



SPECIAL BOARD PUBLIC MINUTES

**Monday, June 29,
2020
7:00 pm
Zoom Meeting**

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

Staff Present: Camille Williams-Taylor (Director of Education), Brett Reynolds (Associate Director of Education), Dorothy Baker (Superintendent of Instruction), Prince Duah (Superintendent of Instruction), Mary Jane Farrish (Superintendent of Instruction), Shawn Lehman (Superintendent of Instruction), Janice McCoy (Superintendent of Human Resources), Shannon Smith (Superintendent of Instruction), Michele Giroux (Executive Officer), Richard Sinclair (Manager of Legal and Labour Relations), Carolyn Tanner (Human Rights and Equity Advisor), Diane Pernari-Hergert (Manager of Communications and Information), Pamela LeMaistre (Manager of Human Resources), Sandy Owens (Manager, Business & Learning Technologies), Nicole Guthrie (Manager, Board Services), Rebecca Grandis (Senior; Board Coordinator), Amanda Pelkola (Committee Coordinator)

Guests Present: Lynn Harnden (Legal Counsel), Zaheer Lakhani (Lakhani Campeau LLP)

1. Call to Order -- Chair of the Board

Chair Scott called the public meeting to order at 7:01 p.m. She 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 the Agenda

**Moved by Trustee Hough, seconded by Trustee Boothby,
THAT the agenda be approved.
Carried**

3. Presentation of Investigator's Report (Mr. Zaheer Lakhani)

Chair Scott acknowledged that this Special Board meeting was called to address a code of conduct complaint (with respect to Trustee Blackburn and a member of the community), and it is of particular interest to the Black community. Chair Scott thanked everyone for their patience as the investigation into the alleged breach of the Code of Conduct was conducted.

Chair Scott noted that, in accordance with legislation and policy, Trustee Blackburn is entitled to be present but cannot participate in the meeting. The complaint was filed by Trustee Boothby and she is entitled to participate.

Chair Scott advised that legal counsel, Mr. Lynn Harnden, is present to provide additional legal guidance, as required. If privileged information needs to be discussed, the Board will resolve in camera.

Chair Scott instructed trustees to recuse themselves if they do not wish to participate on agenda items 3.1, 4.1 and 4.2. The courts have consistently held the determination that if bias exists, it is not reasonable to recuse on some items of the agenda and then participate in determining the sanctions. If someone recused themselves from the first part of the agenda, it is appropriate to recuse themselves from the second part as well.

On a point of order, Trustee Ellis questioned the rules for recusal. Chair Scott advised that the advice from legal counsel was for trustees to recuse themselves from both the determination of whether a breach occurred and if sanctions should be applied. Mr. Harnden highlighted that if trustees recuse themselves due to conflict of interest, such as prejudging whether a breach has occurred would stand as a barrier on the initial resolution but would also place risk on the discussion of sanctions. It could be argued that an acknowledged conflict of interest would be a breach to the duty of fairness to Trustee Blackburn. After the process has been completed, a trustee can discuss why they were in conflict.

Trustee Ellis countered that if a trustee declares a conflict, and remains silent during discussion of items 3.1 and 4.1, they should be allowed to participate in item 4.2 regarding the sanctions. Mr. Harnden stated that only trustees themselves have the ability to decide whether or not to recuse themselves. However, he advised that if trustees recuse themselves for items 3.1 and 4.1 of the agenda, they should also be recused for section 4.2.

Trustee Lyra advised that she has prejudged whether a breach has occurred and will recuse herself from 3.1 and 4.1. She added that she has not prejudged what the sanction should be and therefore will not recuse herself for item 4.2.

Trustee Schwartz requested additional information with respect to the process for an appeal and/or judicial review of the Board's decision. Mr. Harnden advised that, if Trustee Blackburn is found to have breached the Code of Conduct and a

sanction is imposed, the decisions could be subject to an appeal and judicial review. In either an appeal or judicial review, having a trustee participate with an admitted conflict of interest could be perceived as breaching Trustee Blackburn's ability to receive a fair hearing. If the Board's determination is overturned, the Board could be at risk of being ordered to pay all court costs.

