

HWDSB

Governance Committee

Wednesday, May 19, 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. Board Meeting Dates 2021-2022
4. Updates to sections of the Board of Trustees Handbook
5. Governance Review (no copy)
6. Adjournment



EXECUTIVE REPORT TO GOVERNANCE

TO: GOVERNANCE

FROM: Manny Figueiredo, Director of Education

DATE: May 19, 2021

PREPARED BY: Heather Miller, Officer of Trustee Services

RE: Board Meeting Schedule for September 2021 to June 2022

Action Monitoring

Recommended Action:

That the Board meeting schedule for September 2021 to June 2022 be approved.

Sept. 20 and 27	Oct. 18 and 25	Nov. 8 and 29	Dec. 6 and 13	Jan. 17 and 31
Feb. 14 and 28	Mar. 7 and 28	Apr. 11 and 25	May 9 and 30	Jun. 6 and 13

Background:

As per the Trustee Handbook, Governance Bylaw 1.16 states that “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).”

*Trustee Special Committee meeting dates will be determined following the approval of the Board meeting schedule.

September 2021–August 2022 (Canada)

September 2021

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2021

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November 2021

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December 2021

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January 2022

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February 2022

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March 2022

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April 2022

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May 2022

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June 2022

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July 2022

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August 2022

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EXECUTIVE REPORT TO GOVERNANCE

TO: GOVERNANCE

FROM: Manny Figueiredo, Director of Education

DATE: May 19, 2021

PREPARED BY: Heather Miller, Officer of Trustee Services

RE: Updates to Board of Trustees Handbook

Action Monitoring

Recommended Action:

That the updates to the following sections of the Board of Trustees Handbook be approved:

- Role of School Board Chair
- Submitting a Written Notice of Motion or Adding an Item to an Agenda
- Role of Student Trustees

Background:

Attached to this report are the appropriate sections of the handbook showing the amendments.

As part of the governance review process, the external third party Governance reviewer will be provided with the changes (once approved) and will review as part of their review to advise of any further gaps, provide additional clarity and in some cases, further recommendations for consideration.

In response to the recommendations made by the external investigator regarding the handbook used by the Board of Trustees, the following amendments have been made:

Role of the School Board Chair (Document A attached):

External Investigator Recommendation:

- *(2) That by June 30, 2021, the Board shall clarify the role of the Chair of the Board in respect to vetting questions / statements / comments of Trustee members, including Student Trustees, to be made at Board meetings in advance of such meetings and to amend the Trustee Code of Conduct to document the Chair's role in that regard and any policies or procedures relating thereto.*

HWDSB Response:

An additional bullet point has been added to the Role of the School Board Chair:

- To provide advice and support to all members of the Board, including Student Trustees, 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 submissions are expected to be issue-based, on topic, not personal and respectful of all members of the Board as well as staff.

At this time, staff are not making any recommendation to change the Trustee Code of Conduct and will seek advice and consultation from the third party Governance reviewer once appointed.

Submitting a Written Notice of Motion or Adding an Item to an Agenda (Document B – attached)

External Investigator Recommendation

- (3) *That by June 30, 2021, the Board shall amend the Trustee's Handbook to include a detailed written policy in respect to how and when Student Trustees' motions can be brought and motions amended by Student Trustees, and any and all requirements in respect to same. Such policy should also include the factors in respect of which the Chair shall exercise discretion in abridging the time limits specified in such policy.*

HWDSB Response:

The following additions have been made to the Submitting a Written Notice of Motion or Adding an Item to an Agenda section:

- Student Trustees are able to suggest a motion on matters before the Board or one of its committees, however, this must be done with the support of an elected Ward Trustee.
- The Chair of the Board has the discretion on whether to accept late submissions and direct staff to add to the appropriate agenda.
- It should be noted that the Director, Officer of Trustee Services and the Chair of the Board will review all submitted Notices of Motion to ensure that the submission is in accordance with the procedure outlined and does not contravene the Education Act and any other legislations. Feedback may be provided to the member submitting the notice of motion related to providing clarification on statements made and actions requested.

The section pertaining to the **Role of Student Trustees (Document C – attached)** was not a recommendation from the external investigator, however, the section does require an update based on a change in how students are elected to the position of Student Trustee and there is some cross-over in terms of the external investigator recommendation embedded in this section.

