



AD HOC POLICY REVIEW COMMITTEE

September 12, 2024, 6:30 pm
Trustees' Committee Room
133 Greenbank Road
Ottawa, Ontario

Members: Lyra Evans, Nili Kaplan-Myrth, Cathryne Milburn, Lynn Scott

Non Voting Members: Donna Blackburn, Ryan Doucette (Advisory Committee on Equity), Calla Barnett (Parent Involvement Committee), Anthony Wong (OCASC)

Staff and Guests Justine Bell (Trustee), Amanda Presley (Trustee), Pino Buffone (Director of Education), Mary Jane Farrish (Superintendent of School Operations), Richard Sinclair (General Counsel), Janice McCoy (Executive Officer), Jesse Mark (Legal Counsel), Engy Abdel Masieh (Policy Analyst), Desirrea Meney (Policy Analyst), Kathy Mak (Board/Committee Coordinator)

1. Call to Order

Chair Milburn called the meeting to order at 6:30 p.m.

2. Acknowledgement of Territorial Lands

Chair Milburn acknowledged that the meeting is taking place on unceded Algonquin Homelands and thanked the Algonquin people for their stewardship of these lands since time immemorial.

3. Declarations of Interest

No declarations of interest were filed.

4. Approval of the Agenda

Moved by Trustee Lyra Evans,

THAT the agenda be approved.

Carried

5. Matters for Action:

5.1 Report 24-099 - Rescission of Policy P.048.GOV Board Guiding Principles (J. McCoy)

Your Committee had before it Report 24-099, Rescission of Policy P.048.GOV Board Guiding Principles seeking the rescission of Board Policy P.048.GOV Board Guiding Principles.

Staff have noted that Policy P.048.GOV is sufficiently covered in the P.012.GOV Board Governance Policy.

Moved by Trustee Lyra Evans,

THAT Policy P.048.GOV Board Guiding Principles be rescinded.

Carried

5.2 Report 24-104 Revisions to Policy P.018.GOV Electronic Meetings of the Board and Committees (J. McCoy)

Your Committee had before it Report 24-104, Revisions to Policy P.018.GOV Electronic Meetings of the Board and Committees seeking to review and approve the proposed revisions.

Executive Officer McCoy presented an overview of the report and noted the following:

- The Ministry of Education (MOE) had issued an amended regulation, effective immediately, at the end of July 2024 in regards to electronic meetings and meeting attendance;
- The first phase of implementation will set out the changes that need to be incorporated into the Board's policy and will be effective until 1 September 2025. This will serve as a transition period during which there are no specific sanctions related to noncompliance with those elements of the policy;
- The second phase of implementation will be after 1 September 2025 with the language shift resulting in consequences related to noncompliance;
- Policy P.018.GOV has been amended in line with the regulation so that it requires all board members to attend meetings and Committee of the Whole (COW) meetings in person. There are circumstances for which exceptions can be made, set out in the regulation, whereby board members are able to participate electronically with the approval of the Chair;
- The regulation will require the chairs of committees and the Director or designate to attend in person. In the event that the chair is unable to attend, the co-chair or vice chair will be required to attend in person. However, an exception can be made if the chair can confirm at least one member of the committee attending in person is also a member of the board. All other members of the committee are able to participate electronically;

- The requirement to attend in person only will apply to the chair and the Director or designate. In many cases the designated person would be the superintendent who has responsibility for the committee;

Moved by Trustee Lyra Evans,

THAT Policy P.018.GOV Electronic Meetings of the Board and Committees and Meeting Attendance, attached as Appendix B to Report 24-104, be approved.

- Trustee Lyra Evans noted that in item 4.1, 4.2 and 4.3 of Appendix B to Report 24-104 the word “Board” should be replaced with “District”. Executive Officer McCoy clarified that the term District is used in reference to the organization while the term Board is used when referencing the Board of Trustees. Staff will review and make necessary changes;
- Trustee Lyra Evans noted that item 4.11, subsection a, iii of Appendix B requires a comma between “child” and “step-child”

An amendment moved by Trustee Lyra Evans,

THAT item 3.1 of Appendix B to Report 24-104 be replaced with the following language:

“The District shall comply with the Ministry requirements, with regards to participation and electronic meetings of the Board and all Board Committees”

- Trustee Lyra Evans introduced the amendment to align with the guiding principles and administrative requirements;
- Executive Officer McCoy noted that the definition of what constitutes a committee is outlined in the bylaws, but function and ability to provide recommendations or advice to the Board must also be taken into consideration;

Trustee Blackburn assumed the Chair.

- Trustee Milburn noted that the implementation of the policy is due to the provincial requirements but do not demonstrate transparency, accountability and fairness;

Trustee Milburn resumed the Chair.