Trustee Ellis withdrew his point of order and advised that he would not recuse himself for items 3.1, 4.1 and 4.2.

3.1 Investigator's Report dated June 24, 2020

Chair Scott advised the Board that an investigation has been undertaken by an independent investigator, Zaheer Lakhani of Lakhani Campeau LLP. Mr. Lakhani will provide his investigator's report and after his presentation, trustees are invited to ask questions of clarification.

Mr. Lakhani informed the Board that he was a third-party investigator hired to investigate the 27 March 2020 incident involving Trustee Blackburn and a member of the community. Mr. Lakhani does not reside in Ottawa and does not know any of the involved parties. The publication and press releases were circulated and he was made aware of them. When retained, Mr. Lakhani committed to only look at the facts from the incident on 27 March 2020.

Mr. Lakhani provided an overview of his investigation.

Following Mr. Lakhani's presentation, Chair Scott invited trustees to ask questions for clarification and instructed that no new information was to be provided outside of what was filed in the report. Chair Scott advised that an opportunity to express views would be provided during items 4.1 and 4.2.

Trustee Ellis remarked that the whole process was a sham. He expressed concern that trustees were precluded from discussing the issue of racism and noted that he would recuse himself and leave the meeting.

**Moved by Trustee Bell, seconded by Trustee Campbell,
THAT the Board adopt the rules of committee.
Carried**

- Trustee Bell questioned the difference between “racially insensitive” and “racist” and whether conscious or unconscious. Mr. Lakhani advised that being racially insensitive is when an individual is unaware of their comments and that they are insensitive towards someone's race, instead of being intentionally racist. Mr. Lakhani noted that Trustee Blackburn did not target a Black youth; however, the intent is irrelevant as the photo and the comments were inappropriate. Advising a Black youth that he may go to a detention centre is racially

insensitive due to the misrepresentation of Black individuals in jails. Another issue that there was concern of being inappropriate was when Trustee Blackburn advised that she told other young Muslim boys that the park was closed and they adhered to her request to leave. When SL did not leave the park, the incident escalated;

- Trustee Bell inquired why further investigation of SL was not pursued. Mr. Lakhani highlighted that it was his requirement to meet with the parties and to ask for the names of witnesses. SL did not provide him with any witnesses. Mr. Lakhani's follow up letter to SL explicitly requested names of people to meet with to verify events and SL did not provide any contacts. Trustee Blackburn did provide her witnesses and others that were not involved;
- Mr. Lakhani highlighted that since SL retained counsel, he received guidance from his lawyer. Mr. Lakhani advised that his correspondence clearly stated that any lack of information could impact his assessment of credibility. Mr. Lakhani did not immediately know that SL had counsel, and he was originally going through SL's father. Mr. Lakhani stated both SL and his father could be present for the meeting and there was no response to the request. When Mr. Greenspan was retained by SL, Mr. Lakhani was told he would only receive a statement and that SL would not participate in a meeting;
- Trustee Bell inquired why previous racist issues were not taken into account. Trustee Scott noted that the parameters for an investigation are defined by the Code of Conduct policy which restricts investigations to actions pertaining to the specific incident;
- Trustee Campbell requested clarity on what was meant by "some conduct, seemed disingenuous" as no reasons were provided in the report. In response Mr. Lakhani advised that two main conclusions were used to base this decision:
 - Firstly, this comment about the detention centre was not thought to be racially insensitive at the time; however it was recognized by Trustee Blackburn after the fact. Trustee Blackburn said by not following rules, it is a slippery slope. Mr. Lakhani expressed the view that her comment was racially insensitive regardless of Trustee Blackburn's explanation; and
 - Secondly, Trustee Blackburn claimed she posted SL's photo to demonstrate she was ensuring the community was safe. Mr. Lakhani was concerned about posting the picture as it identified SL as a young person who does not follow the rules.

