

# **HWDSB**

## **Board of Trustees Governance Manual**

**May 2026**

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## **1.0 GENERAL**

### **1.1 Purpose**

The HWDSB Board of Trustees Governance Manual serves as a guide for Trustees in their commitment to pursue HWDSB's mission, commitment, and priorities. The Manual emphasizes the overarching values and accountabilities that direct the work of the Board of Trustees.

The HWDSB Board of Trustees Governance Manual also allows students, staff, those aspiring to become Trustees, and the public, to understand the role and commitments of the Board of Trustees. The Manual supports informed and productive engagement between the Board of Trustees and the public.

## **1.2 Values**

In furtherance of the goals of HWDSB as outlined in the Ontario Education Act, Trustees shall, in their decision-making, work to promote a positive climate that is inclusive and accepting of students, staff, and the public, including persons of all races, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

HWDSB's Board of Trustees supports learning and working environments that are welcoming, respectful, accessible, and free from discrimination and harassment.

HWDSB's Board of Trustees respects the value brought by the diverse experiences of all Trustees and other leaders and is committed to listening to the diversity of thoughts as an integral part of decision-making and operations. The Board of Trustees strives to empower historically and currently underserved voices equitably through anti-colonial, anti-racist, and Indigenous lenses as part of addressing issues of systemic discrimination and marginalization. The Board of Trustees provides informed leadership and direction for equity, diversity, and inclusion throughout HWDSB.

### **1.3 Definitions**

*By-law* refers to the rules of order for board and committee meetings.

*Disqualified from voting* means not permitted to vote for a legal reason, usually a declared possible conflict of interest.

*A majority vote* means a majority of the votes cast.

*Majority of the members of the Board/Committee* means a majority of the total number of members regardless of how many votes are cast.

*Member* means an elected Trustee who is a member of the Board or committee.

*E.A.* indicates a reference to the Education Act.

*Private Matters* indicate matters of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian; decisions in respect of negotiations with employees of the board; or litigation affecting the board. R.S.O. 1990, c. E.2, s. 207 (2).

*Quorum* means a majority of members and unless otherwise stated, required for a meeting.

## 2.0 Roles and Responsibilities

### 2.1 Role of the Board of Trustees

The Education Act provides for the establishment of four types of district School Boards: English public, English Separate, French public, and French Separate. Locally elected School Boards are responsible for operating publicly funded schools within their jurisdiction and for the delivery and quality of educational programs and services. Legal accountability for the decisions of the Board of Trustees applies to the School Board as a corporate entity rather than to individual trustees.

HWDSB's Board of Trustees is committed to the pursuit of HWDSB's [Multi-Year Strategic Plan](#).

A Board of Trustees functions as a cohesive whole, providing a clear sense of purpose and direction to the entire system on behalf of the community it serves. Its focus is on improving student achievement through effective policymaking, visionary planning, evaluating student outcomes, inclusion of Indigenous knowledge, and identifying major implications for the school district.

In accordance with Section 169.1, of the *Education Act*, the Board of Trustees is required to:

- a. Promote student achievement and well-being.
- b. Ensure the effective stewardship of the Board's resources.
- c. Deliver effective and appropriate education programs to its pupils.
- d. Develop and maintain policies and organizational structures that promote the goals of HWDSB.
- e. Monitor and evaluate the effectiveness of policies developed by the Board in achieving its goals and the efficiency of the implementation of those policies.
- f. Develop and review annually a Multi-Year Strategic Plan in accordance with section 169.1(1)(f) of the Education Act.
- g. Monitor and evaluate the performance of the Director.

## 2.2 Role of Individual Trustees

In addition to the responsibilities within the Education Act, the role of individual Trustees may also include:

- a. Attend and actively participate in meetings of the Board and Committees.
- b. Bring forward concerns of students, parents, and community members to the attention of the Board.
- c. Reflect community needs and voice while also providing leadership in decision-making for the system.
  - Balance community needs while balancing system decisions.
- d. Participating in school visits/functions/school council meetings in collaboration with the Principal and Superintendent.
- e. Provide and present updates about the schools within their communities through Ward Information Nights (WINS), with support and resources provided by the School Superintendent and other staff as appropriate.

As a member of the Board, individual Trustees may also be asked to:

- a. Act as a representative of the Board at official functions.
- b. Participate in provincial Trustee organizations and committees.
- c. Attend and participate in conferences, workshops, etc. to be kept informed of current/emerging educational issues.

Trustees shall be expected to model the following practices as per the Trustee Code of Conduct, for example:

- a. Make decisions in a manner which are open, accessible, and transparent.
- b. Be open-minded when approaching issues before the Board and prepared to make the best decision for the system.
- c. Be respectful of differing points of view and ensure remarks made are related to the issue being discussed. Any discourteous language, reference to personalities or statements contravening the Ontario Human Rights Code, the Charter of Rights and Freedom, HWDSB Human Rights Policy or the Trustee Code of Conduct will not be tolerated.
- d. Conduct the business of the Board through the appropriate channels.
- e. Ensure that public office is not utilized for personal gains.
- f. Protect the integrity of the Board.

Additionally, Trustees shall:

- a. Safeguard and keep confidential, materials and information discussed or placed in confidence with Trustees.
- b. Exercise their power to govern only as a trust of the corporate body, not as an individual.
- c. Comply with the HWDBS Trustee Code of Conduct.
- d. Declare any pecuniary conflict of interest, whether direct or indirect, in accordance with the Municipal Conflict of Interest Act at Board and Committee meetings.
- e. Uphold the implementation of any Board resolution after it is passed by the Board.

### News Media:

Working with news media is an integral part of being an elected official. The working relationship between the Board of Trustees and news media is essential as oftentimes the media assists in disseminating information about local and system school board activities to the communities HWDSB serves.

The Chair is the spokesperson for the Board. However, individual Trustees may speak with media about issues related to school board business. When Trustees speak to the media, they should be clear it is on their own behalf and not on behalf of the Board.

Staff are available to assist Trustees with gathering and providing additional information related to the requested topic. Trustees seeking assistance are encouraged to contact the Officer of Trustee Services and/or the Senior Manager, Communications and Community Engagement.

## 2.3 Chair of the Board

The Chair of Hamilton-Wentworth District School Board (HWDSB) is a servant of the Board of Trustees and therefore its purpose is to safeguard the integrity of HWDSB's processes and represents the Board of Trustees to the broader community. The Chair ensures that each Trustee has a full and fair opportunity to be heard and understood by the other members of the Board of Trustees in order that collective opinion can be developed, and a corporate decision reached. The ability of the Board of Trustees to discharge its obligations is enhanced by the leadership and guidance provided by the Chair.

The Chair of HWDSB has authority for these duties as granted by the Board of Trustees:

- 2.3.1 To be the official spokesperson for the Board of Trustees in relation to all external communications on matters under consideration by the board, as well as explaining board positions and decisions, including budget and policy decisions.
  - i. The Chair of the Board may designate media requests to Committee Chairs, depending on the nature of the request, as it relates to the committee agenda/mandate.
  - ii. The Chair of the Board may also redirect media requests on ward-specific initiatives to individual Ward Trustees.
- 2.3.2 To promote the interests of a diverse school system.
- 2.3.3 To ensure fairness and inclusivity in Board of Trustees deliberations and decision-making processes.
- 2.3.4 To aid in establishing and maintaining good relations with students, staff, parents and community members whom the Board of Trustees serves.
- 2.3.5 To preside at Board of Trustees meetings, Board of Trustees public and in-camera sessions and informal meetings of the trustees.
- 2.3.6 To ensure that the Board of Trustees engages in an annual review or self-evaluation of its effectiveness.
- 2.3.7 To present an address in celebration of the achievements of the Board of Trustees over the past year at the last meeting of the term (November Board meeting).
- 2.3.8 To be a member of the Governance Committee.
- 2.3.9 To meet with the Director of Education to keep an overview of the Board of Trustees' business and to provide support as appropriate.
- 2.3.10 To establish effective strategies to communicate with the other trustees, and to consult in a timely fashion with fellow trustees regarding pertinent information concerning Board of Trustees business and actions privy to the Board Chair.
- 2.3.11 To make use of all training and access resources such as equity, diversity, and inclusion training.
- 2.3.12 To be an ex officio member of committees comprised of Trustees only with voting privilege only if their attendance is needed to make a quorum.
- 2.3.13 To act as one of the signing officers of the Board of Trustees.
- 2.3.14 To provide advice and support to all members of the Board of Trustees, including Student Trustees and Shakowennakara:tats (in collaboration with the Student Trustee Mentor, Table Mentors and designated staff), when requested. The Chair is not responsible for reviewing comments, questions or statements in

advance of any meetings (unless requested by a member), however, all members' comments, questions or statements are expected to be issue-based on topic, not personal and respectful of all members of the Board as well as students and staff.

## 2.4 Vice Chair of the Board

The Vice-Chair of the Board is elected by the Board of Trustees to share the leadership role of the Chair. The Vice-Chair assists the Chair in ensuring that the Board operates in accordance with its own policies. The Board of Trustees' ability to discharge its obligations is enhanced by the leadership and guidance provided by the Vice-Chair.

The Vice-Chair of the Board of Trustees has the following duties:

- 2.4.1 To perform all the duties of the Chair when the Chair is absent.
- 2.4.2 To ensure fairness and inclusivity in Board of Trustees deliberations and decision-making processes.
- 2.4.3 To preside at the Standing Committee/Committee of the Whole sessions, Board of Trustees public and in-camera.
- 2.4.4 To participate in developing and tracking the agendas of the Standing Committee/Committee of the Whole meetings.
- 2.4.5 To be a member of the Governance Committee.
- 2.4.6 To be an ex officio member of committees comprised of trustees only with voting privilege if his/her attendance is needed to make a quorum.
- 2.4.7 To perform duties and responsibilities assigned by the Board Chair.
- 2.4.8 To be an alternate signing officer of the Board of Trustees.
- 2.4.9 To act as a mentor for Student Trustees in the absence of another designated Trustee or Shakowennakara:tats mentor.

## 2.5 Student Trustees

HWDSB Board of Trustees commits the following to Student Trustees:

- The Board of Trustees is committed to hearing the voices of the student population and will ensure that the student perspective is considered in the decisions of the members of the Board of Trustees.
- Since Student Trustees are students at HWDSB, the Board of Trustees and HWDSB have an obligation to ensure that Student Trustees are always in a safe environment and are properly and professionally supervised at all times, just as if they were in a classroom. This includes ensuring that the Student Trustees have training, resources, and ongoing professional and appropriate support at all times.
- The Board of Trustees also takes responsibility for communicating with students and ensuring student engagement. Communication includes listening to students and understanding their needs and values, as well as ensuring that the Board of Trustees' decisions are understood by students. The Board of Trustees commits to working with the Student Trustees to create regular and ongoing opportunities for this two-way communication between the Board of Trustees and students at large. Student Trustees will have the opportunity to work with the Board of Trustees to design mechanisms for communication and will have resources and support from the Board of Trustees and HWDSB.

The Board of Trustees will have at least 2, and not more than 3 Student Trustees (Ontario Education Act, [O. Reg 7/07](#) section 3) one of whom shall be from the Shakowennakara:tats community.

### *Purpose of Student Trustees*

- 2.5.1 The Board of Trustees is committed to including the voices of the student population and will ensure that the student perspective is considered in the decisions of the members of the Board of Trustees. One method of ensuring that students are heard is through the positions of the elected Student Trustees.
- 2.5.2 Student Trustees are elected to represent the interests of students on the Board of Trustees (Education Act, Section 55 (1)). The Board of Trustees expects that the Student Trustees represent the interests of students during deliberations of the Board of Trustees.

### *Obligation of the Board of Trustees to Student Trustees*

- 2.5.3 The Board of Trustees takes responsibility for communicating with students and ensuring student engagement. Communication includes listening to students and understanding their needs and values, as well as ensuring that the Board of Trustees' decisions are understood by students. The Board of Trustees commits to working with the Student Trustees to create regular and ongoing opportunities for this two-way communication between the Board of Trustees and the students. Student Trustees will have the opportunity to work with the Board of Trustees to design mechanisms for communication and will have resources and support from the Board of Trustees and HWDSB.
- 2.5.4 Since Student Trustees are students at HWDSB, the Board of Trustees and HWDSB have an obligation to ensure that Student Trustees are always in a safe environment and are properly and professionally supervised at all times, just as if they were in a classroom. This includes ensuring that the Student Trustees have training, resources, and ongoing professional and appropriate support at all times.

