

Section 2: Bylaws – Trustees - Committees

Policy 2.02: Trustee Attendance at Meetings (including electronic meetings)

Supporting Policies:

Supporting Procedures:

Supporting Protocols and Guidelines:

Supporting Templates and Forms:

Other Resources:

Regulation 463/97
Education Act, s.228(1)(b), (e)
Municipal Conflict of Interest Act

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RATIONALE:

School Board Trustees, as elected officials, have the role to oversee the governance function of the school board, with specific duties outlined in the Education Act (s.218.1). Attendance at meetings (Board meetings, Committee meetings, Committee of the Whole meetings and In-Camera meetings) is necessary to preserve the integrity of the elected role, while also enabling meaningful dialogue, debate and decision-making, and operating with visibility, transparency and within the standards established by and expected by the province.

ATTENDANCE EXPECTATIONS:

1. Deemed present

Subject to any conditions or limitations provided for under the Act or Regulation 463/97, a member of a board who participates in a meeting through electronic means in accordance with the Regulation is deemed to be present at the meeting for the purposes of every Act.

2. Provision of electronic means

a) At the request of any board member or student trustee, the board shall provide the member or student trustee with electronic means for participating in one or more meetings of the board or of a committee of the board, including a committee of the whole board. Refusal to provide a member with electronic means of participation in a meeting of the board, a meeting of a committee of the whole board or a meeting of any committee of the board, is permitted, unless the member has approval under subsection 5 or where to do so is necessary to ensure compliance with section 5(d) or (e).

b) The electronic means shall permit all persons participating in the meeting to communicate with each other simultaneously.

- c) The electronic means shall be provided in such a way as to comply with the rules governing conflict of interest of members.
- d) Student trustees who are participating through electronic means shall not participate in any proceedings that are closed to the public under clause 207 (2) (b) of the Act.
- e) To maintain confidentiality, members who join a closed meeting via electronic means (i.e. teleconference or videoconference) shall ensure they are in a private room/area, such that they cannot be seen or heard by other persons who are not part of the meeting. The recording of a closed meeting, by any means, is strictly prohibited.
- f) 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 in order to so comply.

3. Public access to meetings

- a) Members of the public shall be provided with electronic means to observe meetings of the board or of a committee of the board, including a committee of the whole board. 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, excluding meetings closed to the public.
- b) If non-board members/the public are participants in the meeting, electronic means shall permit communication simultaneously and instantaneously among participants.
- c) Members of the public/non-board members shall not participate in any proceedings that are closed to the public.

4. Committee meetings, member attendance

The chair of the committee or their designate shall be physically present in the meeting room at every regular meeting of the committee of the board, except a committee of the whole board. The chair of the committee or their designate may participate in a meeting of the committee of the board by electronic means if another member of the committee, who is also a member of the board, is physically present in the room.

5. Board meetings, member attendance

All members of the board shall be physically present in the meeting room of the board at every regular meeting of the board and every regular meeting of a committee of the whole board. A member of the board may participate in a meeting described in this section by electronic means instead of being physically present if the member receives written approval, as follows:

- a) If a member of the board proposes to participate in a meeting described in section 5 by electronic means, the member shall submit a request in writing and the reasons for the request to the chair of the board before the meeting begins.
- b) If the member of the board making a request in 5(a) 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 member of the board.
- c) The chair, vice-chair or other member, as applicable, may approve a request if they are satisfied that one or more of the following circumstances exists:

- i) the member's primary place of residence within the area of jurisdiction of the board is located 125 km or more from the meeting location;
 - ii) weather conditions do not allow the member to travel to the meeting location safely;
 - iii) the member cannot be physically present at a meeting due to health-related issues;
 - iv) the member has a disability that makes it challenging to be physically present at a meeting;
 - v) the member cannot be physically present due to family responsibilities in respect of:
 - the member's spouse
 - a parent, step-parent or foster parent of the member or the member's spouse
 - a child, step-child, foster child, or child who is under legal guardianship of the member or the member's spouse
 - a relative of the member who is dependent on the member for care or assistance, or
 - a person who is dependent on the member for care or assistance and who considers the member to be like a family member.
- d) The chair shall not approve a request under section 5 if approving the request would result in fewer than one member of the board, in addition to the chair of the board or their delegate, being physically present in the meeting room.
- e) The vice-chair or other member of the board shall not approve a request under section 5 unless the chair's delegate will be physically present in the meeting room.

6. Board and committee meetings, director of education attendance

The director of education or their designate shall be physically present in the meeting room for each meeting of the board and each meeting of a committee of a board, including a committee of the whole board.

7. School closures

Requirements outlined in sections 5(d), 5(e), and 6 for members to be physically present at meetings, and the requirement under section 6 (c)(v), do not apply if all schools of the board are closed pursuant to an order made by:

- a) The Minister under section 5(1) of the Act;
- b) A medical officer of health or the Chief Medical Officer of Health under section 22 or 77.1 of the Health Protection and Promotion Act;
- c) The Lieutenant Governor in Council under paragraph 5 of subsection 7.0.2 (4) of the Emergency Management and Civil Protection Act; or
- d) The Lieutenant Governor in Council under paragraph 4 (1) (a) of the Reopening Ontario (A Flexible Response to COVID-19) Act.

If an order is made, the period starts on the day the order is made and ends 60 days after the order ceases to apply.

If all schools of the board are closed under an order made in accordance with Ontario Regulation 463/97 then the requirement for the 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 as of right and without complying with section 5 above. 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.

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, as described above.

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 (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.