- Mr. Lakhani noted that Trustee Blackburn's counsel confirmed that she had taken sensitivity training;
- Trustee Hough inquired if an attempt was made to confirm SL's credibility through a character witness. Mr. Lakhani noted that he was looking for relevant evidence rather than an individual who could provide a positive statement about SL. SL, Trustee Blackburn, and a local Imam all agreed that the main witnesses, were two Muslim boys who were present. As SL's and Trustee Blackburn's statements aligned there was very little reason to investigate further as only minor aspects differed. The comment about Trustee Blackburn stating she would trip SL on stage and interfere with his graduation could not be confirmed;
- Trustee Schwartz requested clarification on SL's testimony/statement and whether he confirmed that his personal privacy was breached and that he felt discriminated against and shamed. Mr. Lakhani highlighted that SL's statement was in written form and he did not have the benefit of hearing it for himself. Mr. Lakhani asked SL for clarification around those statements to confirm if those were SL's own words. Mr. Lakhani received written confirmation stating that those were SL's words;
- Trustee Schwartz inquired if evidence suggested that Trustee Blackburn targeted SL, and in response Mr. Lakhani stated that he did not feel that SL was targeted but confirmed that what Trustee Blackburn said does meet the standards of racial insensitivity;
- Trustee Schwartz requested additional explanation as to why the comments were made about Trustee Blackburn's credibility and conduct being disingenuous. Mr. Lakhani noted that the statement was made as a result of Trustee Blackburn's comment about the "slippery slope" and that "those individuals that do not follow rules may one day be in a detention centre". Mr. Lakhani expressed the view that this comment was a problem and posting SL's picture to show she was protecting the community was not her sole intent. Whether Trustee Blackburn acknowledged the comments in the end or not, they were a problem; and
- Trustee Schwartz requested clarification on the comments under factual findings, "racially insensitive" and "by an elected official with corresponding fiduciary obligations towards the public". In response Mr. Lakhani stated that Trustee Blackburn's conduct was not as a concerned citizen, it was in her role as a trustee and that was a significant factor in how she approached the situation. On page 11 of the report, Mr. Lakhani provided evidence justifying why he came to this conclusion. If Trustee Blackburn was representing herself as a

trustee on Facebook and leveraging her position, then there are corresponding fiduciary obligations towards the public as stated in the law.

4. Matters for Action

4.1 Report 20-043, Code of Conduct Breach Determination (M. Giroux)

The Board had before it Report 20-043, Code of Conduct Breach Determination.

Executive Officer Giroux highlighted that in April 2020, a Code of Conduct complaint was filed against Trustee Blackburn stemming from an incident with a student in a local park on 27 March 2020. The Board retained the services of a third party investigator to conduct an investigation of the incident. A formal report was prepared by the investigator Mr. Zaheer Lakhani.

In order to make its determination the Board shall consider only the findings in the report of the investigator when voting on the decision and possible sanction(s).

Moved by Trustee Boothby, seconded by Trustee Penny,

THAT Trustee Blackburn has breached Sections 3.8, 3.15 and 3.18 of Policy P.073, Board Member Code of Conduct, in relation to an incident which occurred on March 27, 2020.

In introducing the motion Trustee Boothby made the following statements:

- Section 3.8 of the Code of Conduct states that " Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when representing the Board, attending Board events, or while on Board property" and it is clear from the finding of the report, that Trustee Blackburn was representing herself during the incident as a trustee, as indicated in her Facebook post;
- Section 3.15 of the Code of Conduct states that a trustee is required to behave in a civil manner and "not engage in conduct that would discredit or compromise the integrity of the Board";
- Section 3.18 of the Code of Conduct states "Board members shall, at all times, act with decorum and shall be respectful of ... students and the public". Whether Trustee Blackburn thought SL was a student of the Ottawa-Carleton District School Board (OCDSB) or not, she did not conduct herself with decorum and SL did not feel respected but felt shamed. Trustee Blackburn subsequently took down the photo of SL

from Facebook, which implies she was aware that it was a shameful act and that it violated SL's privacy; and

- None of these actions are acting in decorum and Trustee Blackburn breached all three sections of the Code of Conduct and she has brought shame to the Board of trustees and to the OCDSB.