### *Role of Student Trustees*

- 2.5.5 The Education Act says that Student Trustees shall have the same opportunities for participation at all meetings of the Board of Trustees and of its committees as Trustees have (Section 55 (5)). The Act also says that Student Trustees have the same access to Board of Trustees resources and opportunities for training as Trustees have. (Section 55(7)). However, the legislation limits the role of Student Trustees as follows:
- i. Student Trustees are not members of the Board of Trustees and therefore not entitled to exercise a binding vote Section 55(2).
  - ii. Student Trustees cannot make a motion but can suggest a motion (Section 55 (4)).

### *Rights of Student Trustees*

- 2.5.6 Despite the limitations of the legislation, the Board of Trustees believes that Student Trustees are entitled to:
- i. Full participation at Trustee meetings
  - ii. Payment (at minimum, the honorarium stipulated by the Ontario Education Act, and consideration of academic credit)
  - iii. Full and ongoing training, orientation and support regarding their role including:
    - Best practices in governance,
    - Expectations for preparedness, attendance, input during discussion, making motions, suggesting agenda items, and all procedural rules including how to bring forth an agenda item.
  - iv. Resources and assistance, including knowing who they can contact whenever they have a question and who their mentors are.
  - v. Professional Development opportunities
  - vi. Awareness of their protection against liability
  - vii. Understand the role of their input, including the safety of their participation and the right to be heard.

### *Mentors and Orientation*

- 2.5.7 The Board of Trustees will always ensure that at least one Trustee is available to act as a mentor for the Student Trustee. The role of mentor for the Student Trustee is to facilitate a safe environment for participation as the Student Trustee is a student at HWDSB. The mentors will sit with and advise the Student Trustee during Board of Trustees meetings. The mentor is also an advisor, counsellor, teacher and protector. Therefore, the selection of the mentor is important, and the Student Trustee has the right to choose their mentor Trustee or Trustees. All other Trustees on the Board of Trustees also have the same obligation to provide them with a safe environment to participate and learn.
- 2.5.8 Orientation for the newly elected Student Trustees shall be provided by the Trustee Mentor, outgoing Student Trustees, Officer of Trustee Services and Superintendent responsible for Student Trustees. Orientation sessions will take place prior to the end of the term of the outgoing Student Trustees and throughout the school year. During their term, Student Trustees may request additional information or assistance, as required.
- 2.5.9 If a student trustee is under the age of 18, the parent/guardian/caregiver will be invited to attend all meetings.

### *Access to Board of Trustees Resources*

- 2.5.10 Student Trustees have the same access to professional development opportunities, conferences, etc., as provided to Trustees. The Student Trustees shall have the same access to material and information as the Trustees to allow for participation at meetings of the Board of Trustees and meetings of committees of the Board of Trustees. Student Trustees should experience no barriers to participation.

### *Expectations of Student Trustees*

- 2.5.11 Student Trustees are expected to know the Board of Trustees Governance Manual, including all by-laws of the Board of Trustees, e.g., attendance, and behaviour.

### *Conferences and Expenses*

- 2.5.12 Student Trustees may attend all Ontario School Trustees' Association (OSTA) conferences, when possible. When travel is required outside the jurisdiction of the board, and when under the age of 18, parental consent is required, and travel expenses will be paid to the student in advance. Any expenses incurred for conferences or otherwise reasonably incurred in connection with carrying out the duties of a Student Trustee will be paid in advance.

### *Inclusive Participation*

- 2.5.13 To ensure a fair representation of Student Trustees, HWDSB shall actively put in place structures that encourage inclusive participation of students from diverse backgrounds and identities.

### *Conflict of Interest and Code of Conduct*

- 2.5.14 Since Student Trustees are not members of the Board of Trustees, the conflict-of-interest provisions in the Municipal Conflict of Interest Act do not apply to them. However, they are bound by the Attendance and Conflict of Interest Guidelines, which state that they must declare their conflict and excuse themselves from discussions that would lead to a conflict of interest, as set out in the Guidelines.
- 2.5.15 During a discussion of the matter that gives rise to a conflict, the Student Trustee cannot participate in the discussion, cannot attempt to influence the vote of Board of Trustees members, is not entitled to a recorded vote, and cannot suggest a motion.
- 2.5.16 In the event that there is a conflict of interest at a closed meeting, the Student Trustee must leave the meeting during the time that the matter giving rise to the conflict is being discussed. When a Student Trustee leaves for this reason, this must be recorded in the minutes of the meeting.
- 2.5.17 Student Trustees are also bound by the Code of Conduct Policy which applies to all Trustees.

### *Selection Process and Vacancy*

- 2.5.18 Two Student Trustees will be elected by their peers, with an election being held no later than the last day of February on an annual basis. One Shakowennakara:tats will rise up through CC:ROSE no later than the last day of February on an annual basis. If the Board of Trustees determines that a vacancy shall be filled, it shall be filled by a by-election or an appointment, depending on the vacancy.

### *Motions & Notices of Motions*

- 2.5.19 Student Trustees and Shakowennakara:tats are eligible to recommend a motion(s) or submit notices of motion with the sponsorship of an elected Ward Trustee who will support the Student Trustee and provide a safe environment.
- 2.5.20 During a meeting (board or committee), students may, with the sponsorship of an elected Ward Trustee, request an amendment to a motion already on the floor OR may request a motion be made in response to an item on the agenda.

### *Requests for A Special Board Meeting*

- 2.5.21 Student Trustees can make a request for a special meeting to the Chair and Director.

Please see [Ontario Education Act RSO 1990, Section 55](#) entitled Student Trustees, and Education Act, [O. Reg. 7/07](#), for complete details on legislative requirements and limitations on Student Trustees.

## **2.6 Director of Education**

The Director of Education is both the Chief Education Officer and the Chief Executive Officer of the Hamilton-Wentworth District School Board (HWDSB), as well as the Secretary to the Board. The Director of Education is the sole employee of the Board of Trustees and as such, is accountable to the Board of Trustees and, through statute, to the Minister of Education for the organization and operation of Hamilton-Wentworth District School Board. All Board authority delegated to staff is delegated through the Director of Education.

The Board of Trustees entrusts the daily operations of the school board to the Director of Education.

## 2.7 Committee Chairs

The role of a committee chair is to preside over committee meetings, work with staff to develop the meeting agendas, conduct the meetings in accordance with the Rules of Meetings within the Governance Manual and provide input on behalf of the committee to staff on the committee workplan.

### 2.7.1 Trustee Special Committees:

- i. Each Trustee Special Committee shall be chaired by a committee member appointed by the Board of Trustees during the Organizational Board Meeting
- ii. All Chairs of Trustee Special Committees will be available for consultation with staff at his/her request.
- iii. Committee Chairs will put forward recommendations to the Board on behalf of the committee through presentation of the committee report at a Board Meeting

### 2.7.2 Committee Chairs (Community Advisory Committees):

- i. Community Advisory Committee Chairs shall be a committee member, who is appointed by the individual committees.
- ii. Chairs of Community Advisory Committees are responsible for reviewing the final committee report shared by staff that is to be presented at an upcoming Board Meeting. The report itself is presented to the Board by the Trustee(s) liaison to the committee.

## 3.0 Meetings of the Board

### 3.1 Organizational Board Meeting

- 3.1.1 The purpose of the organizational Board meeting shall be to:
- a. Elect the Chair of the Board.
  - b. Elect the Vice-Chair of the Board.
  - c. Consider the establishment and re-establishment of Trustee Special Committees and appoint members and elect Trustee Special Committee Chairs.
  - d. Consider the establishment and re-establishment of Community Advisory Committees and appoint members.
  - e. Appoint members of legislated committees.
  - f. Appoint members to represent the Board on external organizations.
  - g. Adopt a schedule of meeting dates and times for regular Board and Standing Committee meetings for the following year, if the Board has not yet done so (E.A. 208(6), 170.4).
- 3.1.2 The organizational meeting of the Board in each year shall be held not later than eight days following the beginning of the term of office (E.A. 208(4)).
- 3.1.3 The Director shall preside until the Chair of the Board is elected (E.A. 208(4)).
- 3.1.4 If the meeting is also an inaugural meeting, the Director shall read the election returns as certified by the clerks of the municipalities whereupon the elected members shall take their places.

Election of the Chair and Vice-Chair shall be conducted as follows:

- 3.1.5 The term of office in each case shall be one year, or until a successor is elected:
- a. The Chair of the Board. Upon election, the Chair shall take over chairing the meeting.
  - b. The Vice-Chair of the Board shall assume the role of chair in the absence of the chair.
- 3.1.6 The trustees shall appoint two staff members as scrutineers. A candidate may appoint a trustee to act as an additional scrutineer.
- 3.1.7 Elections shall be administered by secret ballot.
- 3.1.8 The Chair shall call for nominations. Nominations do not require seconders.
- 3.1.9 Candidates shall be permitted to nominate themselves.
- 3.1.10 Nominations shall be closed at the call of the Chair.
- 3.1.11 The candidates may give speeches in the reverse order of nomination and are limited to a duration of five minutes.
- 3.1.12 The scrutineers shall inform the Chair of the election results. The Chair shall announce the results. There shall be no further disclosure of the vote results.
- 3.1.13 If no candidate receives a majority of the valid votes cast, the candidate with the fewest votes shall be dropped from the ballot and another vote taken.

- 3.1.14 If no one receives a majority of the valid votes cast and there is a tie for last place, the vote shall be conducted once more. If a tie for last place is repeated, a draw shall be conducted among the candidates who are tied and the candidate losing the draw shall be dropped from the ballot.
- 3.1.15 If there is a tie vote on the final ballot, the vote shall be conducted once more before drawing lots (E.A., 208(8)).
- 3.1.16 During or before the organizational meeting each year, the Board shall approve a schedule of meeting dates and times for regular Board and Standing Committee meetings for the following year. The schedule may be revised by the Board (E.A., 208(6), 170.4).

## 3.2 Special Board

- 3.2.1 The Chair of the Board shall Chair Special Board meetings.
- a. Should it be necessary for the Chair of the Board to leave the Chair, the Vice-Chair of the Board shall be called upon, or, in the Vice-Chair's absence, one of the members, to act as Chair. The Vice-Chair or any member temporarily occupying the Chair shall discharge all the duties and enjoy all the rights of the Chair.
- 3.2.2 The Chair of the Board, in consultation with the Director, shall be responsible for the content of the agenda.
- 3.2.3 Special Board meetings may be called:
- a. By the Chair and the Director for the purpose of dealing with emergent matters.
  - b. By the Chair, or by the Director on the request of a majority of the members of the Board wherein the purpose of the meeting is stated.
  - c. Any Trustee, including Student Trustees, can make a request for a special meeting to the Chair and Director.
- 3.2.4 The Director shall provide at least 24 hours written notice of the special meeting.
- 3.2.5 The notice of and agenda for each special Board meeting shall include the purpose of the meeting.
- 3.2.6 As required, private matters may be considered at Board of Trustees regular and special Board meetings.
- 3.2.7 The order of business at special Board meetings shall be as follows, as necessary:
- a. Call to Order and Land Acknowledgement
  - b. National Anthem (observed as one sees appropriate)
  - c. Attendance and Quorum
  - d. Declarations of Conflicts of Interest
  - e. Resolution into Committee of the Whole (Private Session)
  - f. Public Meeting Reconvenes
  - g. Adoption of the Report of the Committee of the Whole (Private Session)
  - h. Matter Directly Related to the Purpose of the Meeting
  - i. Adjournment

### 3.3 Regular Board

- 3.3.1 The Chair of the Board shall chair regular Board meetings.
- a. Should it be necessary for the Chair of the Board to leave the Chair, the Vice-Chair of the Board shall be called upon, or, in the Vice-Chair's absence, one of the members, to act as Chair. The Vice-Chair or any member temporarily occupying the Chair shall discharge all the duties and enjoy all the rights of the Chair.
- 3.3.2 The Chair of the Board, in consultation with the Director, shall be responsible for the content of the agenda. Members can request to have items placed on the agenda of regular board meetings at least five days in advance to the Chair for consideration.
- 3.3.3 The agenda shall include all the matters that are to be considered, as far as is known.
- 3.3.4 Meetings shall commence as soon after the meeting time as a quorum is present. If quorum is not present within 20 minutes after the time appointed for a Board meeting, or if the quorum is lost during the meeting, the meeting shall stand adjourned. The Director shall make a record of Trustees who are present at the time the meeting adjourns.
- 3.3.5 The Director shall notify each member, in writing, of regular Board meetings at least 48 hours before the time at which such meetings are to take place.
- 3.3.6 The Board of Trustees may adopt, from time to time, a governance procedure for receiving and approving, as appropriate, matters using a consent calendar process at regular Board and Standing Committee meetings.
- 3.3.7 A Trustee wishing to have an observance of a special event, or a ceremony included in the agenda of a regular Board meeting shall submit a request to the Chair and the Director at least five days before the meeting. Members are allowed to propose such requests at the beginning of a regular meeting during the review of the agenda if they are unable to give advance notice.
- 3.3.8 The Chair may, in consultation with the Director, add an item to the agenda no later than the day before the meeting.
- 3.3.9 As required, private matters may be considered at Board of Trustees regular and special Board meetings.
- 3.3.10 The order of business at regular Board of Trustees meetings shall be as follows, as necessary:
- a. Call to Order and Land Acknowledgement
  - b. National Anthem (observed as one sees appropriate)
  - c. Attendance and Quorum
  - d. Special Reading, when desired
  - e. Observance of special events such as a student presentation, presentations of awards, memorials, mention of significant event
  - f. Approval of Agenda
  - g. Declarations of Conflicts of Interest
  - h. Confirmation of Minutes
  - i. Communications
  - j. Reports from Trustee Special Committees
  - k. Reports from Legislative Committees

