

HWDSB

Special Governance Committee

Monday, March 22, 2021

Virtual – MS Teams

Hamilton-Wentworth District School Board

20 Education Court, P.O. Box 2558

Hamilton, ON L8N 3L1

AGENDA: 5:30 pm

1. Call to Order
2. Approval of the Agenda
3. [Trustee Code of Conduct – appointment of outside consultant](#)
4. [Trustee Annual Plan and Self-Evaluation Development](#)
5. Governance Review (no copy)
6. Adjournment

curiosity • creativity • possibility



EXECUTIVE REPORT TO GOVERNANCE COMMITTEE

TO: GOVERNANCE COMMITTEE

FROM: Manny Figueiredo, Director of Education

DATE: March 22, 2021

PREPARED BY: Heather Miller, Officer of Trustee Services

RE: Trustee Code of Conduct – Formal Inquiries by outside Consultant

Action X

Monitoring

Recommended Action:

That should the Chair and Vice Chair request the Director of Education to appoint an outside consultant to complete the undertaking of a formal Trustee Code of Conduct inquiry, every effort will be made to first request that this work be completed by an Integrity Commissioner and in the case that this is not possible, another outside consultant will be appointed.

Background:

Within the Boards' Trustee Code of Conduct, there is an option for an outside consultant to conduct a formal code of conduct inquiry.

15. If the Chair and Vice-chair are of the opinion that an outside consultant should conduct the inquiry, the consultant will be appointed by the Director.

Staff are currently reviewing other school boards who utilize Integrity Commissioners to assist with Code of Conduct breach investigations on an as needed contract basis to gather contact information in the event that it is needed.

Should a Code of Conduct come forward which requires the appointment of an Integrity Commissioner, the process will be followed as outlined in the [Governance Procedure: Trustee Code of Conduct](#).



EXECUTIVE REPORT TO GOVERNANCE COMMITTEE

TO: GOVERNANCE COMMITTEE
FROM: Dawn Danko, Chair of the Board
DATE: March 22, 2021
PREPARED BY: Dawn Danko
RE: Trustee Annual Plan and Self-Evaluation Development

Action Monitoring X

Background:

The HWDSB Trustee Handbook outlines the responsibility of the Board of Trustees:

“A Board of Trustees must be able to function as a cohesive whole, providing a clear sense of purpose and direction to the entire system and the community it serves. Its focus is on the big picture, improving student achievement through effective policy-making, visionary planning, evaluating student outcomes and identifying major implications for the school district.” (HWDSB Trustee Handbook, p. 63).

Furthermore, the HWDSB Trustee Handbook outlines 10 major areas of accountability for Trustees as:

1. Accountability for Student Achievement
2. Accountability to the Community
3. Accountability to the Provincial Government
4. Policy Development, Implementation and Review
5. Board – Director Relations
6. Board Development
7. Strategic Planning
8. Fiscal Responsibility
9. Political Advocacy and Communication
10. Recognition

Within the duties of the Chair of the Board, the HWDSB Trustee Handbook stipulates that the Chair has a duty to “...ensure that the Board engages in an annual review of self-evaluation of its effectiveness” (p. 68).

The HWDSB Board of Trustees has worked to fulfill its responsibility under the Education Act (Part VI), including promoting student achievement and well-being through a multi-year strategic plan. The Board of Trustees has an annual work plan that ensures effective reporting, policy review and development, as well as monitoring and evaluating the performance of the director of education -Education Act, Section 169.1 (Ontario, Dec 8, 2020).

There are opportunities for the Board of Trustees to further focus and reflect to improve collective effectiveness of the Board going forward, and to meet the requirement of an annual review of effectiveness per the Board bylaws.

Why Engage in Self-Evaluation

Board self-evaluation can be an effective tool to help boards of trustees to take a critical look at their capabilities and readiness to meet evolving needs and expectations of stakeholders. A thoughtful self-assessment process can improve board alignment around key issues, reveal gaps, and strengthen the effectiveness of a board's practices (Golster & Sharma, 2020). Benchmarking current practices against key supporting principles can help trustees develop a best practice standard; this can be used to identify and prioritise areas for improvement (The Code of Good Governance, n.d.). Sharing outcomes of the board's evaluation process also signals a board's commitment to its governance responsibilities (Golster & Sharma, 2020).

Upon consultation and review of practices at other Ontario Public School Boards, there is no specific framework for a Board self-evaluation; however, TDSB has engaged a consultant to develop a self-evaluation tool that is expected to be shared in the coming months.

It is recommended that HWDSB Trustees leverage the work of TDSB and review the self-evaluation tool, as well as the process followed to establish the tool, when it is publicly available.

TDSB also captures key roles of the Board of Trustees:

- Strong and effective governance ensures that Trustees have the appropriate supports they need to serve in their role as elected officials.
- The Board of Trustees sets direction for the system and works closely with senior team in the best interests of students, schools and communities.
- Board policies, set by Trustees, provide important direction to the system and engage our public so their voices are heard.