Trustee Penny, speaking in support of the motion, noted that it is evident that Trustee Blackburn diminished the role of a trustee by questioning the youth for over an hour and threatening to follow him home. These acts go against what the OCDSB is trying to accomplish. Trustee Blackburn did not apologize to the youth directly and during the incident did not act with decorum or respect.

Trustee Campbell agreed with the sentiments expressed and questioned 4.31 of the Code of Conduct where it states "resolution and reasons for decision shall be recorded" and requested clarification. Executive Officer Giroux responded by stating the minutes would sufficiently capture the reasons.

Trustee Jennekens stated that trustees are supposed to promote student achievement and equity or social circumstances should never be obstacles in them attaining their potential. Trustees must comply with the Code of Conduct, and there is an expectation for them to act with integrity and high ethical standards. She suggested that Trustee Blackburn must be held accountable for her actions, which do not represent the spirit of the District. Trustee Jennekens expressed the view that Trustee Blackburn has damaged public confidence in the Board.

Trustee Bell stated that, based on facts from the report, she understands this to be an act of racism. When there is an abuse of power through the impact of actions on a person or community, whether intentional or not, trustees must listen to the voices of those impacted in the community.

Trustee Schwartz expressed her support of the motion based on the findings in the investigator's report. She believes all three sections of the Code of Conduct were breached. Trustee Schwartz highlighted that a disregard for fellow Board members was shown by Trustee Blackburn's actions as demonstrated by the facts in the report. Trustee Blackburn did not uphold the dignity of the office and as a result, there will be a need to rebuild the public's trust. Trustees need to have high ethical standards and Trustee Schwartz expressed her disappointment and anger and stated that Donna Blackburn is not deserving of the title of trustee and the honour and respect the title deserves.

Trustee Hough stated that she is saddened and disappointed that the inappropriate behaviour by one trustee has had a significant impact on all

trustees over the last few months. She is upset that trustees are having to endure this, and she is unsure how to rebuild the community's trust. The fact that trustees have been required to remain silent, which appeared as though they did not care, has been unbearable.

Student Trustee Wijewwera thanked everyone for their professionalism and leadership in the process. He commented on behalf of students and as a person of colour, and expressed the view that emotions are running high and that supporting the determination of a breach could have a positive impact on students' views of trustees and senior staff.

Trustee Schwartz requested that the opinion of legal counsel be sought and proposed moving in camera following the vote on the recommendation.

**Moved by Trustee Campbell,
THAT the Board move to end the rules of committee.
Carried**

Trustee Penny assumed the Chair.

Trustee Scott expressed sadness that her fellow trustees are called on tonight to make a determination of a breach of the Code of Conduct. Trustee Scott noted that during Trustee Blackburn's term, she has made significant efforts to support marginalized youth; however, her treatment of SL and her subsequent media posts are disturbing. Trustee Blackburn used her connections as a Board member and her language was intimidating and insensitive. Conduct in a professional manner should not include posting photos of minors. The insensitivity of Trustee Blackburn's remarks diminished the collaborative relationships that the OCDSB is trying to build and have hurt the OCDSB's credibility. This incident displayed a blatant lack of respect. Trustee Scott resumed the Chair.

Trustee Boothby noted that the public has placed their confidence in trustees to make decisions in the best interests of students. She expressed the view that the incident has shattered the public's confidence and the associated work by the District has suffered as a result. She urged trustees to hold Trustee Blackburn accountable for her actions and the impact her insensitive actions had on SL.

Moved by Trustee Boothby, seconded by Trustee Penny,

Upon review of the facts as documented in the investigator's final report dated June 25, 2020 regarding a Code of Conduct complaint filed by Trustee Boothby in relation to Trustee Blackburn, the Board finds:

THAT Trustee Blackburn has breached Sections 3.8, 3.15 and 3.18 of Policy P.073, Board Member Code of Conduct, in relation to an incident which occurred on March 27, 2020.

Carried

A recorded vote was held and the motion was carried on the following division by those present:

FOR: Trustees Boothby, Hough, Campbell, Jennekens, Penny, Bell, Fisher, Schwartz, Scott, (9)

AGAINST: Nil (0)

ABSTENTION: Trustee Lyra Evans (1)

Moved by Trustee Schwartz, seconded by Trustee Jennekens, THAT the Board resolve in camera, to seek legal advice.