- l. Reports from Community Advisory Committees
- m. Reports from Staff
- n. Motion to move to Committee of the whole (Private Session) (there may be times when the Board meets before public session, such as during virtual meetings)
- o. Rise and Report from Committee of the Whole (Private Session)
- p. Consideration of Written Notices of Motion
- q. Monthly oral reports from the Student Trustees, the Director, Board representatives to external organizations, and the Chair

3.3.11 From time to time the Board may receive correspondence from other boards or the community on topics that fall within the mandate of the Board of Trustees. The following protocol is used when correspondence is received:

- a. Correspondence from other boards received by the chair of the board will be added to the next available Board agenda.
- b. Correspondence from the community may be received through the Office of Trustee Services and must be addressed to the Board of Trustees.
  - Correspondence shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude, or vulgar language.
  - Correspondence shall not contain personal information, except for the author's name. Any personal information found in the communication will be redacted pursuant to the obligations of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
  - Following receipt and review of the correspondence by the Officer of Trustee Services, in consultation with the Chair of the Board, it may be added to the next available board meeting agenda OR if more appropriate, it may be referred to a committee for placement as an agenda item for a future meeting.
  - Correspondence respecting employee relation matters, school-specific matters, or conduct of a member(s) of staff will not be placed on the board agenda or referred to a committee. These matters will be referred forthwith by the Officer of Trustee Services to the relevant department, school or superintendent's office for consideration and appropriate action.
  - Correspondence received which contains allegations of a violation of the Trustee Code of Conduct by a member(s) of the Board will not be placed on any agenda but will be returned to the author who will be advised to contact the Chair of the Board.
- c. Trustees may motion to:
  - receive and file, or
  - develop their own HWDSB response, or
  - refer to staff for follow-up, or
  - refer to a committee or future board agenda.

## Committees of the Board

### 3.4 Standing Committee

A standing committee meeting will be called when there is a need for a report to be presented to the Board of Trustees that does not have an opportunity to first go through a Trustee Special Committee because it is not part of the committee mandate. A standing committee may also be called when identified as necessary by a Trustee Special Committee.

- 3.4.1 The Standing Committee shall be composed of all members of the Board.
- 3.4.2 The Vice-Chair of the Board shall Chair Standing Committee meetings.
- 3.4.3 Special meetings of the Standing Committee may be called by the Chair, or in the committee Chair's absence, by the Chair of the Board, or by the Director on the written request of a majority of the members of the committee and upon provision of 24 hours notice to the members.
- 3.4.4 The Standing Committee agenda shall be sent by the Director to the members at least 48 hours before the time at which the meeting is to take place. At the discretion of the Chair supplementary agenda material may be sent to the members no later than the day before the meeting.
- 3.4.5 The Standing Committee Chair, in consultation with the Director, shall be responsible for the content of the agenda and shall include all the matters that are to be considered, as far as is known.
- 3.4.6 The Chair, in consultation with the Director, may add an item to the agenda of the Standing Committee no later than the day before the meeting.
- 3.4.7 The order of business at Standing Committee meetings shall be as follows:
  - a. Call to Order and Land Acknowledgement
  - b. Attendance and Quorum
  - c. Declarations of Conflicts of Interest
  - d. Delegations
  - e. Approval of the Agenda
  - f. Reports from Trustee Special Committees
  - g. Reports from Staff
  - h. Motion to Move to Private Session
  - i. Adjournment
- 3.4.8 The Standing Committee shall report and recommend to the Board on all matters considered by the committee.

### **3.5 Committee of the Whole (Public)**

- 3.5.1 During a Board meeting, the Board may meet in a public session of Committee of the Whole by majority vote, to permit a more informal and detailed discussion of a certain matter.
- 3.5.2 The Committee of the Whole shall report and recommend to the Board in public session on all matters referred to it.

### **3.6 Committee of the Whole (Private)**

- 3.6.1 The Board shall meet in a private session of the Committee of the Whole by a majority vote, to consider private matters.
- 3.6.2 Trustees shall maintain confidentiality with regards to private matters considered by the Board and shall not discuss or share information related to private matters with any person other than fellow trustees and the Director or designate.
- 3.6.3 At the discretion of the Director, a person who is not a Board member or Board employee may be invited to participate in a presentation to the members in private after signing a confidentiality agreement.
- 3.6.4 Trustees shall maintain private agendas and related materials in a secure location.
- 3.6.5 The Director will recommend to the Committee of the Whole when a private decision can be made public. Sometimes there are administrative follow-up requirements to complete before a matter can be made public and other times a decision must remain private indefinitely. Therefore, trustees shall not disclose any decision made in private session before the Director has provided permission to do so.
- 3.6.6 The Director shall maintain records of all private matters and decisions, and these shall be maintained in the Director's Office and accessible to a trustee upon request.
- 3.6.7 The Director shall maintain the private minutes in a secure location from which they may not be removed.
- 3.6.8 The Director shall not permit any reproduction of private minutes.
- 3.6.9 Matters considered during private sessions of committees, including the Standing Committee, Trustee Special Committees, and Committee of the Whole, are governed by sections 207 (1) and (2) of the Education Act, as follows:
  - i. The meetings of a board and, subject to subsection (2), meetings of a committee of the board, including a Committee of the Whole, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.
  - ii. Closing of certain committee meetings: s. 207 (2) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject matter under consideration involves:
    - a. The security of the property of the board.
    - b. The disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian.
    - c. The acquisition or disposal of a school site.
    - d. Decisions in respect of negotiations with employees of the board; or

e. Litigation affecting the board. R.S.O. 1990, c. E.2, s. 207 (2).

3.6.10 A student trustee is not entitled to be present at a meeting that is closed to the public under clause 207 (2) (b). E.A. 55(5)

3.6.11 The Board is required to vote on approving the private recommendations in public.

- a. At the conclusion of each private meeting of the Committee of the Whole, the Director, in consultation with the Board of Trustees, will determine which recommendations or parts of recommendations of the private Committee of the Whole will immediately be made public.
- b. These recommendations or parts of recommendations will be read aloud by the Chair of the Committee of the Whole upon presentation of the committee's report in public and added to the public minutes.

### 3.7 Trustee Special Committees

- 3.7.1 Trustee Special Committees may be established by the Board from time to time as deemed advisable and upon determination of their membership and mandate.
- 3.7.2 Trustee Special Committees may be established on an ad-hoc basis for a specific task and shall be discharged upon completion of the task.
- 3.7.3 A member on whose motion a Trustee Special Committee is established shall be a member of that committee for the first term. Other committee members shall be appointed by the Board.
- 3.7.4 The Committee Chair, in consultation with the Director, shall call the first meeting of a Trustee Special Committee.
- 3.7.5 The term of office for Trustee Special Committees' members shall end on the day prior to the scheduled Organizational Board meeting in each year unless otherwise decided by the Board.
- 3.7.6 The Chair and Vice-Chair of the Board shall be ex officio members of Trustee Special Committees and when needed to count towards quorum shall have all the privileges of a member. When present at Trustee Special Committee meetings and not needed to count towards quorum, the ex officio member shall have speaking privileges only.
- 3.7.7 A member of the Trustee Special Committee who absents themselves from three consecutive meetings of the committee without approval of the committee shall cease to be a member of the committee. This information shall be reported to the Board.
- 3.7.8 Meetings held subsequent to the first meetings of Trustee Special Committees may be held on such dates and times as the committees consider expedient, provided that no such committee meets during a time period set aside by the Board for some other purpose without the approval of the Chair.
- 3.7.9 The Trustee Special Committee Chair, in consultation with the Director/Designate, shall be responsible for the content of the agenda.
- 3.7.10 Committee members are allowed to recommend agenda items as appropriate, subject to the approval of the Committee Chair.
- 3.7.11 The agenda for each Trustee Special Committee meeting shall include all the business to be considered at the meeting and shall be sent by the Director to the members at least 48 hours before the time at which the meeting is to take place. At the discretion of the Committee Chair, supplementary agenda material may be sent to the members no later than the day before the meeting.
- 3.7.12 Special meetings of a Trustee Special Committee may be called by the Committee Chair, or in their absence, by the Chair or Vice-Chair of the Board, or by the Director on the written request of a majority of the members of the committee and upon provision of 24 hours notice to the members.
- 3.7.13 The Committee Chair, in consultation with the Director, may add an item to the agenda of the Trustee Special Committee no later than the day before the meeting.

- 3.7.14 Trustee Special Committees shall report and recommend to the Standing Committee or the Board on all matters considered by the committee.
- 3.7.15 The Director shall assign staff resources as necessary, including a senior staff person and an administrative assistant.
- 3.7.16 The senior staff resource person(s) shall provide the Board of Trustees Trustee Special Committees with information when requested, provided that the information is available.
- 3.7.17 The administrative assistant shall be responsible for the distribution of the agenda, meeting arrangements and completion and routing of the committee report.
- 3.7.18 The following are the Board of Trustees Trustee Special Committees:
- Audit (as regulated by [Ontario Regulation 361/10](#))
  - Finance and Facilities
  - Governance
  - Human Resources
  - Policy
  - Program

#### *Membership*

##### Audit Committee:

- the committee membership will be made up of three trustees, appointed by the Board of Trustees.

##### Finance and Facilities Committee:

- the committee membership will be made up of three to five trustees, appointed by the Board of Trustees.

##### Governance Committee:

- the committee membership will be the Chair and Vice-chair of the Board of Trustees, and three other members, appointed by the Board of Trustees. For continuity, the past Board Chair and/or Governance Committee Chair should be considered as one of the three other members.

##### Human Resources Committee:

- the committee membership will be made up of three to five trustees, appointed by the Board of Trustees.

##### Policy Committee:

- the committee membership will be made up of three to five trustees, appointed by the Board of Trustees.

##### Program Committee:

- the committee membership will be made up of three to five trustees, appointed by the Board of Trustees.

#### *Mandates*

##### Audit Committee:

- The purpose of the Audit Committee is to assist the Board of Trustees to oversee and objectively assess the performance of the school board's management, internal audit and external audit functions.
- [O. Reg. 361/10](#) of the Education Act outlines the six main areas of an Audit Committee's

duties. These include financial reporting, internal controls, internal audits, external audits, compliance matters and risk management.

#### Finance & Facilities Committee:

- The purpose of the Finance and Facilities Committee is to make recommendations to the Board of Trustees on matters related to financial management and facilities management.
  - a. Financial Management:
    - Non-grant revenue management
    - Procurement
    - Budget Planning and Development
    - Provide advice on budgetary matters and on non-budgeted expenses that occur and report to the Board of Trustees
    - Participate in the development and implementation of a communications and consultation plan to provide budget information to the community and to receive from staff comments from parents, students, staff and the public on budget funding formula and related priorities.
    - Consider the impact of other budgetary pressures that may be unique to HWDSB and make recommendations to the Board of Trustees on the budget assumptions/parameters to guide the development of the budget each fiscal year.
    - With administration, conduct workshops for all Trustees on the development of the annual budget (if applicable)
    - Monitor provincial budget issues and consider the impact of provincial issues, initiatives, and announcements on HWDSB.
  - b. Facilities Management:
    - Planning and Pupil Accommodation
    - To monitor and update HWDSB's Long-Term Facilities Master Plan
    - To review, comment and approve Capital Funding Strategies
    - To review and provide comments on HWDSB's Annual School Renewal Plan and other school renewal strategies and initiatives.
    - To review, comment and approve Accommodation Planning and Property Management strategies and initiatives.
    - Monitor provincial initiatives and consider their potential impact on the four divisions of Facilities Management including Capital, Planning & Accommodation, Caretaking and Maintenance & Energy

#### Governance Committee:

- To make recommendations to the Board of Trustees on matters related to governance procedures.
- To monitor the function of the Board of Trustees, review and develop Governance statements, policies, and procedures.
- To ensure that a comprehensive review of the Board of Trustees Governance Manual is completed, at minimum, once within every four-year term.
- To develop, with the Director, a Director's Performance Appraisal.
- To maintain an annual governance workplan which includes Trustees' professional development in alignment with the Ontario Public School Boards' Association (OPSBA) Guide to Good Governance and other relevant frameworks.