A sub-amendment moved by Trustee Scott,

THAT Trustee Lyra Evans’ amendment be replaced with the following language:

“THAT The District shall promote and enhance accountability and transparency and shall comply with the Ministry requirements with regards to participation in electronic meetings of the Board and all Board Committees.”

- Trustee Scott introduced the amendment noting that this change will improve accountability and transparency while adhering to the Ministry’s regulation;
- It was noted that the reason a member may be excused from attending a meeting in person is at the discretion of the Chair and unless that information is shared publically to the members of the Board this will not be a transparent process;
- Trustee Scott stressed the need to focus on accountability as those in virtual attendance should ensure the cameras are on throughout the meeting so that they may be easily identified by the public who are watching committee meetings;

A sub-amendment moved by Trustee Scott,

THAT Trustee Lyra Evans’ amendment be replaced with the following language

“THAT The District shall promote and enhance accountability and transparency and shall comply with the Ministry requirements with regards to participation in electronic meetings of the Board and all Board Committees.”

Carried.

An amendment moved by Trustee Lyra Evans,

THAT item 3.1 of Appendix B to Report 24-104 be replaced with the following language:

“THAT the District Shall promote and enhance accountability and transparency and shall comply with the Ministry requirements with regards to participation in electronic meetings of the Board and all Board Committees”

Carried

- Trustees noted the ambiguous criteria for which a board member may be approved by the Chair to attend virtually and noted that additional clarity and internal consistency is required;
- Executive Officer McCoy clarified that board members must attend at least three meetings physically from 1 September 2024 to 1 September 2025, and that currently there are no regulatory consequences for failing to do so. Board members will be required

to attend all meetings in person starting 1 September 2025 unless approved by the Chair;

- The Education Act provisions which indicate a seat will be deemed vacant if a trustee is absent for three consecutive meeting without a leave which can be approved through resolution, remain in place;
- Members of the committee expressed concern as the change in policy demonstrates a lack of consideration at a provincial level requiring additional time to be committed towards meetings and impacting the capacity for participation;

An amendment moved by Trustee Lyra Evans,

THAT item 4.13 of Appendix B to Report 24-104 be replaced with the following language:

“THAT a trustee is considered to be present at any meeting, whether in person or virtual, when they have participated, including active abstentions in all votes for said meeting. A person who misses a portion of the meeting resulting in missing a vote shall be marked absent according to the record, even if the person participated in a portion of the meeting”

- Trustee Lyra Evans introduced the amendment noting that the meeting minutes and attendance should accurately reflect trustees who were not present for the entirety of the meeting.

A sub-amendment moved by Trustee Kaplan-Myrth,

THAT “Barring emergencies” be included in Trustee Lyra Evans’ amendment.

Carried, friendly

- Executive Officer McCoy noted that the operational procedure to implement this change must be considered however; trustees added that if attendance is tracked throughout the meeting for quorum then the same should be done for voting purposes to ensure accountability and that the voting accurately represents the attendance of who is present;

An amendment moved by Trustee Lyra Evans,

THAT item 4.13 of Appendix B to Report 24-104 be replaced with the following language:

“THAT barring emergencies, a trustee is considered to be present at any meeting, whether in person or virtual, when they have participated, including active abstentions, in all votes for said meeting. A person who misses a portion of the meeting resulting in missing a vote shall be marked absent according to the record, even if the person participated in a portion of the meeting”

Defeated.

An amendment moved by Trustee Lyra Evans,

THAT item 4.13 of Appendix B to Report 24-104 be replaced with the following language:

“THAT a board member who participates in a meeting electronically shall be treated no differently than those present, in person, at the meeting.”

Carried.

An amendment moved by Trustee Scott,

THAT the following language be added at the end of item 4.11 of Appendix B to Report 24-104:

“THAT the Chair or Vice-Chair, where applicable, may require reasonable evidence from a trustee to support their request to attend a meeting by electronic means”

- Chair Scott introduced her amendment nothing that this addition will help the chair’s decision with respect to electronic participation;
- Members of the committee expressed concern as the notion of being sick is subjective with no clear definition and can vary among individuals;

A sub-amendment moved by Trustee Lyra Evans,

THAT “should a person disagree with the chair’s decision, they can appeal it to the Board or to the meeting as the first item of business” be included at the end of Chair Scott’s amendment.

Trustee Blackburn called point of order as Trustee Lyra Evan’s sub-amendment should be a separate amendment.

Trustee Blackburn assumed the Chair.

- Trustee Milburn echoed the concern regarding the Chair’s ability to make an uninformed decision for virtual attendance due to the ambiguous definition of mental health and sickness;

Trustee Milburn resumed the Chair.

An amendment moved by Trustee Scott,

THAT the following language be added at the end of item 4.11 of Appendix B to Report 24-104:

“THAT the Chair or Vice-Chair, where applicable, may require reasonable evidence from a trustee to support their request to attend a meeting by electronic means.”