Carried

Chair Scott called the public meeting back to order at 9:23 p.m.

Trustee Penny reported that the Board met in camera this evening to seek legal advice and had no report.

Trustee Lyra Evans recused herself from participating in agenda item 4.2.

4.2 Report 20-060, Code of Conduct - Possible Application of Breach Sanctions (M. Giroux)

The Board had before it Report 20-060, Code of Conduct - Possible Application of Breach Sanctions, to consider whether sanctions, if any, should be applied in the event that the Board of Trustees rendered a decision that there has been a breach of the Board Member Code of Conduct.

Executive Officer Giroux noted that the Board, having determined a breach, may impose one or more sanctions. Options include censure, barring the Board member from attending all or part of a Board meeting or meeting of a committee of the Board, and barring the Board member from sitting on one or more committees of the Board for a specified amount of time not to exceed six-months. Both the determination of a breach and the imposition of sanction(s) must be decided by a $\frac{2}{3}$ majority vote of elected trustees.

Moved by Trustee Penny, seconded by Trustee Schwartz

Whereas the Ottawa-Carleton District School Board has a strong commitment to the human rights and equitable treatment of all persons;

And whereas the Ottawa-Carleton District School Board recognizes the importance of good governance and the responsibilities of trustees to provide leadership and to govern to benefit public education, being mindful of the impact of decisions and actions on individual communities and society at large, as provided in the Board Governance Policy P.012, Board Governance;

And whereas the Ottawa-Carleton District School Board has investigated a complaint under the Board Member Code of Conduct and has determined that Trustee Donna Blackburn has breached the Code of Conduct sections 3.8, 3.15 and 3.18 of Policy P.073.Gov, Board member Code of Conduct and the fiduciary expectations for civil behavior for School Trustees;

And whereas the Board believes that Trustee Blackburn exploited her privilege and the privilege of elected office; failed to prioritize the dignity of other persons; and engaged in conduct which discredited the Board and undermined the Board's commitment to create a culture of caring and social responsibility; and expressed regret for her actions only well after the presentation of the Code of Conduct complaint;

Therefore be it resolved.

A. THAT, in accordance with Section 4.37(a) of Policy P.073.GOV, Board Member Code of Conduct, the Board censure Trustee Blackburn for behavior which was disrespectful to the individuals directly involved, disrespectful to the Black community as a whole, and which used language which is known to be offensive and more specifically is a form of anti-Black racism; and further,

i. That the Board condemn the behavior of Trustee Blackburn which is not representative of the values and beliefs of the Board of Trustees; and

ii. THAT the Board stand with the community in strongly recommending that Trustee Blackburn immediately offer her resignation from the office of OCDSB Trustee, Zone 3, Barrhaven/Knoxdale-Merivale;

B. THAT, in accordance with Sections 4.37(b) and 4.39 of Policy P.073.GOV, Board Member Code of Conduct, Trustee Blackburn be barred from attending the Board meeting at which the Board will consider the approval of the 2020-2021 Annual Budget;

C. THAT, in accordance with Section 4.37(c) of Policy P.073.GOV, Board Member Code of Conduct, Trustee Blackburn be barred from sitting on the following committees of the Board for the six-month period between July 1, 2020 and December 31, 2020:

- Committee of the Whole;

- Committee of the Whole (Budget);
- Parent Involvement Committee;
- Audit Committee;
- Any Advisory Committee designated under Section 9.5(c) of the OCDSB By-Laws;
- Appeals Hearing Panels;
- Expulsion Hearing Panels, and
- Any Ad Hoc Committee established by the Board; and further.