- To support Trustee orientation.
- To develop political advocacy with all levels of government and associated agencies.
- To promote equity and inclusion in the overall governance of the Board of Trustees.

#### Human Resources:

- To make recommendations to the Board of Trustees on matters related to human resources:
  - a. Labour Relations/Employee Relations:
    - To develop mandates for negotiations with employee groups
    - To receive and give advice on matters related to collective bargaining and grievances.
    - To review and provide advice on salary, benefit adjustments and terms/conditions of employment for all non-union administrative employees.
    - To consider matters referred by the Board of Trustees or by administration which may be related to, but not necessarily specified in employee group collective agreements.
    - To monitor the health and wellness of HWDSB employees through data such as staff turnover, retention rates, staff satisfaction surveys, grievances, etc., consistent with principles of equity, diversity, and inclusion.
    - To promote fairness and equity in matters related to employee work conditions and compensation.
  - b. Staff Engagement:
    - Monitor our culture of trust, high expectations and efficacy in the system through professional learning and leadership development.
    - Support HWDSB Service departments in providing Exemplary Service
- To inform the Board of Trustees of legislative and provincial changes and the impact those changes may have on HWDSB.

#### Policy Committee:

- To make recommendations to the Board of Trustees on matters related to policy.
- To review and evaluate Board of Trustees policies.
- To maintain a regular process for policy review and evaluation
- Receive input that has been sought and received from the community, staff, students, and parents.
- To receive and/or request procedures for discussion, and to offer suggestions for consideration.
- To ensure the maintenance of accurate and current records of all Board of Trustees policies

#### Program Committee:

- To make recommendations to the Board of Trustees on matters related to programming offered to students at HWDSB.
- To review program-related issues
- To receive program-related reports from Staff
- To monitor implementation and evaluation of HWDSB's Program Strategies

### 3.8 Community Advisory Committees

#### *General*

- 3.8.1 The mandate for Community Advisory Committees is to provide the Board of Trustees with advice and recommendations from the community on specific areas of HWDSB policy or program consistent with the Education Act and the policies of HWDSB, and on services that affect the educational success and well-being of HWDSB students.
- 3.8.2 The establishment and membership of a community advisory committee shall be considered by the Board of Trustees each year between September 1 and the Organizational Board Meeting in November.
- 3.8.3 Should a community advisory committee not meet with quorum at least once per school year, the committee will cease to exist and will not be re-established the following academic year.
- 3.8.4 The following community advisory committees have been established by the Board of Trustees. This list will be automatically updated to reflect the Board of Trustees' approval of community advisory committees.
  - a. French as a Second Language Community Advisory Committee
  - b. Rural Schools Community Advisory Committee
  - c. Faith Community Advisory Committee
  - d. Human Rights & Equity Advisory Committee

#### *Membership*

- 3.8.5 The Director shall recommend members for appointment to a community advisory committee reflective of the school community no later than the Organizational Board Meeting in November.
- 3.8.6 Members of a community advisory committee shall be appointed by the Board of Trustees.
- 3.8.7 A community advisory committee shall have no more than 13 community members and no fewer than seven.
- 3.8.8 Quorum shall be determined as 50% plus 1 of committee members.
- 3.8.9 Students attending a Board secondary school may be members.
- 3.8.10 A community advisory committee may have one or two Trustees, appointed by the Board of Trustees, who may participate in the meetings but will not count towards quorum or have voting privileges. Trustee membership will be decided at the Organizational Board Meeting in November.
- 3.8.11 A community advisory committee shall appoint a chair or co-chairs from among its members at the first meeting each year.
- 3.8.12 The term of office for a member of a community advisory committee shall be one or two years commencing on September 1 and ending on June 30.
- 3.8.13 When a community advisory committee is established, the members shall be divided into members willing to serve for a one-year term and those willing to serve for a two-year term to initiate staggered terms.
- 3.8.14 A member who has served for more than two consecutive terms or partial terms shall be replaced by a new member; however, the Board may approve that an individual member be appointed for more than two consecutive terms or partial terms.

- 3.8.15 If a member is appointed mid-term, the committee shall recommend whether the term should end on June 30 of the current year or the following year.

#### *Duties of members*

- 3.8.16 If absent from a meeting, a member shall be permitted to send a person as the member's replacement. The replacement person shall be permitted to participate in the discussion but may not vote on behalf of the appointed member, nor count towards quorum. The replacement person shall be responsible for reporting on the activities of the meeting to the appointed member.
- 3.8.17 If a member is absent from three consecutive meetings, without the permission of the committee, the position shall be considered vacant, and a replacement member shall be appointed.

#### *Agenda items*

- 3.8.18 The chair or co-chairs, in consultation with the senior staff resource person, shall be responsible for the content of the agenda. Committee members may recommend agenda items subject to the approval by the chair or co-chairs.
- 3.8.19 A community advisory committee shall consider matters related to the mandate of the committee: (a) as referred to the committee by the Board of Trustees or the Director, or (b) of significant importance to the committee members.

#### *Staff Resources*

- 3.8.19 The Director shall provide a community advisory committee with meeting space.
- 3.8.20 The Director shall assign staff resources as necessary, including a senior staff resource person and an administrative assistant.
- 3.8.21 The senior staff resource person shall provide the community advisory committee with information when requested and if that information is readily available.
- 3.8.22 The administrative assistant shall be responsible for the distribution of the agenda, meeting arrangements and completion and routing of the committee report.
- 3.8.23 A community advisory committee shall not cause a significant amount of staff work to be undertaken or cause the duties of the administrative assistant to be expanded.

#### *Meetings*

- 3.8.24 A community advisory committee shall meet at least once per year, with quorum and provide a committee report to the Board of Trustees.
- 3.8.25 A community advisory committee shall not meet during July or August unless requested to do so by the Chair of the Board.
- 3.8.26 A community advisory committee meeting shall be open to the public for observation and notice of the meeting shall be posted on HWDSB's website.

#### *Rules of order*

- 3.8.27 A community advisory committee shall follow the Board of Trustees Governance Manual with respect to the rules of order for committees, where applicable.

#### *Reporting*

- 3.8.28 After each meeting of a community advisory committee, a committee report shall be prepared.

- 3.8.29 The administrative assistant shall be responsible for the preparation of the committee report.
- 3.8.30 The community advisory committee report shall be in the same format as those for the Board's other committees.
- 3.8.31 A community advisory committee report shall be presented to a special committee of the Board, the Standing Committee or the Board, at the discretion of the Chair of the Board and the Director.
- 3.8.32 The Director may decide that commentary, background or contextual information, and/or a recommendation from staff is necessary to ensure that trustees have comprehensive information on which to base a decision. When this is deemed necessary, the Director will issue a separate staff report to accompany the community advisory report.

### 3.9 Statutory Committees

Statutory Committees are specifically required by legislation and required under the Education Act. The terms of reference for statutory committees will be in accordance with the Education Act and applicable regulations.

The Board will establish the following Statutory Committees as required by the Education Act:

- Special Education Advisory Committee ([Ontario Regulation 464/97](#)).
- Supervised Alternative Learning Committees ([Ontario Regulation 374/10](#)).
- Parent Involvement Advisory Committee ([Ontario Regulation 330/10](#)).
- Suspension Appeals and Expulsion Hearings Committee (Behaviour, Discipline and Safety of Pupils, [Ontario Regulation 472/07](#), Education Act, s.309 (12), and s.311.3 (9)).

### 3.9.1 Special Education Advisory Committee

The establishment of a special education advisory committee is a requirement under the *Education Act* subsection 57.1 (1) which states: “Every district school board shall establish a special education advisory committee.”

*O. Reg. 464/97*, Special Education Advisory Committees, sets out the requirements for special education advisory committees.

The following is a table of contents for information that is set out in O. Reg. 464 and the section numbers referenced relate to the regulation.

- Members, Alternates, ss. 2, 3
- Qualifications, s. 5
- Term, s. 6
- Vacancy, ss. 7, 8
- Chair, Vice-chair, Meetings, s. 9
- Resources, s. 10
- Mandate, s. 11
- Annual review, annual budget process and financial statements, s. 12

In addition to the provisions of O. Reg. 464, the Board of Trustees has made the following decisions related to its Special Education Advisory Committee.

Membership: The membership of its SEAC shall reflect the range of exceptionalities within the school district.

- i. The Board of Trustees’ rules of order for special committees shall govern the order and conduct of the meeting of the Special Education Advisory Committee.
- ii. Each member is expected to:
  - a. To respond to the needs of all exceptional students under the jurisdiction of HWDSB.
  - b. To protect the right to privacy of individual pupils and family members by not discussing or sharing information about individual students.
  - c. To acquire and maintain a working knowledge of the Special Education programs and services provided by HWDSB.
  - d. To present to the Committee the interests, concerns, and suggestions of the association which the member represents regarding the programs and services of HWDSB.
  - e. To suggest items of concern for inclusion on the agenda
  - f. To suggest appropriate educational topics for discussion
  - g. To make motions for consideration
  - h. To keep the association which the member represents informed of the proceedings of the Committee.

- i. To be available as an informed and knowledgeable resource to the parents of exceptional children, potentially providing information on the Special Education programs, services, and procedures of HWDSB including in particular the Identification, Placement and Review process and appeals.
  - j. To be available as an informed and knowledgeable resource for schools and the community.
  - k. To attend meetings regularly, or to inform the alternate and the Committee chair or secretary when the member cannot attend a meeting and to arrange for the alternate to attend the meeting on behalf of the member.
  - l. To promote equity and inclusion in the Special Education programs and services provided by HWDSB.
- iii. The Board will make available the personnel and facilities necessary for the proper functioning of the committee.
- iv. The Board will provide the members of SEAC and their alternates with timely information and orientation regarding:
  - a. The role of SEAC and the Board of Trustees in relation to special education
  - b. Ministry and HWDSB policies and Board of Trustees decisions relating to Special Education programs and services.

### **3.9.2 Supervised Alternative Learning for Excused Pupils Committee**

The establishment of a supervised alternative learning committee is a requirement under the [Education Act](#), section 11 (8) which states: “Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations governing the excusal of persons who are at least 14 years old from compulsory attendance at school under Part II.”

[O. Reg. 374/10](#), Supervised Alternative Learning and Other Excusals from Attendance at School sets out the requirements for supervised alternative learning committees.

The regulation stipulates that at least one trustee shall be appointed to supervised alternative learning committees.

### 3.9.3 Parent Involvement Committee

The establishment of a parent involvement committee is required under the *Education Act*, subsection 17.1 (1) which states: “The Lieutenant Governor in Council may make regulations respecting parent involvement committees, including regulations requiring boards to establish parent involvement committees and regulations relating to their establishment, composition and functions.”

*O. Reg. 612/00* School Councils and Parent Involvement Committees, Part III, sets out the requirements for parent involvement committees.

The following is a table of contents for information that is set out in O. Reg. 612, Part III, and the section numbers referenced relate to the regulation.

- Purpose, ss. 27-28
- Continuation and Establishment of Committees, s. 29
- Composition of Committees, Transition, ss. 30-32
- Composition of Committees, General, s. 33
- Parent Members, s. 34
- Vacancies, ss. 35-36
- Term of Office, s. 37
- Officers, s. 38
- Remuneration, s. 39
- Meetings, s. 40
- Subcommittees, s. 41
- Voting, s. 42
- By-laws, s. 43
- Minutes and Financial Records, s. 44
- Incorporation, s. 45
- Delegation by the Director of Education and the Board Member, s. 46
- Consultation by Board, s. 47
- Consultation by Ministry, s. 48
- Consultation by Parent Involvement Committee, s. 49
- Summary of Activities, s. 50

In addition to the provisions of O. Reg. 612, Part III, the Board has made the following decisions related to its Parent Involvement Committee.

#### *Value of a Parent Involvement Committee*

Members of the Parental Involvement Committee (PIC) are valued partners of HWDSB. Advice from the parental perspective is much needed and appreciated. PIC will champion and demonstrate a commitment to parental engagement, contribute to productive meetings, participate in subcommittees when required, represent the broad parent interest with respect to all PIC work and deliberations, provide input and feedback and raise issues as members of the advisory committee.

