lynn Scott, Chair of the Board