D. THAT, in accordance with Section 4.38 of Policy P.073.GOV, Board Member Code of Conduct, the Board encourage Trustee Blackburn to immediately undertake and complete an Anti-racism program to be recommended by the Board's Human Rights and Equity Advisor;

E. THAT, in accordance with Section 4.38 of Policy P.073.GOV, Board Member Code of Conduct, the Board encourage Trustee Blackburn to immediately undertake and complete a review of the Good Governance for School Boards, Trustee Professional Development Program and provide a copy of the Certificate of Completion to the Board; and

F. THAT the Board refrain from appointing Trustee Blackburn to any representative position or role on behalf of the Board for a period of six months from July 1, 2020 to December 31, 2020.

In introducing the motion Trustee Penny noted that the depth of the proposed sanctions are appropriate for the nature of the breach.

**Moved by Trustee Schwartz, seconded by Trustee Fisher,
THAT the Board adopt the rules of committee.
Carried.**

Speaking in support of the motion, Trustee Schwartz noted for the record that it is true that Donna Blackburn represented Barrhaven constituents for many years, raised funds for Syrian refugees and we thank her for that, but her actions in Board meetings were that of a bully and she abused her role as an elected official. Donna Blackburn has done this before and her deplorable actions on 27 March 2020 affected SL. Trustee Schwartz showed frustration that her voice was silenced and that the OCDSB's reputation has been affected. Trustee Schwartz felt hopeful at the recent Board retreat that the Board was moving in the right direction knowing that staff and colleagues were committed to equity for all. Trustee Blackburn admitted her actions, she bullied a child, abused her power, the report signals that she was not remorseful for her actions and it took more than a month to issue an apology. Trustee Schwartz notes she would like stronger sanctions and for options to be provided. Trustee Schwartz highlighted that students and community members need to know the

Board will put action and policies of anti-bullying and racism into effect. She urged fellow trustees to consider the seriousness of the allegations.

Trustee Boothby thanked Trustee Schwartz for summarizing how she has felt over the last few months. Trustee Boothby stated that Trustee Blackburn is a third term trustee and not ignorant of the expectations of a trustee. She expressed the view that the Board must not condone her behaviour and that Trustee Blackburn's actions have undone some of the efforts of her own work and that of the Board. Trustee Boothby noted that Trustee Blackburn shamed a student on Facebook, and noted that her actions will have repercussions.

In response to trustee queries the following points were noted:

- Executive Officer Giroux highlighted, that the legislation is clear with respect to the sanctions available to school boards;
- Mr. Harnden confirmed that, while a six-month limitation was not in the *Education Act*, it was contained in the Code of Conduct. The Board was required to adhere to that limitation. The sanctions in the motion represented a fulsome view of those available; imposing more severe sanctions would be regarded as being outside of the Board's authority;
- Mr. Harnden highlighted that, "attending" indicates that this form of sanction is confirmed to a single meeting. He added that "barring from sitting" indicates that there can be a removal of the trustee from a committee;
- Executive Officer Giroux stated that it is the practice of the Board to appoint trustees to a committee. This is usually done by motion or by ballot. The provision is barring the trustee from sitting on the current committee and would not prohibit appointments in the future. The trustee may also be barred from a committee not exceeding a six-month period; and
- In response to a query from Trustee Hough, Executive Officer Giroux stated that the Board may only encourage a resignation.

Speaking in support of the motion, Trustee Fisher stated that he shared the views of his fellow trustees and highlighted that individuals seek public office to further the interests of their community. Trustee Fisher expressed the view that while this was a highly unfortunate event this was not the first incident involving Trustee Blackburn and despite the Board's efforts to deal with the behaviour in a way that would prevent future incidents, they were not successful.

Trustee Bell expressed the view that although she is a first-time trustee, she is aware of her responsibility to behave with decorum in public and in

private. Trustee Bell highlighted that over the course of the investigation, staff have spent hours on this issue and have spent tens of thousands of dollars. Trustee Bell inquired as to how strongly the clause can be worded stating a racist act was committed and be added to the clause. Secondly, should Trustee Blackburn choose to keep her seat, is there a clause that can be added that if another incident occurs, a harsher sanction would be applied? Executive Officer Giroux responded that the addition of conditional language that moves to a stricter action cannot be added unless there is a change in legislation. However, the Board has flexibility about the language and can make it stronger.

An amendment moved by Trustee Bell,

THAT part A be amended to read “more specifically engaged in an act of anti-Black racism...”