### 3.9.4 Suspension Appeals and Expulsion Hearings Committee

The [Education Act](#), Part XIII, Behaviour, Discipline and Safety, includes provisions for suspension appeals and expulsion hearings. The relevant sections of the Education Act are:

- Appeal of suspension, s. 309.
- Hearing of appeal, s. 309. (6)
- Appeal process, 309. (7)
- Powers on appeal, 309. (10)
- Decision final, 309. (11)
- Committee, 309. (12)
- Expulsion hearing by board, s. 311.3
- Submissions and views of parties, s. (5)
- Decision, s. (6)
- Factors the board must consider, s. (7)
- Restriction on expulsion, s. (8)
- Committee, s. (9)

In addition to the provisions of the Education Act, the Board has made the following decisions related to its suspension appeals and expulsion hearings.

- i. All members of the Board of Trustees will participate as committee members.
- ii. Three members are required for each meeting.
- iii. Meetings will be called by the Chair of the Board at the request of the Director/Designate to ensure meetings fall within the statutory deadlines.

## 4.0 Rules of Order: Board and Committee Meetings

The rules of order shall apply to all Board meetings (Organizational, Special and Board), Standing Committee, Committee of the Whole, Committee of the Whole (Private), and Trustee Special Committees Meetings.

If rules of procedures are silent on a rule of order, *Robert's Rules of Order Newly Revised (Edition 12)* shall be the authority. However, although *Robert's Rules of Order* may advise the Board of Trustees on procedure and order, the Board of Trustees shall first and foremost be governed by the Roles, Responsibilities and Code of Conduct outlined in the Board of Trustees Governance Manual. As such, the use of *Robert's Rules of Order* must be used in the furtherance of the outlined Roles, Responsibilities, and Code of Conduct.

### 4.1 Rules of Order

- 4.1.1 The order of business shall be as shown in the agenda unless decided otherwise by the members.
- 4.1.2 At Board meetings, after being recognized by the Chair, a member desiring to speak shall address the Chair. The Chair shall call the member by their preferred name and the member may then, but not before, proceed to speak.
- 4.1.3 At Board meetings, motions shall be seconded.
- 4.1.4 All motions shall be decided by a vote unless the mover withdraws the motion.
- 4.1.5 The Secretary of the Board, in conjunction with the Chair, shall ensure that motions are written or transcribed and read verbatim as documented for all members before voting.
- 4.1.6 Every Trustee shall vote on all questions unless disqualified from voting. Any member present when a vote is taken who does not vote and is not disqualified shall be deemed to have voted in the negative.
- 4.1.7 No Trustee shall speak longer than five minutes on the same question, nor shall any member speak more than once upon any question. The mover of the original motion may have up to five minutes to close the debate. The Chair may reduce or increase the length of time for speakers or the number of times a member speaks to facilitate discussion on a specific matter.
- 4.1.8 When the motion under consideration contains several related proposals linked under one motion, a member may request to move a Division of the Question to allow for a separate vote to be taken on each motion.
- 4.1.9 If the proposals under one motion are unrelated, any member can demand a Division of the Question without a seconder, and the division will have to be made.
- 4.1.10 When a motion is put to a vote, the Chair shall first call for votes in favour of the motion, and then for votes opposed.
- 4.1.11 After a vote is taken, the Chair shall declare whether the motion was carried or defeated.
- 4.1.12 A record of the names of the members who voted for, or against a motion and those who were absent from the vote shall be included in the minutes of the meeting.
- 4.1.13 A motion is lost on a tie vote, except when the ruling of the Chair is appealed, in which case a tie vote upholds the Chair.

- 4.1.14 A motion before the Board may be amended at any time, subject to the following conditions:
- a. An amendment is directly relevant to the main motion or, in the case of an amendment to the amendment, the amendment to the amendment, if it proposes some change in the form or substance of the main motion or the amendment and shall not be contrary to the main motion or amendment.
  - b. Only one amendment and one amendment to the amendment may be before the Board at any one time.
  - c. The vote on the motion, amendment and amendment to the amendment is taken in the reverse order of that in which they were moved, that is, the amendment to the amendment first, then the amendment, and then the main motion
- 4.1.15 At any stage of the debate, a Trustee may require the question under discussion to be read. All Trustees can request clarifications from the Chair. The Chair can choose to answer or refer to others.
- 4.1.16 A member may request a brief factual answer to a question pertinent to the subject under debate.
- 4.1.17 If the Chair deems it necessary, the Chair shall refer a question to the Director.
- 4.1.18 No member while speaking shall be interrupted by another, except upon a point of order.
- 4.1.19 No member shall speak to the motion after the question has been put by the Chair, nor shall any other motion be made until after the result is declared, and the decision of the Chair as to whether the question has been put is final.
- 4.1.20 No matters shall be discussed or considered unless identified in the agenda or added as an item of new business.
- 4.1.21 A member may have a matter added to the agenda of a regular Board meeting as an item of new business provided a majority of the members of the Board agree to consider it.
- 4.1.22 A member may have a matter added to the agenda of a special Board meeting as an item of new business provided all members of the Board are present and agree to do so.
- 4.1.23 No decision of the Board shall be reconsidered for a period of 12 months following the decision, or for the remainder of the term of office, whichever is the shorter time, unless decided otherwise by the Board or new credible information emerges that directly contradicts the Board's understanding and reliance for such decision.
- 4.1.24 A previous decision cannot be reconsidered if it has already been carried out and cannot be undone.
- 4.1.25 A decision of the Board made at a previous meeting shall not be reconsidered unless written notice of the motion to reconsider the decision is included in the agenda. A decision of the Board made earlier in an ongoing meeting may be reconsidered on a motion without notice.
- 4.1.26 A motion or notice of motion to reconsider a previous decision shall include a motion or notice of motion presenting an alternate proposal or a recommendation to rescind the previous decision. The motion presenting an alternate proposal or motion to rescind shall not be considered if the motion to reconsider is defeated.

- 4.1.27 Reconsideration of a previous decision of the Board cannot be added as new business unless it is a reconsideration of a decision made earlier in a meeting.
- 4.1.28 A motion to reconsider a previous decision of the Board shall require a majority of the members of the Board to carry.
- 4.1.29 A decision to reconsider a previous decision shall not stay in effect beyond the adjournment of the meeting.
- 4.1.30 A member may bring to the attention of the Chair any departure from the rules of procedure by stating, "I rise to a point of order." The point of order must be stated clearly and concisely, and the Chair must decide, without debate, whether or not the point of order is well taken.
- 4.1.31 The ruling of the Chair on a point of order is final, subject only to an appeal to the Board, without debate. A tie vote upholds the Chair.
- 4.1.32 A member who feels that their reputation or that of the organization has been impugned may raise a "question of privilege." The procedure is the same as for a point of order.
- 4.1.33 Meetings shall adjourn at 10 p.m. unless decided otherwise by the members to add to the length of the meeting in 15-or 30-minute increments.

## 4.2 Rules of Order: Exceptions

The following exceptions to the rules of order apply to Standing Committee, Committee of the Whole, Committee of the Whole (Private) and Trustee Special Committees:

- 4.2.1 Motions shall not require a seconder.
- 4.2.2 A committee member may have an item added to the agenda of a committee provided it receives majority approval from the committee.
- 4.2.3 Speaking time limits and restrictions shall not apply to committee meetings.
- 4.2.4 A motion to call the question shall not be considered until all members who wish to speak have had an opportunity to do so.
- 4.2.5 If a minority of the committee disagrees with a recommendation to be made by a majority of the members, the minority may present an alternative position to the Board in the form of a minority report attached for information to the majority recommendation. Minority reports shall be presented to the committee in writing before the committee adjourns.
- 4.2.6 A motion to do the following shall not be in order in committee:
  - a. Table consideration of the motion indefinitely
  - b. Reconsider a decision previously made by the Board, unless the motion to reconsider the decision was referred to the committee by the Board.
  - c. Temporarily suspend the rules.
- 4.2.7 Committee meetings shall adjourn at a time established in the agenda or at the will of the members.
- 4.2.8 A Committee of the Whole or Committee of the Whole (Private) shall not consider a motion to adjourn.
- 4.2.9 The Committee of the Whole may end the meeting at any time to report progress. A motion to review the Chair's report to the public and end the meeting is decided without debate.

## 4.3 Motions

The Board of Trustees receives recommended action to consider through committee reports, staff reports or as a result of discussion of an agenda item, where notice is not necessary to be provided in advance. A motion is exclusively an action that occurs during a meeting and does not happen until moved by a trustee when a meeting is underway.

Note: When considering a motion at a meeting of the Board, the matter will frequently be referred to the Standing Committee or a special committee for consideration. The Board has taken “ownership” of the matter, and it is published in the agenda of the committee as a matter referred by the Board, it is no longer a motion or a written notice of motion. When the Standing Committee or special committee considers a matter, the committee has taken “ownership” of it and may approve, defeat, or amend it and present it as a recommendation of the committee in the committee’s report.

### *Motions - General*

- 4.3.1 A motion will be moved and seconded before debate on the motion can occur. After the debate has concluded the Chair will state the motion prior to the vote on the motion.
- 4.3.2 Motions shall be related to an agenda item.
- 4.3.3 Every motion shall be seconded (where required) and shall be disposed of only by a vote of the Board unless the mover and seconder, by permission of the Chair, withdraw the motion, if the motion has not been ‘put’ or stated by the Chair.
- 4.3.4 Any Trustee, including Student trustees, may request the motion under discussion be read for information at any time during the debate, provided that no such request is made to interrupt a Trustee speaking to the question.
- 4.3.5 The mover and seconder shall be recorded in the official meeting minutes.
- 4.3.6 After a motion is moved and seconded, and has been stated by the Chair, it shall be deemed to be in possession of the Board.
- 4.3.7 A Trustee may introduce a motion and provide clarification on the wording before the motion is seconded. No other Trustee is permitted to speak to a motion before it is seconded.

### *Motions – Order of Precedence*

- 4.3.8 A motion of precedence may be introduced during a meeting and shall be considered, in order of precedence, over the main motion and amendments, if any, before the Board and before the debate on the main motion and amendment resumes.
- 4.3.9 Only one motion of precedence can be before the Board at any time.
- 4.3.10 A second motion to the same effect cannot be made until some other business has intervened.
- 4.3.11 The order of precedence includes:
  - Fix the Time to which to Adjourn (not debatable if a motion is pending, debatable when no motion is pending)
  - Adjourn (not debatable)
  - Recess (not debatable)
  - Raise a Question of Privilege (not debatable)
  - Call for Orders of the Day (not debatable)

- Table (debatable)
- Call the Question (not debatable)
- Limit or Extend Debate (debatable)
- Postpone to a Certain Time (debatable)
- Refer to a Committee (debatable)
- Amend (debatable)
- Main Motion (debatable)

- 4.3.12 Each motion shall have precedence in the order listed above. Motions of Precedence that are not debatable include motions to adjourn, recess, raise a question of privilege, and to call the question.
- 4.3.14 A motion to call the question may only be moved by a member who has not spoken to the matter and may be moved at any time when a motion, with or without amendment or amendments, is before the Board, provided that no Trustee while speaking is interrupted. A motion to call the question shall require a two-thirds vote of those present to adopt.
- a. If carried by two-thirds of those present, the Chair shall then call for the vote on the pending motion and amendments (if more than one is before the Board at the time the question is called), in the appropriate order as required by these rules, and these items shall be voted upon and disposed of without further debate, and no other motion or amendment shall be entertained until the motion and amendment(s) are disposed of.
  - b. If the vote on the amendment is negative, further amendments may then be moved, and the motion and all amendments shall continue to be debated in the same manner.
- 4.3.15 A motion to table, done only in the case of an emergency, is not debatable; but a motion to table with any other condition involved is subject to debate and amendment with a majority vote. Generally, a motion to table discussion to a future date will be put forward.
- 4.3.16 A question having been tabled indefinitely shall not be taken up again at the same meeting.
- 4.3.17 A motion to adjourn shall be in order except when a Trustee is speaking, a vote is being taken, or when the previous question has been called. A motion to adjourn shall not be open to amendment or debate, but a motion to adjourn to a particular time may be amended or debated.
- 4.3.18 No second motion to adjourn shall be made until some business has been transacted after the first motion to adjourn has failed.
- 4.3.19 Requests by individual Trustees for information, which will require a significant time commitment by Administration, must be formulated into a motion and receive approval before the task is undertaken. A request approved by the “will of the Board” is acceptable when the request does not require significant time commitment by staff as determined in consultation with the Director.
- 4.3.20 Student Trustees and Shakowennakara:tats can suggest a motion on matters before the Board or one of its committees, however, this must be done with the sponsorship of an elected Ward Trustee.

*Motion - Suspend the Rules*

- 4.3.21 Any Trustee may make a motion to suspend the rules in order to do something, which cannot ordinarily be done without violating these rules. Such a motion is not debatable and requires a two-thirds vote of Trustees present at the meeting to pass. It may not be used in such a manner that would be seen as taking away a Trustee's rights.