(TDSB, 2018)

To initiate steps toward self-evaluation, the Board of Trustees must first set specific annual goals, and then determine appropriate assessments or measures of success.



HWDSB Trustee Self-Evaluation: Proposed Framework

1. Self-Reflection

- a. The Governance Committee shall request all Trustees engage in a self-reflection exercise with respect to key foundational knowledge, effectiveness and satisfaction with work as a Trustee.

2. Goal Setting

- a. The Governance Committee shall establish key areas for goal setting that align with Trustee Responsibilities under the Education Act, the HWDSB Trustee Handbook, and the HWDSB Strategies Directions.
- b. The Governance Committee, with feedback from all Trustees, shall recommend specific, measurable, achievable goals for the Board of Trustees. Goals should focus on specific work as it relates to Trustee and Board effectiveness.

3. Action Planning

- a. The Governance Committee shall recommend or highlight specific actions that will support the goals for the Board of Trustees.
- b. Timelines or targets should be set in collaboration with staff where staff support is required to meet the goals.

4. Assessment Planning

- a. The Governance Committee shall recommend measurements of success with respect to the specific goals for the Board of Trustees.
- b. The Governance Committee shall review and make a recommendation with respect to self-evaluation tools developed by other organizations or boards.

5. Annual Reporting

- a. The Governance Committee shall support the Chair in developing an annual report for the Board of Trustees Annual Plan and Self-Evaluation.
- b. The Annual Report will be posted publicly on the HWDSB website.

Sample Areas for Goal Setting:

- Effective Governance
- Effective Government Relations and Advocacy
- Effective Communication and Community Engagement

Sample Goals:

Effective Governance

What is our goal?

To review, revise and enhance existing governance practices to:

- facilitate achievement of the goals in the Board's Multi-Year Strategic Plan
- embed inclusive practices that support anti-racism, anti-oppression and Indigenous cultural safety

How will we achieve it?

- Complete an external consultation on Board governance bylaws & code of conduct
- Develop best practices for chairs, vice chairs, parliamentary procedures
- Review Board Committee reporting processes to support effective Board reports and motions, policy development and implementation, and communication
- Develop Trustee Orientation program, materials and structured learning opportunities to promote effective governance
- Explore and implement Self-Assessment Tools for the Board and committees to measure and improve effective governance practices

How will we know we are successful?

- The Board will be able to effectively utilize, assess and improve its governance practices.
- The Board's Committee Reporting Process will be aligned strategically to support the goals in the Multi-Year Strategic Plan over a four-year period.
- A Trustee Orientation program will be available
- The Board will engage in Self-Assessment and reporting on effective governance

(based on TDSB Multi-Year Strategic Plan – Action Plans, 2018)

Sample Reflection/Evaluation Tool

Good Governance – A Health Check

Principle 2: Working well both as individuals and as a team.

An effective board will provide good governance and leadership by working well both as individuals and as a team. The board will have a range of appropriate policies and procedures, knowledge, attitudes and behaviours to enable both individuals and the board to work effectively.

Working Well	Not Met	Part Met	Fully Met	Our evidence – Please describe below	Suggested Evidence (examples only)
Are your board meetings and sub-committee meetings effective?					Appropriate agenda Quorums met Minutes including records of decisions made Regular reports and other info Held regularly Regular full attendance
Have you got adequate skills, or reasonable access to skills, and experience on your board?					Skills audit Training eg child protection, recruitment, governance Evidence of advice obtained Possibly amend governing document if it's restrictive
Has your board received appropriate information and guidance in relation to governance?					Induction pack/ materials Governance training /events / seminars/conferences Regular policy updates Mentoring

<https://www.diycommitteeguide.org/sites/default/files/downloads/2019-02/Revised%20Governance%20Health%20Check%20Feb2019.pdf>

(The Code of Good Governance, n.d.).

References:

- Government of Canada (September 6, 2019). Assessing board effectiveness. Retrieved (March 16, 2021) from: <https://www.canada.ca/en/treasury-board-secretariat/services/guidance-crown-corporations/assessing-board-effectiveness.html#Toc216510652>
- Golster, L. & Sharma, A. (February 9, 2020). Strengthening the board's effectiveness in 2020: A framework for board evaluations. Harvard Law School Forum on Corporate Governance. Retrieved (March 15, 2021) from: <https://corpgov.law.harvard.edu/2020/02/09/strengthening-the-boards-effectiveness-in-2020-a-framework-for-board-evaluations/>
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- Ontario (Dec 8, 2020). Laws: Education act. Retrieved (March 16, 2021) from: <https://www.ontario.ca/laws/statute/90e02#BK84>
- TDSB (2018). Multi-year strategic plan. Retrieved (March 15, 2021) from: https://www.tdsb.on.ca/Portals/0/leadership/board_room/Multi-Year_Strategic_Plan.pdf
- The Code of Good Governance (n.d.). DIY committee guide. Retrieved (March 15, 2021) from <https://www.diycommitteeguide.org/introducing-code>