The following updates have been made to the Role of Student Trustee section of the handbook:

1. Number of Students

- HWDSB will have two Student Trustees and one Shakowennakara:tats who will represent the interests and voices of all students across the district.

3. Disqualification

- Staff recommend this section be replaced with the following statement as per *Ontario Regulation 7107*:
 - A student is not qualified to be elected or act as a Student Trustee if he or she is serving a sentence of imprisonment in a penal or correctional institution. A student who ceases to be qualified to act as a student trustee shall resign from the position.

10. Election Process and Vacancy

- 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 determines that a vacancy shall be filled, it shall be filled by a by-election or an appointment, depending on the vacancy.

11. Motions and Notices of Motion (NEW)

- Student Trustees and Shakowennakara:tats are eligible to move, make or submit motions or notices of motion with the support of an elected Ward Trustee. For information on submitting a notice of motion, please refer to *GOVERNANCE PROCEDURES: Submitting a Written Notice of Motion or Adding an Item to an Agenda* within the handbook.
- During a meeting (board or committee), students may, with the support 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.

Document A:
Role of Chair of the Board

GENERAL INFORMATION

Role of the Chair of the Board

The Chair of Hamilton-Wentworth District School Board safeguards the integrity of the Board'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 in order that collective opinion can be developed and a corporate decision reached. The Board's ability to discharge its obligations is enhanced by the leadership and guidance provided by the Chair.

The Chair of the Board has the following duties

1. To be the chief spokesperson for the Board in relation to Board policy except where this has been delegated by the Chair to another individual or group
2. To promote the interests of the entire school system
3. To aid in establishing good relations with all external and internal stakeholders which the Board serves
4. To preside at Board meetings, both public and in camera sessions and at informal meetings of the trustees
5. To ensure that the Board engages in an annual review or self-evaluation of its effectiveness
6. To present an address in celebration of achievements of the Board over the past year at the November Board meeting
7. To be a member of the Governance Committee
8. To meet with the Director of Education to keep an overview of the Board's business and to provide support as appropriate
9. 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 business and actions privy to the Board Chair
10. To make use of training and access resources such as corporate communications
11. To be an ex officio member of committees comprised of trustees only with voting privilege only if his/her attendance is needed to make a quorum
12. To act as one of the signing officers of the Board

13. To provide advice and support to all members of the Board, including Student Trustees, when requested. The Chair is not responsible for reviewing comments, questions or statements in advance of any meetings (unless requested by a member).

GENERAL INFORMATION
Role of the Chair of the Board

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 staff.

Document B:
Submitting a Written Notice of Motion or
Adding an Item to an Agenda

GOVERNANCE PROCEDURES**Submitting a Written Notice of Motion or Adding an Item to an Agenda**

The following governance procedure is designed to provide a process for trustees to add an item to an agenda of a Board or Standing Committee meeting for consideration.

Student Trustees are able to suggest a motion on matters before the Board or one of its committees, however, this must be done with the support of an elected Ward Trustee.

To submit a matter for consideration, a written notice of motion must be received by the Director before 4 p.m. on the same the day of the week one week prior to 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 has the discretion on whether to accept late submissions and direct staff to add to the appropriate agenda.

A motion is exclusively an action that occurs during a meeting, does not happen until moved by a trustee when a meeting is underway. 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 make editorial changes to it at the time it is moved.

Written notice of motion should suggest an action as concisely as possible, with no extraneous content, and leave no doubt as to what is being proposed.

It should be noted that the Director, Officer of Trustee Services and the Chair of the Board will review all submitted Notices of Motion to ensure that the submission is in accordance with the procedure outlined and does not contravene the Education Act and any other legislation. Feedback may be provided to the member submitting the notice of motion related to providing clarification on statements made and actions requested.

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.

GOVERNANCE PROCEDURES**Submitting a Written Notice of Motion or Adding an Item to an Agenda**

Example

Notice of motion to reconsider a previous decision

The following notice of motion is presented in accordance with Governance Bylaws 5.26 to 5.32.

(Bylaws 5.26 to 5.32 quoted here)

Be it resolved,

a) That the following decision of March 26, 2012, be reconsidered:

(Example) That the tentative agreement of purchase and sale regarding the disposition of the 100 Main Street West Hamilton property to McMaster University, subject to conditions as presented in the report, be approved.

AND if Part (a) is adopted, then:

b) That the decision be rescinded.