### **4.3.1 Notices of Motion**

There may be times when a Trustee wishes to present a motion for consideration at a future meeting. In this instance, a trustee who has submitted a written notice of motion for inclusion in an agenda is providing notice to other Trustees, staff and the community that the matter may be considered and may withdraw or edit (provided the edits do not significantly change the original intent) at the time it is moved.

- i. The notice of motion must indicate the rationale of the motion and must be accurate and complete since it will determine what amendments are in order when the motion is considered.
- ii. The notice of motion will become invalid if the motion is amended beyond the scope of the notice.
- iii. Trustees may verbally serve notice of a motion that they intend to present at a future meeting during a Board or Committee of the Whole meeting.
- iv. To submit a matter for consideration, a written **notice of motion** must be received by the Director before 4 p.m. on the same day of the week one week before the meeting. For example, notices of motion for a Monday meeting must be received by 4 p.m. on the previous Monday. The Chair of the Board, in consultation with the Vice Chair, will have the discretion on whether to accept late submissions and direct staff to add to the appropriate agenda, but not later than 48 hours before the start of the meeting.
  - a. Student Trustees and Shakowennakara:tats can submit notices of motion. The submission must include the name of the elected Ward Trustee who is sponsoring the motion. The email submission may be sent by the Student Trustee or Ward Trustee.
- v. All notices of motion should be reviewed by the Director, Officer of Trustee Services and the Chair of the Board (or designate) to ensure that the submission is in accordance with the procedure outlined and does not contravene the Education Act and any other legislation.
- vi. Feedback may be provided to the member submitting the notice of motion related to providing clarification on statements made and actions requested.

## 4.4 Voting

- 4.4.1 No Trustee shall have more than one vote, as Chair or otherwise, either at Board meetings, or on any committee.
- 4.4.2 Any Trustee may abstain from voting. An abstention maintains a quorum. The number of yea and nay votes will determine the approval or defeat of a motion under consideration. If the vote required is a majority or 2/3 of the Trustees present, an abstention will have the same effect as a no vote. An abstention is not a vote and cannot be counted as a vote but can be noted in the minutes of the meeting.
- 4.4.3 Where there is an equality of votes, the question is defeated.
- 4.4.4 After the Chair has put a question to vote, there shall be no further debate. The decision of the Chair as to whether the question has been finally put shall be conclusive. This includes once the vote has occurred, we will move on to the next item on the agenda. Trustees are not permitted to continue to debate the motion by commenting on the outcome of the vote that has just occurred as this could be seen as the final word.
- 4.4.5 All votes at meetings shall be taken by a show of hands and shall be recorded.
- 4.4.6 Voting by proxy will not be allowed in any meeting under the jurisdiction of the Board in that proxy voting is incompatible with the essential characteristics of the Board in which membership is individual, personal, and non-transferable.
- 4.4.7 Student Trustees are not entitled to exercise a binding vote on matters before the board or its committees [Act (Section 55 (3))]. However, their vote will be recorded in the Board minutes, and they may request that a matter before the Board, or any of its committees, be put to a vote.

## 4.5 Delegations

*Note:* The following procedure applies to Board, Standing Committee and Trustee Special Committees only. Different delegation processes and opportunities for public input and consultation may be established for other specific purposes.

The following governance procedure establishes a process for hearing public input and is an indicator of the Board's commitment to advocacy for students, parents and communities. The procedure provides flexibility in managing the delegation process.

### *Subject Matter*

- 4.5.1 Trustees will hear delegations on matters that are shown on the agenda for either Standing Committee or Board meetings.
- 4.5.2 Special committees will hear delegations on matters related to their mandates.
- 4.5.3 Employees of the Board may make a delegation request on topics other than those concerning employment or professional interests for which other channels exist.

### *Confidential Matters*

- 4.5.4 Requests to delegate on matters which are deemed to be of a confidential nature, (Section 207 (1) and (2) of the Education Act), will be considered in private session.

### *Requests to Make an Oral Delegation*

- 4.5.5 Requests to delegate must be submitted in writing by e-mail to the Officer of Trustee Services by 12:00 pm on the Friday before the meeting and speakers must address a topic on the agenda.
- 4.5.6 If a request to make an oral delegation cannot be accommodated, the requestor will be invited to submit a written submission that will be distributed to all trustees in the agenda package and posted on the Board's website.
- 4.5.7 Requests to delegate on a topic other than those posted on an agenda, may be invited to speak to a special committee of the Board.
- 4.5.8 Individuals interested in delegating to Trustees are asked to make submissions in writing (or by telephone to the Officer of Trustee Services) which contain the speaker's full name, contact information (including telephone number(s), email address and city of residence) and a (brief) description of the request for delegation.
  - a. Delegates may also submit a written copy/summary of their delegation including any presentation or hand-out materials, and recommendation(s) for resolving the matter (if applicable).
- 4.5.9 A [Delegation Request Form](#) can be accessed via the Board's website and can be completed online, or a hard copy can be submitted to the Officer of Trustee services. Alternatively, individuals may telephone the Officer of Trustee Services to request delegation status.
- 4.5.10 A delegate cannot register for more than one place on the agenda.

- 4.5.11 All delegates will be informed of the following:
- a. In accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), presenters must ensure that no student or staff member is identified by name or by specific comments by which they could be identified.
  - b. Speaking remarks and presentations shall be free of statements or materials that are contrary to the Ontario Human Rights Code, other laws of Ontario and Canada, and the policies of the board, including but not limited to HWDSB Human Rights Policy and HWDSB Code of Conduct Policy.
  - c. Speaking remarks and presentations must not contain inappropriate comments regarding students, staff, or community members.
  - d. Delegates are expected to always refrain from the use of abusive or derogatory language and conduct themselves with courtesy and respect for others.
  - e. Delegates are invited to provide their own copies of any presentation handouts. Board staff will not be responsible for making copies of delegation materials, for the purpose of providing handouts.

4.5.12 The Chair may halt a delegation at any time if any person(s) engages in this or any other form of improper conduct which may result in a delegation not being completed.

4.5.13 Written submissions alone, on any topic and at any time, may be submitted to the Officer of Trustee Services and will be distributed to all trustees and posted on the Board's website.

#### *Time Allotted*

4.5.14 Delegates will be provided with up to 5 minutes to present.

#### *Questions of Clarification*

4.5.15 Following presentations, trustees may ask brief questions for clarification only, for a period of time which will be at the discretion of the Chair.

#### *Limitations*

4.5.17 The committees will hear up to six delegations at each meeting.

4.5.18 Delegation requests will be approved or denied at the discretion of the chair and vice chair, based on the anticipated time needed for completion of the agenda, variety and diversity of types of input (parent group, individual citizen, community organization), diversity variety of viewpoints, number of times the requestor has previously had the opportunity to address the trustees. If denied, requestors will be invited to submit a written submission which will be distributed at the appropriate meeting.

4.5.19 Delegates may speak once only on any particular matter.

4.5.20 For issues such as school closings or school naming and renaming (in whole or in part), where the Board will be instituting an extensive consultation process outside of the Board's regular business process, delegations will not be heard at committee meetings.

4.5.21 If more delegation requests are received than can be accommodated, written submissions will be encouraged, and these will be distributed to all Board members.

## 5.0 Governance & Accountability

### 5.1 Electronic Meetings and Meeting Attendance

(O. Reg. 463/97, Electronic Meetings and Meeting Attendance.)

- 5.1.1 At the request of any trustee, including a student trustee, the Board shall provide the trustee and student trustee with electronic means for participating in meetings of the Board (regular or special) or of a committee of the board, including a Committee of the Whole Board (regular or special).
- a. Student trustees may also participate in these meetings electronically and do not require approval to do so.

- 5.1.2 If a trustee proposes to participate in a meeting by electronic means, the trustee shall submit a request in writing and the reasons for the request to the Chair of the Board in advance of the scheduled meeting.
- a. Trustees shall endeavour to submit their request for electronic participation no later than:
    - i. Friday at 12 noon prior to the scheduled Board meeting.
    - ii. Three (3) business days prior to the scheduled Committee meeting.

*In the event of extenuating circumstances, the trustee shall submit their request for electronic participation as soon as they are able to do so.*

- 5.1.3 If the trustee requesting electronic participation is the Chair of the Board, the Chair shall submit the request and reasons to the Vice-Chair of the Board, or if the Board has no Vice-Chair, to another trustee of the Board.
- 5.1.4 The Chair, Vice-Chair, or other trustee, as applicable, may approve a request if they are satisfied that one or more of the circumstances exist.
- 5.1.5 The electronic means provided shall permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously.
- 5.1.6 When participating electronically, trustees are reminded of the following:
- a. During roll call, trustees must be visible on camera to be counted as present in the meeting and part of quorum;
  - b. Trustees are reminded to immediately inform the Chair and Minute Recorder when they have stepped away from the meeting/returned to the meeting;
  - c. Trustees shall be visible on camera to speak in a meeting of the board/committee;
  - d. Trustees are strongly encouraged to be visible on camera at all times during a meeting so that they are visible and accountable to committee members and the public.

*Note: Resolution #22-143, November 7, 2022*

#### *Circumstances for requesting electronic participation*

- 5.1.7 Effective July 29, 2024, the circumstances are:
- a. the distance from the trustee's primary place of residence within the area of jurisdiction of the board to the meeting location is 125 kilometres or more;
  - b. weather conditions do not allow the trustee to travel to the meeting location safely;
  - c. the trustee cannot be physically present at a meeting due to health-related issues;
  - d. the trustee has a disability that makes it challenging to be physically present at a meeting;
  - e. the trustee cannot be physically present due to family responsibilities in respect of:
    - i. the trustee's spouse;

- ii. a parent, step-parent, or foster parent of the trustee or the trustee's spouse;
- iii. a child, step-child, foster child, or child who is under legal guardianship of the trustee or the trustee's spouse;
- iv. a relative of the trustee who is dependent on the trustee for care or assistance;
- v. a person who is dependent on the trustee for care or assistance and who considers the trustee to be like a family member.

- 5.1.8 The Chair shall in good faith, be supportive when reviewing and approving requests for electronic participation, recognizing that Trustees prioritize attending meetings to the best of their abilities.
- 5.1.9 The Chair shall not approve a request for a trustee to participate by electronic means in a regular board meeting or regular committee of the whole board meeting if the request would result in fewer than one trustee of the board, in addition to the Chair of the Board or their designate, being physically present in the meeting room.
- 5.1.10 The Vice Chair or other member of the board shall not approve a request for the Chair of the Board to participate by electronic means in a regular board meeting or regular committee of the whole board meeting unless the Chair's designate will be physically present in the meeting room.
- 5.1.11 The chair of a committee of the board, other than the chair of a committee of the whole board, or their designate shall be physically present in the meeting room of every regular meeting of a committee of the board. The committee chair or designate may participate by electronic means, if approved, provided that at least one other member of the committee, who is also a trustee of the board, is physically present in the meeting room.

#### *Attendance*

- 5.1.12 A Trustee who participates in a meeting through electronic means in accordance with *Ontario Regulation 463/97* is deemed to be present at the meeting.
- 5.1.13 Effective September 1, 2025, if a trustee fails to be physically present at a regular meeting of the board or a regular meeting of the committee of the whole board unless their request to attend electronically is approved as set out above and in accordance with *Ontario Regulation 463/97*, the trustee's seat is vacated (s.228(1) (e) of the *Education Act*).

*Effective September 1, 2025, the following attendance requirements are revoked:*

- a. *the Chair of the Board or designate shall be physically present in the meeting room of the board for at least half of the meetings of the board during each 12-month period beginning November 15, 2022; and*
- b. *a trustee shall be physically present in the meeting room of the board for at least 3 regular meetings of the board during each 12-month period beginning November 15, 2022 (and pro-rated for trustees elected or appointed to fill a vacancy on the board in accordance with ss. 7(9) and ss.11(2) of Ontario Regulation 463/97).*

- 5.1.14 A trustee vacates their seat if they absent themselves without being authorized by resolution of the board entered in the minutes, from three consecutive regular meetings of the board (s.228(1)(b) of the *Education Act*).