Defeated.

- Trustee Kaplan-Myrth expressed concern as in the event that all board members fall ill, the Chair will have to deny permission to one trustee's request and decide on which request holds more weight;
- Trustee Scott noted that she will be discussing this regulation at the Ontario Public School Board's Association (OPSBA) to include into their advocacy;

An amendment moved by Trustee Kaplan-Myrth

THAT item 4.12 of Appendix B to Report 24-104 be revised to the following language:

"THAT in the case that all other trustees have submitted a request electronically, the Chair or delegate shall direct the Vice-Chair to be physically present in the meeting room."

Defeated

Moved by Trustee Lyra Evans,

THAT "Should a person disagree with the chair's decision, they can appeal the decision to the Board as the first item of business" be added at the end of item 4.11 of Appendix B to Report 24-104.

- Trustees expressed concern as reasons for an electronic attendance should be shared publicly;

A sub-amendment moved by Trustee Kaplan-Myrth,

THAT "in camera" be included in Trustee Lyra's amendment.

Carried, friendly.

Moved by Trustee Lyra Evans,

THAT "Should a person disagree with the Chair's decision, they can appeal the decision to the Board in camera as the first item of business" be added at the end of item 4.11 of Appendix B to Report 24-104.

Defeated.

Moved by Trustee Lyra Evans,

THAT Policy P.018.GOV Electronic Meetings of the Board and Committees and Meeting Attendance, attached as Appendix B to Report 24-104, be approved, as amended (Attached as Appendix A).

Carried.

6. Matters for Discussion:

6.1 Report 24-081 Revisions to Policy P.008.GOV Advisory Committee on Equity (M.J. Farrish)

The meeting recessed at 8:37 p.m.

The meeting resumed at 8:41 p.m.

Superintendent Farrish introduced the revision of Policy P.008.GOV Advisory Committee on Equity (ACE). During discussion and in response to queries the following points were noted:

- Policy Analyst Meney noted that the change in ACE policy will align to the Ottawa-Carleton District School Board (OCDSB) values and commitments with the focus on intersectionality, student learning and well-being;
- There are significant changes to the policy including the number of organizational members and community members to ensure the ACE membership composition has the expertise, the knowledge and lived experience to represent the District's diversity;
- The revision proposed a co-chair model in which a chair and vice chair are able to hold either of those positions. This position will be two voting members who are not staff to ensure there is no overrepresentation by staff within the committee;
- Trustee Kaplan-Myrth asked that item 3.3 of Appendix A to Report 24-081 should indicate that the mandate should foster a culture of respect, recognizing the dignity of all and that at all times ACE will treat the issues of equity without discrimination;
- Trustee Lyra Evans noted that ACE members will have a louder voice on how to run the committee and support their mandate if they were not classified as a committee of the District and bound by the rules that the province had laid out;
- She further added that item 4.8 of Appendix A should clarify the term of office for a voting member and whether it is a selected group or defined by the District;
- Trustees stressed the importance that the policy should indicate explicitly their responsibility to respect human rights;
- Chair Scott expressed concern regarding the overrepresentation of staff and the number of trustees on ACE and suggested that the committee should consider adopting a model similar to the Parent Involvement Committee (PIC) where there is one trustee as a nonvoting member and one who is the alternate;
- Ryan Doucette noted that bias aware education and power dynamics should be included in Item 2 of Appendix A as these are

important concepts that the OCDSB needs to be mindful of. He further added that Diversity and Equity Advisor Jacqueline Lawrence would be an appropriate co-chair rather than a trustee as she has already forged a strong relationship among the members and staff of the committee;

Trustee Blackburn assumed the Chair.

- Trustee Milburn noted that by having the community organization struck within the policy will allow ACE to evolve and adjust its membership accordingly;

Trustee Milburn resumed the Chair.

- Trustee Kaplan-Myrth noted that additional representation of the Jewish community is required on ACE as the community does not have any formal representation and urged that this to be taken into consideration during the membership drive;
- Trustee Scott stressed the importance of meeting quorum as there is a democratic process involved within the meetings. Meeting quorum in ACE meetings would ensure that the advice, consensus and voices of a diverse group are all heard;and
- The public will be able to observe the meeting through a live stream or delegation as part of the public participation. The change in virtual meeting attendance requires the Chair and the Director to be in the meeting room physically while other members can participate virtually creating a hybrid meeting.

7. New Business -- Information and Inquiries

7.1 2024-2025 Ad Hoc Policy Review Committee Work Plan

This item has been deferred to a future meeting.

8. Adjournment

The meeting adjourned at 9:32 p.m.

Cathryne Milburn, Chair, Ad Hoc Policy Review Committee