Carried

In response to a query from Trustee Schwartz regarding the severity of sanctions permitted within the *Education Act*, Mr. Harnden stated he is aware of some cases where further sanctions were imposed but they are not in accordance with the *Education Act*, and therefore, he would advise against it.

- Trustee Schwartz noted that some committees would continue to meet over the summer and inquired if the start of the sanctions could commence at a date later than 23 June 2020. In response Chair Scott noted that Board, Committee of the Whole (COW) and Committee of the Whole (COW) Budget would meet over the summer months and suggested that the date the sanctions apply commence in September 2020;
- Executive Officer Giroux noted that the Board has the discretion to select the dates of the six month period; and
- Speaking in support of the amendment Trustee Boothby expressed the view that Trustee Blackburn has lost the moral authority to act as a trustee and to move the Board's work forward, particularly regarding the anti-racism work.

An amendment moved by Trustee Schwartz,

THAT part C be amended to read “Trustee Blackburn be barred from sitting on the following committees of the Board for the six month period beginning with the next scheduled meeting...”

Carried, friendly

**** The 10:30 pm vote obtained the required $\frac{2}{3}$ majority to continue the meeting ****

An amendment moved by Trustee Schwartz,

THAT part F be revised to read "THAT the Board refrain from appointing Trustee Blackburn to any representative position or role on behalf of the Board at the next organizational meeting in December 2020".

Executive Officer Giroux and Mr. Harnden advised that a 1 or 2 year period may be outside of the Board's scope.

Trustee Schwartz withdrew her amendment.

An amendment moved by Trustee Schwartz,

THAT part F be revised to read "THAT the Board refrain from appointing Trustee Blackburn to any representative position or role on behalf of the Board for a period of six months beginning 1 December 2020".

Carried, friendly

- Trustee Schwartz recommended that funds not be provided to Trustee Blackburn for professional development for the duration of her term, in response, Executive Officer Giroux and Mr. Harnden responded that this is outside of the bounds of *the Education Act*;
- Trustee Schwartz noted for the record, that in her opinion, Trustee Blackburn should not have access to public funds for professional development for the duration of the imposed sanctions and that access to OCDSB email should be revoked; and
- Trustee Boothby requested that Trustee Blackburn be removed from her appointment on the Board of the Ottawa Student Transportation Authority (OSTA), Mr. Harnden advised that the removal of Trustee Blackburn from OSTA could not be included in the sanctions as OSTA is a separate organization from the Board.

Moved by Trustee Fisher,

THAT the Board end the rules of Committee.

Carried

Trustee Schwartz assumed the Chair.

Trustee Scott stated that the sanctions are severe, but Trustee Blackburn abused her role as trustee and failed to recognize that her actions were wrong.

Trustee Scott resumed the Chair.

Moved by Trustee Penny, Seconded by Trustee Schwartz,

A. THAT, in accordance with Section 4.37(a) of Policy P.073.GOV, Board Member Code of Conduct, the Board censure Trustee Blackburn for behavior which was disrespectful to the individuals directly involved, disrespectful to the Black community as a whole, and which used language which is known to be offensive and more specifically engaged in an act of anti-Black racism; and further,

- i. THAT the Board condemn the behavior of Trustee Blackburn which is not representative of the values and beliefs of the Board of Trustees; and**
- ii. THAT the Board stand with the community in strongly recommending that Trustee Blackburn immediately offer her resignation from the office of OCDSB Trustee, Zone 3, Barrhaven/Knoxdale-Merivale;**

B. THAT, in accordance with Sections 4.37(b) and 4.39 of Policy P.073.GOV, Board Member Code of Conduct, Trustee Blackburn be barred from attending the Board meeting at which the Board will consider the approval of the 2020-2021 Annual Budget;

C. THAT, in accordance with Section 4.37(c) of Policy P.073.GOV, Board Member Code of Conduct, Trustee Blackburn be barred from sitting on the following committees of the Board for the six month period beginning with the next scheduled meeting of each of the following committees: Committee of the Whole (COW), COW Budget, Parent Involvement Committee, Audit Committee, any Advisory Committee designated under Section 9.5(c) of the OCDSB By-Laws, Appeals Hearing Panels, Expulsion Hearing Panels, and any Ad Hoc Committee established by the Board; and further;