- 5.1.15 The Director of Education or their designate must be physically present in the meeting room for each meeting of the board and each meeting of a committee of the board, including a committee of the whole, except when all schools of the board are closed.
- 5.1.16 If all schools of the board are closed under an order made in accordance with *Ontario Regulation 463/97* then the requirement for physical attendance at any meetings by a trustee or the Director of Education is not required in accordance with that Regulation and all trustees and student trustees may participate electronically. In those circumstances, the meeting room of the board or a committee of the board will not be open to permit physical attendance by members of the public.
- 5.1.17 Except those committee meetings from which the public has been excluded, the meeting room of the Board or of a committee of the Board, as the case may be, shall be open to permit physical attendance by members of the public at every regular meeting of the Board or of the committee of the Board, regardless of whether one or more trustees (including the student trustees) participate at such meetings electronically, unless all schools of the board are closed.
- 5.1.18 The Board shall provide members of the public with the ability to connect electronically to a meeting of the Board or of a committee of the Board. The electronic means used shall permit the public to hear the meeting, and where permitted by the Board (for example, a delegate), to participate in a meeting then all participants in the meeting shall be able to communicate with each other simultaneously and instantaneously.
- 5.1.19 At all meetings at which a trustee, including a student trustee, participates by electronic means, it is the responsibility of those trustees to comply with the requirements of the *Municipal Conflict of Interest Act*, including, in the case of a meeting that is closed to the public, to disconnect from the electronic participation for so long as is necessary to comply.
- 5.1.20 The Board shall ensure that appropriate processes are put in place to ensure the security and confidentiality of electronic participation in proceedings held during meetings that are closed to the public, including ensuring student trustees who participate through electronic means do not participate in any proceedings that are closed to the public under clause 207(2)(b) of the *Education Act* (subject matter under consideration involves the disclosure of intimate, personal or financial information in respect of a trustee of the board or member of a committee, an employee or prospective employee of the board or a pupil or their parent or guardian).
- 5.1.21 Where a meeting or part of a meeting is to be held in closed session, the trustee participating electronically shall confirm that they are in a private location where an unauthorized individual can not hear the trustee or meeting participants.
- a. Trustees shall be visible on camera when participating in closed meetings (Board and/or committee meetings)

*Note: Resolution #22-143, November 7, 2022*

- 5.1.22 A trustee who has received written approval for electronic participation shall be responsible for correcting technical problems including disruptive noise and accidental disconnections that occur as a result of problems with their environment or equipment.

5.1.23 The record of the meeting shall indicate that the trustee was present and participated by electronic means.

Ontario Regulation 246/18 *Member of School Boards – Code of Conduct* has been revoked and replaced with a new Ontario Regulation 312/24 [\*Members of School Boards – Code of Conduct\*](#) that sets out certain mandatory provisions for a code of conduct. A Board's code of conduct may contain additional provisions if the provisions do not conflict with any of the required provisions set out in the new Regulation.

## **5.2 Code of Conduct**

### *Purpose*

- 5.2.1 A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.
- 5.2.2 A code of conduct policy contributes to confidence in public education and respect for the integrity of Trustees in the community. It deals with acceptable and respectful behaviours.

### *Application*

- 5.2.3 This Code of Conduct and the Procedure apply to all Trustees of the Board, including the Chair of the Board and Student Trustees.

## **CODE OF CONDUCT**

### *Integrity and Dignity of Office*

- 5.2.4 Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
- 5.2.5 When acting or holding themselves out as Trustees of the Board, a Trustee shall conduct themselves in a manner that would not discredit or compromise the integrity of the Board.
- 5.2.6 When acting or holding themselves out as a Trustee, the Trustee shall treat persons equally without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- 5.2.7 Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
- 5.2.8 Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.
- 5.2.9 Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging regarding Board staff or fellow Board members.
- 5.2.10 Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

### *Avoidance of Personal Advantage and Conflict of Interest*

- 5.2.11 No Trustee shall accept a gift from any person, group or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing their duties to the Board, unless
- a. The gift is of nominal value,
  - b. The gift is given as an expression of courtesy or hospitality, and
  - c. Accepting the gift is reasonable in the circumstances. Please refer to [https://www.hwdsb.on.ca/sites/default/files/documents/2026-01/POL-3.11\\_Trustee-Expenses-2025.pdf](https://www.hwdsb.on.ca/sites/default/files/documents/2026-01/POL-3.11_Trustee-Expenses-2025.pdf) for additional information related to gifts.
- 5.2.12 A Trustee shall not use his or her office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.
- 5.2.13 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.
- 5.2.14 No Trustee shall use or permit the use of board resources for any purposes other than the business of the Board.

### *Compliance with Legislation*

- 5.2.15 A Trustee of the Board shall discharge his or her duties in accordance with the Education Act and any regulations, directives or guidelines thereunder and comply with the Municipal Freedom of Information and Protection of Privacy Act, and any other relevant legislation.
- 5.2.16 Every Trustee of the Board shall comply with this Code of Conduct and uphold the spirit of the Code.
- 5.2.17 Every Trustee shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Director of Education and the Chair of the Board.

### *Civil Behaviour*

- 5.2.18 A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.
- 5.2.19 When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and the public.
- 5.2.20 Trustees shall always act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.
- 5.2.21 All Trustees of the Board shall endeavour to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

- 5.2.22 All Trustees have an obligation to provide Student Trustees and Shakowennakara:tats with a safe environment to participate and learn.

*Respect for Confidentiality*

- 5.2.23 No Trustee shall disclose confidential information obtained or made available to them in their role as a Trustee except as authorized by law or the Board. Confidential information includes personal information about an identifiable individual or information subject to solicitor-client privilege.
- 5.2.24 Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.
- 5.2.25 No Trustee shall use confidential information, including confidential information obtained by them or made available to them in their role as a Trustee for the purpose of personal gain or for the gain of the Trustee's parent, spouse or child and shall not use such confidential information in a manner that would be detrimental to the interests of the Board. (Parent, spouse and child have the same meaning as in Section 1 of the *Municipal Conflict of Interest Act*.)

*Upholding Decisions*

- 5.2.26 All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.
- 5.2.27 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.
- 5.2.28 A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- 5.2.29 Each Trustee shall comply with Board policies, procedures, by-laws, and the Board of Trustees' Governance Manual.
- 5.2.30 The Chair of the Board is the spokesperson to the public on behalf of the Board unless otherwise determined by the Board. No other Trustee shall act as spokesperson to the public on behalf of the Board unless authorized by the Board. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

*Updated Sept. 2024  
Resolution #24-119*

## **Code of Conduct – Procedure**

Ontario Regulation 246/18: *Member of School Boards – Code of Conduct* has been revoked and replaced with a new Ontario Regulation 312/24 *Members of School Boards – Code of Conduct* that sets out paragraphs. 2(1) (4.1 and 4.2) that are mandatory code of conduct provisions effective January 1, 2025, [concerning the prohibition of frivolous, etc. complaints and reprisals].

Section 218.3 *Enforcement of Code of Conduct* of the *Education Act* and Ontario Regulation: 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* sets out certain mandatory provisions for the enforcement of the Members Code of Conduct.

The above mandatory provisions come into effect on January 1, 2025.

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### **Definitions**

Appellant - the party appealing the Integrity Commissioner's determination. "Business Day" means a day from Monday to Friday, excluding Holidays as defined in Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct*.

Holiday – defined in the *Legislation Act, 2006, Section 88*

Integrity Commissioner - a person appointed by the Board from the Minister of Education's roster of integrity commissioners or during the time no such roster exists, a person appointed by the Board who holds the qualifications to be appointed an integrity commissioner prescribed by Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct*.

Respondent - the party responding to an appeal of the Integrity Commissioner's determination.

### **Conflict Resolution Process**

Note: Each year two Trustees shall be chosen by the Board of Trustees to play a part in the procedure when the circumstances warrant that one or both Trustees are needed in place of the Chair and/or the Vice Chair of the Board to carry out any of the duties of the Trustee who is disqualified. The two Trustees will be designated and ranked as Code of Conduct First Alternate, and Code of Conduct Second Alternate, and, in that order, shall play a part in the procedure corresponding to the disqualified Trustee, if allowed.

5.2.31 It is expected that whenever possible, allegations of a breach of the Code of Conduct ("Code") by a Trustee shall be investigated following the Conflict Resolution Process, prior to initiating the Complaint Procedure (as per below). It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding their obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the Complaint Procedure. However, a Trustee does not have to first attempt the conflict resolution process of a complaint before commencing the Complaint Procedure as described below.

5.2.32 The Chair of the Board, on their own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) who alleges a breach of the Code has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the alleged

breach. The meeting will also include the Vice Chair (or Alternate) where the purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. The Conflict Resolution Process is conducted in private.

a. Any written notice received will trigger the Complaint Procedure.

5.2.33 At the discretion of the Chair and Vice Chair (or Alternate), they may include another Trustee of the Board in the above meeting.

5.2.34 If the allegation of a breach of the Code involves the Chair of the Board, the Vice-Chair of the Board and the Alternate may carry out the duties described in paragraph 2 above. At the Vice-Chair's and the Alternate's discretion, they may include another Trustee of the Board to attend the above meeting.

5.2.35 The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation Professional Development Program for School Board Trustees.

5.2.36 If a resolution of the Conflict Resolution Process cannot be achieved, the Complaint Procedure may be commenced.

### **Complaint Procedure**

5.2.37 A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may notify the following persons in writing of the alleged breach:

- a. the Chair of the Board; or
- b. the Vice-Chair of the Board, if the notice is related to the conduct of the Chair; or
- c. another Trustee of the Board (Code of Conduct Review, First Alternate or Second Alternate), who is neither the complainant nor the subject of the complaint, if the notice relates to both the conduct of the Chair and the Vice-Chair.

5.2.38 The Trustee who gives notice of an alleged breach of the Board's Code of Conduct shall provide a copy of the notification to the Director of Education of the Board.

5.2.39 The person to whom the notification was made (Chair, Vice-Chair, or other Trustee, as the case may be) shall immediately provide a copy of the written notice to the Trustee whose conduct is the subject of the alleged breach and the entire Board of Trustees. This notice shall not be public or published until published by the Board in accordance with the Records and Information section below.

5.2.40 No Trustee shall give notice of an alleged breach of the Code if the allegation is frivolous or vexatious or the notice is given in bad faith.

5.2.41 No trustees shall engage in reprisal or the threat of reprisal against:

- a. a trustee who gave notice of an alleged breach of the code; or
- b. any person who provides information about the alleged breach to the person appointed by the board to investigate the breach.

5.2.42 The Statutory Powers Procedure Act does not apply to anything done regarding the enforcement of the Code as particularized in s. 218.3.2(13) of the Education Act.

### *Notice of Breach*

5.2.43 The written notice of a breach of the Code shall include:

- a. the name of the Trustee alleging the breach and their contact information;
- b. the name and contact information of the Trustee whose conduct is the subject of the notification;
- c. the date of the alleged breach;
- d. a description of the alleged breach;
- e. the provision of the Code that was allegedly breached;
- f. the date on which the Trustee alleging the breach first knew that the alleged breach occurred;
- g. the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

5.2.44 A complaint of an allegation of a breach of the Code should generally be made within 60 days after the alleged breach occurred or was discovered, whichever is later. See particulars of this timeline below under Refusal to Commence an Investigation and Discovery of Breach.

### *Resolution of Notice of Breach*

5.2.45 When a written complaint is brought against a Trustee of the Board, during the 20-Business Day period prior to an Integrity Commissioner being appointed as described below, the Board may attempt to resolve the matter as follows:

- a. the Chair of the Board, or in the absence of the Chair or if the notice of the breach relates to the conduct of the Chair, the Vice-Chair of the Board or if the notice relates to the conduct of the Chair and the Vice-Chair then another Trustee appointed by the Board who is neither the complainant nor the subject of the complaint may attempt to resolve the matter in private as between the parties.
- b. this process may include the Chair/Vice Chair/Trustee, through the Director of Education or their designate, retaining legal counsel and/or a mediator to assist in resolving the matter.
- c. the process may also include a discussion and the use of remedial measures including, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation *Professional Development Program for School Board Trustees*.
- d. if the matter is resolved to the satisfaction of the Trustee alleging the breach, the Trustee shall withdraw their notice of the breach.
- e. the Board of Trustees will be advised whether the matter has been resolved and any agreed upon remedial measures or other basis for resolving the matter.

5.2.46 If the complaint described in the notice of breach is not resolved within 20 Business Days after the Trustee alleged to have breached the Code has received the notice, the matter shall be referred to an Integrity Commissioner appointed by the Board as described below under Appointment of Integrity of Commissioner. This should be done as soon as reasonably possible.

### *Appointment of Integrity Commissioner*

- 5.2.47 If the complaint is not resolved as described above (under Resolution of Notice of Breach), the Trustee (Chair, Vice-Chair or other Trustee) to whom the notification of the breach was given shall refer the complaint to the Integrity Commissioner appointed and paid for by the Board.
- 5.2.48 If a roster of Integrity Commissioners has been created by the Minister of Education, an appointment of an Integrity Commissioner shall be from the roster of Integrity Commissioners.
- 5.2.49 If a roster of Integrity Commissioners has not been created by the Minister of Education, then the Board shall appoint an external independent person who has the qualifications set out in Regulation 306/24 Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct and in consultation with the Director of Education.
- 5.2.50 The appointment of an Integrity Commissioner by the Board is hereby delegated to the Trustee (Chair, Vice-Chair or other Trustee, as the case may be) in consultation with the Director of Education.