OR alternate proposal such as

b) That the decision be amended by changing “McMaster University” to “Mohawk College.”

Document C:
Role of Student Trustees

GENERAL INFORMATION

Student Trustees

Hamilton-Wentworth District School Board supports the election of Student Trustees, as per the provisions for the position set out in the *Education Act*, subsection 55 (1) which states: “*The Minister may make regulations providing for elected student trustees to represent, on district school boards and on boards established under section 67, the interests of pupils in the last two years of the intermediate division and in the senior division.*”

Hamilton-Wentworth District School Board is committed to hearing the voices of the student population through the elected student trustees on an annual basis and appreciates that the student perspective is considered in the decisions of the members of the Board of Trustees, and provides our students with valuable learning opportunities and experiences.

This document shall be in accordance with Ontario Regulation 7/07, made under the *Education Act*, and with any policies and guidelines established by the Minister under paragraph 3.5 of subsection 8 (1) of the *Act*.

1. Number of Students

HWDSB will have two Student Trustees and one Shakowennakara:tats who will represent the interests and voices of all students across the district.

~~Two student trustees will be elected to represent the interests and voices of all students across the district.~~

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2. Eligibility

A student is qualified to act as a student trustee if he or she is enrolled in a senior division with HWDSB and is,

- a) a full-time pupil or
- b) an exceptional pupil in a special education program for whom the board has reduced the length of the instructional program on each school day under subsection 3 (3) of Regulation 298 of the revised Regulations of Ontario, 1990 (Operation of Schools – General) made under the Act
- c) if under the age of 18, provide written confirmation of support and acknowledgement of their responsibilities from their parent/guardian/caregiver
- d) commit the necessary time to attend meetings and perform the duties and responsibilities of a student trustee

GENERAL INFORMATION
Student Trustees

- e) sign a Declaration (Appendix A) agreeing to follow the rules of the Board of Trustees, represent the voices of the entire student population to the best of their ability and to maintain confidentiality with respect to board business dealt with in closed sessions of the board and/or committee meetings

3. Disqualification

~~A student trustee who ceases to be qualified, must resign from the position. A student is not qualified to be elected or act as a Student Trustee if he or she is serving a sentence of imprisonment in a penal or correctional institution. A student who ceases to be qualified to act as a student trustee shall resign from the position.~~

~~The Officer of Trustee Services and Superintendent responsible for student trustees will monitor the student trustees' qualifications and advise the Chair of the Board should any concerns arise during the student's term of office.~~

~~A student Trustee will not be qualified to act as a Student Trustee if he or she,~~

- ~~a) is not a full time pupil of the board~~
- ~~b) is suspended or expelled~~
- ~~c) is serving a sentence of imprisonment in a penal or correctional institution~~
- ~~d) is absent from three consecutive regular Board meetings without approval~~
- ~~e) if confidentiality requirements are breached~~

4. Honorarium and Term of Office

- a) Student Trustees shall receive an honorarium of \$2,500 per annum, prorated as necessary when required
- b) The term of office for student trustees shall be one year commencing August 1 to and including July 31 of the following year

5. Responsibilities

- a) To regularly attend Board and Standing Committee meetings including closed sessions. Student trustees are excused from discussions in which the subject matter includes intimate, personal or financial information of a member of the Board or committee, an employee or prospective employee of the board or a pupil or his or her parent(s), guardian(s) or caregiver(s)

GENERAL INFORMATION
Student Trustees

- b) Will participate with other trustees in discussion, and represent students' positions during such discussions at the Board table
- c) To be knowledgeable about, and comply with the statements, procedures, etc. contained in the Governance Handbook, including the Trustee Code of Conduct
- d) To maintain standing in or be co-chair of Student Senate
- e) To serve as a student liaison on behalf of the Board at events such as community events, provincial student conferences, and other Board activities, as appropriate
- f) Will report the work of the student trustees both from a local level and from a provincial level through oral reports at monthly Board meetings

6. Conferences and Expenses

- a) Student trustees may attend all Ontario School Trustees' Association (OSTA) conferences, when possible
- b) When travel is required outside the jurisdiction of the Board when carrying out the responsibilities of a student trustee, and when under the age of 18, parental consent is required
- c) Any expenses incurred for conferences or otherwise reasonably incurred in connection with carrying out the duties of student trustee will be reimbursed

7. Mentors and Orientation

- a) HWDSB Board of Trustees will appoint one Trustee to act as mentor to coach and guide student trustees in their general activities related to the school board.
- b) Table mentors will be assigned to student trustees to sit with and advise during Board meetings
- c) 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.