D. THAT, in accordance with Section 4.38 of Policy P.073.GOV, Board Member Code of Conduct, the Board encourage Trustee Blackburn to immediately undertake and complete an anti-racism program to be recommended by the Board's Human Rights and Equity Advisor;

E. THAT, in accordance with Section 4.38 of Policy P.073.GOV, Board Member Code of Conduct, the Board encourage Trustee Blackburn to immediately undertake and complete a review of the Good Governance for School Boards, Trustee Professional Development Program and provide a copy of the Certificate of Completion to the Board.

F. THAT the Board refrain from appointing Trustee Blackburn to any representative position or role on behalf of the Board for a period of six months beginning 1 December 2020.

Carried

A recorded vote was held and the motion was carried unanimously by those present:

FOR: Trustees Boothby, Hough, Campbell, Jennekens, Penny, Bell, Fisher, Schwartz, Scott, (9)

AGAINST: Nil (0)

ABSTENTION: Nil (0)

Chair Scott noted that written notice of the determination will be provided to Trustee Blackburn and she has the right to appeal the determination of sanctions within 14 days of receiving the notice.

Trustee Scott informed the Board that she will prepare a letter to the Ministry of Education, informing them of the District's experience since 2016 and on research on other boards, which will be circulated to all trustees for review. The letter will be a publicly available document.

Director Williams-Taylor shared that the calls for action sounded by the community have been underscored by the recent attention to matters of Anti-Black racism shared not only through the media, but also through the voices of people in Ottawa. The trauma that has been communicated by the community at large and the Black community in particular has been clear and resonant. The voices of Black people are joined with Indigenous communities, scholars, leaders and families who have already shone a light on areas where the District's commitments and responsibilities to Human Rights have not been realized. There is no question that the Board and staff together must own the challenge and drive changes that will result in measurable differences for the District's Black and Indigenous students. Classroom curricular programs, content and teaching, leadership and staff representation, discipline policies and procedures, are some of the key areas where Black and Indigenous students have been underserved by the status quo. While the District's work must serve to improve the experience and outcomes for these particular student communities, it is known that to achieve equitable outcomes for all students the District must engage with and explore diverse voices, experiences and perspectives. When the experiences and opportunities for Black and Indigenous students are improved, the District will ultimately better serve all students.

4.3 Notice of Motion, OPSBA Policy Resolution, Trustee Scott

Moved by Trustee Scott, seconded by Trustee Lyra Evans,
THAT OPSBA advocates for improvements to Section 218 of the
Education Act and O. Reg. 246/18 to enhance school boards' ability and
authority to address unacceptable or inappropriate behaviour by board
members.

In introducing the motion, Trustee Scott advised the Board that policy
resolutions are to be presented at the Ontario Public School Board's
Association (OPSBA) annual general meeting (AGM) in the fall of
2020. She noted that the policy resolution may be well received as other
school boards from across the province have found the legislation lacking
with respect to the sanctions available to address Code of Conduct issues.

In response to a query from Trustee Campbell, Trustee Boothby noted
that over the last four years, several boards have experienced difficult
situations with trustees and have lamented the limited punitive sanctions
the legislation affords Boards.

Moved by Trustee Scott, seconded by Trustee Lyra Evans,

**THAT OPSBA advocates for improvements to Section 218 of the
Education Act and O. Reg. 246/18 to enhance school boards' ability
and authority to address unacceptable or inappropriate behaviour by
board members.**

Carried

A recorded vote was held and the motion was carried unanimously by
those present:

FOR: Trustees Boothby, Hough, Campbell, Jennekens, Penny, Bell,
Fisher, Schwartz, Scott, Lyra Evans, Blackburn (11)

AGAINST: Nil (0)

ABSTENTION: Nil (0)

5. Adjournment

Meeting adjourned at 11:00pm.

Lynn Scott, Chair of the Board