### *Investigation*

- 5.2.51 Subject to Refusal to Commence an Investigation described below, the Integrity Commissioner appointed by the Board shall commence an investigation into the alleged breach of the Code of Conduct no later than 14 days after being appointed by the Board.
- 5.2.52 The Integrity Commissioner to whom the alleged breach is referred to by the Board to investigate may define the scope of the investigation.
- 5.2.53 The Trustee alleged to have breached the Code shall be provided with the opportunity to respond to the allegations, as well as a right of reply, where appropriate. The Integrity Commissioner shall determine this, the timelines, and form of such a response.

### *Refusal to Commence Investigation*

- 5.2.54 The Integrity Commissioner may refuse to commence an investigation into the alleged breach of the Code if,
- a. The complaint was made more than 60 days after the day the alleged breach occurred or was discovered, whichever is later, unless the Integrity Commissioner is satisfied the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or
  - b. In the opinion of the Integrity Commissioner, the complaint is made in bad faith or is frivolous or vexatious.
- 5.2.55 If a breach relates to a series of incidents, the 60-day period above runs from the day the last incident in the series occurred or was discovered.
- 5.2.56 The Integrity Commissioner shall provide written notice of a refusal to commence an investigation to the Trustee who is the subject of the complaint and the Board and the decision of the Integrity Commissioner is final.

### *Discovery of Breach*

5.2.57 A breach is discovered on the earlier of:

- a. The day on which the Trustee notifying the Board of the alleged breach first knew that the breach had occurred; and
- b. The day on which a reasonable person with the abilities and in the circumstances of the Trustee notifying the Board first ought to have known of the matters referred to in paragraph (a) above.

### *Powers of the Integrity Commissioner*

5.2.58 In the course of conducting the investigation, the Integrity Commissioner may:

- a. require the production of any records that may in any way relate to the investigation;
- b. examine and copy any records required under paragraph (a) above; and
- c. require any officer of the Board or any other person to appear before them and give evidence, on oath or affirmation, relating to the investigation.

5.2.59 Section 33 of the Public Inquiries Act, 2009 applies to an investigation.

### *Decision Process*

5.2.60 The Integrity Commissioner shall make any determination with respect to a complaint of alleged breach of the Code no later than 90 days after commencing the investigation, or within such other time period as may be prescribed by regulation, unless the Integrity Commissioner notifies the Board and the Trustee who is the subject of the complaint that an extension is necessary and of the reasons for the extension.

5.2.61 The Integrity Commissioner shall provide the Trustee whose conduct was the subject of the complaint and the Board written notice of a determination that the Trustee has or has not breached the Code and of any sanctions imposed.

5.2.62 The written notice must include:

- a. The reasons for the determination;
- b. the reasons for any sanctions; and
- c. information about the right to appeal.

### *Potential Sanctions*

5.2.63 If the Integrity Commissioner determines, following an investigation, that the Trustee has breached the Code, the Integrity Commissioner may impose one or more of the following sanctions:

- a. Censure the Trustee;
- b. Requiring the Board to reduce the Trustees honorarium by an amount not exceeding the amount prescribed in Regulation 357/06 *Honoraria for Board Members* which currently is 25% of the Trustees combined base and enrollment amount for the year of the term of office in which the breach occurred;
- c. Barring the Trustee from attending all or part of one or more meetings of the Board or one or more meetings of a committee of the Board, for the period of time specified by the Integrity Commissioner up to a maximum of 90 days or the balance of the Trustee's term of office, whichever is less;

- d. Barring the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Integrity Commissioner, up to a maximum of 90 days or the balance of the Trustee's term of office, whichever is less;
- e. Barring the Trustee from becoming the chair or vice-chair of the Board or of any committee of the Board, or removing the Trustee from any other positions;
- f. Barring the Trustee from exercising the privileges of a Trustee or acting as a Board representative, or removing the Trustee from a position the Trustee holds as a Board representative;
- g. Subject to any other limits set out in the above paragraphs(a) to (f), any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances;
- h. Subject to any other limits set out in the above paragraphs (a) to (f), any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code.

5.2.64 For greater certainty, the imposition of a sanction barring a Trustee from attending all or part of one meeting of the Board shall be deemed, for the purpose of clause 228(1)(b) of the Education Act to be authorization for the Trustee to be absent from the meeting.

5.2.65 Any Trustee who is barred from attending all or part of the meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.

#### *Appeal*

5.2.66 Either the Board or the Trustee whose conduct was the subject of an investigation may appeal the Integrity Commissioner's decision, the sanctions imposed, or both, and the Board and the Trustee are the parties to an appeal.

5.2.67 The Trustee whose conduct was the subject of the investigation shall not vote on the Board resolution to determine whether the Board will appeal the Integrity Commissioner's decisions on breach or sanctions.

5.2.68 The Board or the Trustee who appeals the Integrity Commissioner's determinations shall give written notice of the appeal to the other party and the Deputy Minister of Education no later than 15 Business Days after receiving written notice of the Integrity Commissioner's determination.

#### *Hearing of the Appeal*

5.2.69 The appeal shall be heard by a panel of three Integrity Commissioners appointed by the Deputy Minister of Education or their delegate (no later than 15 Business Days after the Deputy Minister or delegate receives the notice of appeal), but the panel should not include the Integrity Commissioner whose determination is the subject of the appeal.

5.2.70 One of the appointed Integrity Commissioners shall be named by the panel to act as chair and co-ordinate the hearing of the appeal.

5.2.71 The chair of the panel shall notify the parties to the appeal of:

- a. the appointment of the panel; and

- b. the requirements regarding written submissions of the parties and the requirements of the panel's written decision.

5.2.72 The panel shall hear the appeal in writing.

#### *Parties Written Submission*

5.2.73 The Appellant shall provide written submissions to the panel and the Respondent no later than 20 Business Days after receiving notice that the panel has been appointed.

5.2.74 The Respondent shall provide written submissions to the panel and the Appellant no later than 20 Business Days after receiving the Appellant's submissions.

5.2.75 The Appellant shall provide their written reply to the Respondent's submissions no later than 10 Business Days after receiving the Respondent's submissions.

5.2.76 The chair of the panel may extend any timeline regarding the above written submissions at the written request of a party in order to provide for the fair, just and expeditious resolution of the appeal.

5.2.77 A decision to extend a timeline above shall be provided to the parties in writing and a copy of the decision shall be provided to the Deputy Minister of Education.

#### *Consideration by the Panel*

5.2.78 The panel shall convene to consider the appeal at such times and in such places as they may determine. The panel may be convened by electronic means.

#### *Panel Decisions on Processes During the Appeal*

5.2.79 The panel may:

- a. define or narrow the scope of the appeal;
- b. limit the length of submissions from the parties;
- c. make interim decisions and orders; and
- d. on its own motion, and without holding a hearing, dismiss an appeal as frivolous or vexatious or commenced in bad faith. A panel decision on its motion is final.

5.2.80 The chair of the panel shall notify the parties of any decisions made by the panel above.

#### *Decision of the Panel*

5.2.81 The panel shall provide its decision and its reasons, including any dissent, to the parties in writing no later than 30 Business Days after receiving the Respondent's submission.

5.2.82 The panel shall provide a copy of the decision, reasons and dissent to the Deputy Minister of Education.

5.2.83 If the panel overturns the determination as to whether there is a breach of the Code made by the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked.

- 5.2.84 If the panel upholds the determination made by the Integrity Commissioner, the panel shall, within 30 Business Days after receiving the Respondent’s submissions on the appeal, uphold, vary or overturn the sanction.
- 5.2.85 If a sanction is varied or overturned, the variation or overturning shall be deemed to be effective as of the date of the original determination made by the Integrity Commissioner.
- 5.2.86 The decision of the panel respecting the determination of the Integrity Commissioner is final.

*Reporting*

- 5.2.87 A board shall keep records and publish information on its website about each of the following:
- a matter referred to an Integrity Commissioner for investigation and determination;
  - a decision of the Integrity Commissioner to refuse to commence an investigation under *Refusal to Commence Investigation* above;
  - determination of an Integrity Commissioner that a Trustee has or has not breached the Code and any sanction(s) imposed; and
  - a determination by a panel upholding or overturning an Integrity Commissioner’s determination including any variation of a sanction.
- 5.2.88 Where the alleged breach of the Board’s Code or the determination regarding the breach involves any of the matters described in clauses 207(2) (a) to (e) of the Education Act, the board shall publish only such information as is appropriate.
- 5.2.89 The following table is intended to illustrate the type of information that may be posted on the Board’s website, following receipt of an Integrity Commissioner’s final report, and updated in the case of an Appeal Panel Findings.

Report No.	Date Complaint Referred	IC Finding	Report*	Appeal Panel Finding
IC Report 123-456	Month, Date, Year	Breach found – no sanctions (list name of the Trustee - Respondent) ***  Breach Found with sanctions (listed) (list name of the Trustee - Respondent)	<a href="#">View Report</a>	
IC Report 789-012	Month, Date, Year	Dismissed (Report not posted) ***  IC Refusal to Commence Investigation		

*\*Where an alleged breach of the Board’s Code or a determination regarding the breach involves any matters described in clauses 207(2) (a) to (e) of the Education Act;*

- no report will be posted; or*
- applicable content shall be redacted*

### 5.3 Conflict of Interest: Declaring and Registry

The following is provided to be utilized by Trustees in compliance with the [Municipal Conflict of Interest Act](#). The declaration of conflicts of interest is to maintain the integrity and dignity of the office. It is also aimed at fostering accountability, transparency, and inclusivity in the governance process.

According to the Municipal Conflict of Interest Act, HWDSB Trustees will maintain a registry of all declarations made under this Act. The registry must include a written declaration provided by the board member and must be available to the public. This registry is accessible on the HWDSB website.

- 5.3.1 Upon being acknowledged by the chair, the member will state: "I wish to declare a conflict of interest regarding item (agenda number and topic) in the agenda because (reason, e.g. my child works for XYZ company, my spouse is a secondary school teacher)."
- 5.3.2 A declaration of conflict of interest made at a committee meeting, must be repeated when the committee's report on the matter is being considered by another committee or the Board.
- 5.3.3 In private sessions, the trustee making the declaration will not be present for the discussion. If related to a public matter, the trustee making the declaration may be present for the discussion and vote, and the minutes will reflect that there was no participation, but rather observation.
- 5.3.4 A declaration of conflict of interest made at a private committee meeting, must be repeated when the report of the Committee of the Whole (Private Session) is being considered by the Board in public by saying, "I wish to declare a conflict of interest regarding a private (personal, legal, property, security, etc. matter contained in the private report of the Committee of the Whole."
- 5.3.5 When a conflict of interest has not been declared due to the absence of a member, the declaration must be made by the member concerned at the next meeting should the topic arise.

## 6.0 Document Maintenance

From time to time, non-substantive changes may be required to the Governance Manual. The Director, or designate, may make the following non-substantive changes, with an update being provided to Trustees on a quarterly basis (if applicable).

- a. Correction of spelling, punctuation, grammar and typographical errors.
- b. Correction of format or layout of information to improve accessibility or electronic/print presentation.
- c. Correction of cross-reference errors or discrepancy in the numbering of provisions; and
- d. Updates to roles or organizational titles

### 6.1 Changes to the Governance Manual

- 6.1.1 The Manual shall be reviewed, at a minimum, once during every four-year board term, to ensure that the elements it contains remain appropriate and relevant to the leadership and governance needs of HWDSB.
- 6.1.2 The Board may temporarily suspend a provision of the by-laws within the governance manual by a two-thirds majority of the members of the Board, except where the provision is grounded in an obligation imposed by law.
- 6.1.3 A temporary suspension of the by-laws within the governance manual shall expire at the end of the meeting in which the by-laws were suspended unless the Board determines otherwise.
- 6.1.4 No temporary suspension of the by-laws within the governance manual shall extend beyond the next organizational meeting of the Board.

## 6.2 Version/Approval

Version 1: May 30, 2022 – RESOLUTION #22-103

Version 2: March 25, 2024 – RESOLUTION #24-39

Version 3: September 2024 – RESOLUTION #24-119

- Updated 5.2 Trustee Code of Conduct per *O. Reg 312/24*

Version 4: February 2025

- RESOLUTION #24-169 - Updated 5.1 Electronic Meetings and Meeting Attendance (Jan. 2025)
- RESOLUTION #25-11 - Updated 5.2 Trustee Code of Conduct – Procedure

Version 5: May 2026

- RESOLUTION #26-65 – Updated Reporting Section of the Trustee Code of Conduct Procedure