**if the incoming student trustee(s) are under the age of 18, the parent/guardian/caregiver will be invited to attend the initial meeting*

GENERAL INFORMATION

Student Trustees

8. Access to Board Resources

Student trustees have the same access to professional development opportunities, conference, etc., as provided to Board members. The student trustees shall have the same access to material and information as Trustees to allow for participation at meetings of the Board and at meetings of committees of the Board.

9. Conflict of Interest

Since student trustees are not members of the board, the conflict of interest provisions in the *Municipal Conflict of Interest act* does not apply to them. However, they are bound by the Attendance and Conflict of Interest Guidelines (Appendix B) 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.

10. ~~Election~~ Selection Process and Vacancy

- a) 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 (see Appendix C)
- b) One ~~Shakowennakara:tats~~ will rise up through ~~CC:ROSE~~ no later than the last day of February on an annual basis (see Appendix C)
- a)c) Student trustees for HWDSB will be elected indirectly, by student representatives, with an election being held no later than April 30 in each year (see Appendix C)
- d) If the Board determines that a vacancy shall be filled, it shall be filled by a by-election or an appointment, depending on the vacancy.

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11. Motions and Notices of Motion

- a) Student Trustees and Shakowennakara:tats are eligible to move, make or submit motions or notices of motion with the support of an elected Ward Trustee. For information on submitting a notice of motion, please refer to *GOVERNANCE PROCEDURES: Submitting a Written Notice of Motion or Adding an Item to an Agenda within the handbook.*
- b) During a meeting (board or committee), students may, with the support 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.

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GENERAL INFORMATION
Student Trustees



Appendix A

Oath of Office for Student Trustees

Declaration

I, _____, having been elected/appointed by my peers to represent the elementary and secondary students of Hamilton-Wentworth District School Board, do solemnly declare that;

1. I will truly, impartially and to the best of my ability execute the Office of Student Trustee.
2. I will respect the rules, policies and conduct of this Board including maintaining the confidentiality of the Board with regards to matters that are dealt with in closed session.
3. I will represent students to the best of my ability and will present the best interests of students for the benefit of the Board; and
4. I will serve as an advocate and representative of the Hamilton-Wentworth District School Board at all times.

Signature of Student Trustee

Declared before me at Hamilton in the Province of Ontario
this ___ day of _____, 20XX.

Signature of Officer of Trustee Services

GENERAL INFORMATION
Student Trustees

Appendix B

MINISTRY OF EDUCATION
STUDENT TRUSTEES: ATTENDANCE AND CONFLICT OF INTEREST
GUIDELINES

PURPOSE

The purpose of this guideline is to address the issues of attendance and conflicts of interest in relation to student trustees. This guideline was created with the intention of having the same principles that apply to board members under the *Municipal Conflict of Interest Act* and the *Education Act* apply to student trustees.

Under the *Education Act* student trustees are not considered members of the board. As a result, they are not covered by the *Municipal Conflict of Interest Act* and are not subject to the same conflict of interest and attendance criteria that apply to board members.

These guidelines are established by the Minister of Education under the authority of paragraph 8(1)3.5 of the *Education Act* and are effective upon release.

ATTENDANCE

A student trustee must resign from their position if they are absent from three consecutive regular meetings of the board without being authorized by a resolution of the board. Authorizations by resolution must be provided to student trustees in the same manner as they are to board members and must be recorded in the meeting minutes.

Student trustees are considered present at a meeting in which they participate through teleconferencing, videoconferencing or other electronic means.

CONFLICTS OF INTEREST

A conflict of interest arises when a student trustee (or a student trustee's parent, spouse or child) has a direct or indirect financial interest in a matter being discussed at a board or committee meeting.

An indirect financial interest arises when a student trustee (or a student trustee's parent, spouse or child): 1) owns shares or is a senior officer in a privately-held company, 2) has a controlling interest or is a senior officer of a publicly-held corporation, or 3) is the member of a body that has a financial interest in the matter being discussed at a board or committee meeting.

For there to be a conflict, the financial interest must be of such a nature that it could reasonably be regarded as likely to exert influence over the student trustee.

When a student trustee realizes he or she is in a conflict of interest, the student trustee must declare this conflict to the board or to the committee. The declaration must be recorded in the minutes of the meeting.

April 13, 2007

Student Trustees: Attendance and Conflict of Interest Guidelines

1 of 2

Adopted October 2016
Resolution #16-158

GENERAL INFORMATION
Student Trustees

During 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 members, is not entitled to a recorded vote and cannot suggest a motion.

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.

GENERAL INFORMATION

Student Trustees

Appendix C

Election of Student Trustees ~~(Indirect Elections)~~ and Appointment of Shakowennakara:tats

1. ~~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~~
2. ~~One Shakowennakara:tats will rise up through CC:ROSE no later than the last day of February on an annual basis~~
1. ~~Student trustees for Hamilton Wentworth District School Board shall be elected by student representatives of the Board no later than April 30 of each school year.~~
- 2.3. Notice shall be sent to each secondary school no later than ~~February 15~~ December advising students of the opportunity to be a student trustee for the following school year.
4. ~~A Student Trustee Information Session will be held for students to learn more about the role and ask questions of the current student trustees and Shakowennakara:tats. This session is open to parents/guardians/caregivers, school staff and Principals who are interested in learning more about the role of student trustee and how to support students should they be elected.~~
3. ~~Interested students must attend a Student Trustee Info Session meeting to gain further information on the role of student trustee and to have an opportunity to address questions or concerns regarding the role to the current student trustees. This information meeting shall take place no later than the Friday preceding March Break. This session is open to parents/guardians/caregivers, school staff and Principals who are interested in learning more about the role of student trustee and how to support students should they be elected.~~
4. ~~Students interested in the position of student trustee will be asked to complete an application and submit a resume detailing their qualifications and experiences for the position. The application shall be submitted no later than the last Friday of March each year. Students who are interested in the Shakowennakara:tats position will be asked to contact the Indigenous Education team and submit their interest via CC:ROSE.~~

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SELECTION PROCESS

Shakowennakara:tats

5. ~~The Shakowennakara:tats rises up through the Cultivating Community: Reclaiming Our Spaces in Education (CC:ROSE), Indigenous Student Community, which is a student-led initiative (for Indigenous Learners, by Indigenous Learners) which began in 2018-19.~~

~~The process by which Shakowennakara:tats is raised is through consensus decision-making, which is a "creative and dynamic way of reaching agreement between all members of a group. Instead of simply voting for an item and having the majority of the group getting their way, a consensus group is committed to finding solutions that everyone actively supports - or at least can live with" (Consensus Decision Making, Short Guide, www.seedsofchange.org.uk).~~

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Two Student Trustees

- 5.6. ~~All candidates who have applied for the positions of student trustee and meet the eligibility criteria will be invited to participate in an election meeting, where candidates will be provided with questions to answer that will be recorded and posted on the HWDSB website (along with their written answer to the application question) that voters will have the opportunity to view before casting their electronic ballot. attend the Student Trustee Elections Meeting.~~

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GENERAL INFORMATION

Student Trustees

- ~~6.—The electors will consist of students representatives in Grades 7 to 12 across the district.~~
- ~~7.—The eligible student body will vote electronically individually through secret ballot. The votes will be tabulated electronically and the top 2 names for each school will be forwarded as the final vote for each school. Once all school votes have been tabulated, the top two names will be considered as the Student Trustees for the upcoming year. and decide on the successful candidates for the position of student trustee.~~
- ~~8.—The votes will be tabulated at the meeting under the supervision of the Superintendent responsible for student trustees, the outgoing student trustees* and the Officer of Trustee Services. Once the votes have been calculated, an announcement will be made prior to the end of the meeting indicating who the new incoming student trustees will be for the upcoming school year~~
~~**in the event that one or both current student trustees are running for re-election, one or 2 student representatives will be selected to observe the tabulating of votes.*~~
- ~~9.—In the event of a tie, whereby the top two candidates cannot be determined, the tie shall be broken by the drawing of names of the candidates who are tied, under the supervision of the Superintendent and Officer of Trustee Services.~~
- ~~10.7._____~~ The Officer of Trustee Services shall ~~advise the~~bring forward a report to the Board as soon as possible following an election ~~of the names of the student trustees elected~~, and shall provide the Ministry of Education with these names, no later than 30 days after the election.