

AGENDA: 6:00 p.m.

1. Call to Order/Roll Call
2. Land Acknowledgement
3. Approval of the Agenda
4. Update re: Ministry of Education Code of Conduct and DPA – Bill 98
5. [Board of Trustees Self-Evaluation Survey Results](#)
6. [Trustee Manual](#) – continued discussion from last meeting
 - a. [Paul Berton re: Proposed Trustee Policy Manual Revisions](#)
7. Adjournment



Land Acknowledgement

We acknowledge our presence on ancestral Anishinaabe and Haudenosaunee Confederacy land as determined by the Dish with One Spoon treaty.

The intent of this agreement is for all nations sharing this territory to do so responsibly, respectfully and sustainably in perpetuity.

We respect the longstanding relationships with the local Indigenous communities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River.



**EXECUTIVE REPORT TO
GOVERNANCE COMMITTEE**

TO: GOVERNANCE COMMITTEE
FROM: Sheryl Robinson Petrazzini, Director of Education
DATE: January 22, 2024
PREPARED BY: Heather Miller, Officer of Trustee Services
RE: Board of Trustee Self-Evaluation 2023-2024

Action

Monitoring X

Background:

Please find attached a copy of the summarized results for the Board of Trustee Self-Evaluation, 2023-2024.

Board of Trustees Self-Evaluation, 2023-2024

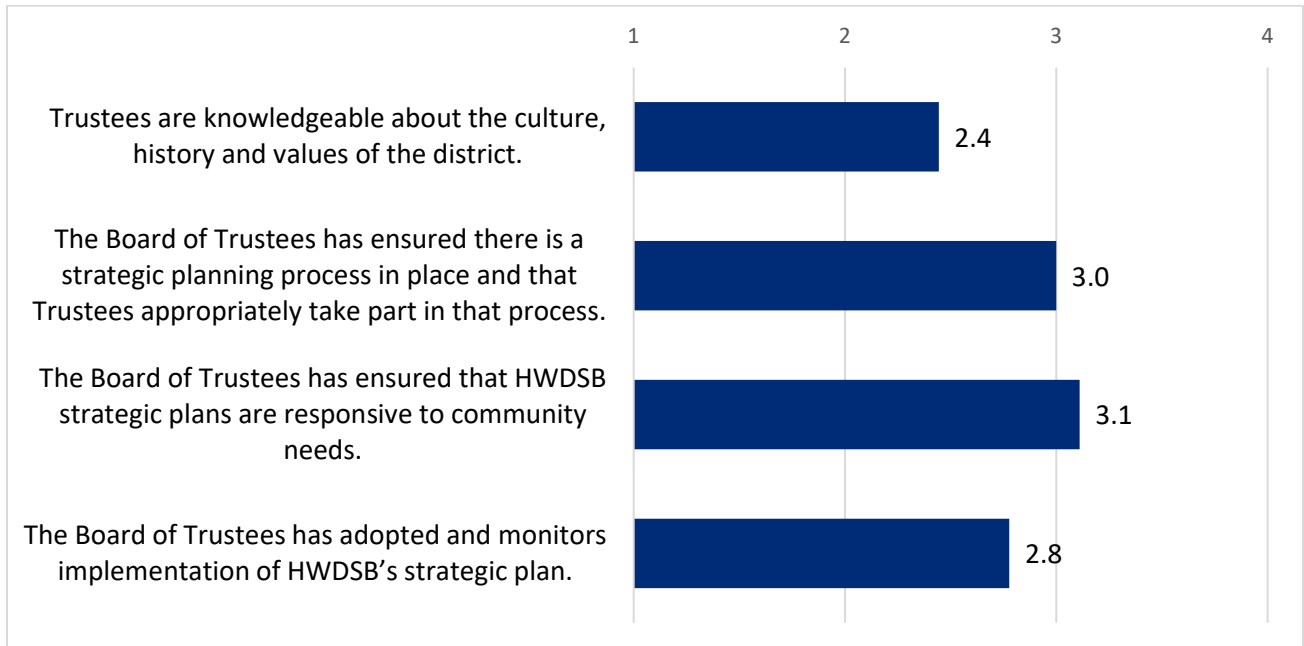
Between December 2023 and January 2024, Trustees were invited to engage in a self-evaluation of Board of Trustee progress in several areas. Participation was voluntary and Trustees could skip questions they preferred not to answer.

The purpose of the self-evaluation was to serve as a conversation starter to think about the future planning for growth and improvement of the Board of Trustees. A maturity model was used for this activity to indicate that the evaluation is not a judgement but a location along a continuum. It is designed to foster growth by asking where the Board of Trustees is at on this journey and where they need to go. Some questions were aspirational, meaning there was no expectation this work had begun, but that this is now part of the ongoing work of the Board of Trustees.

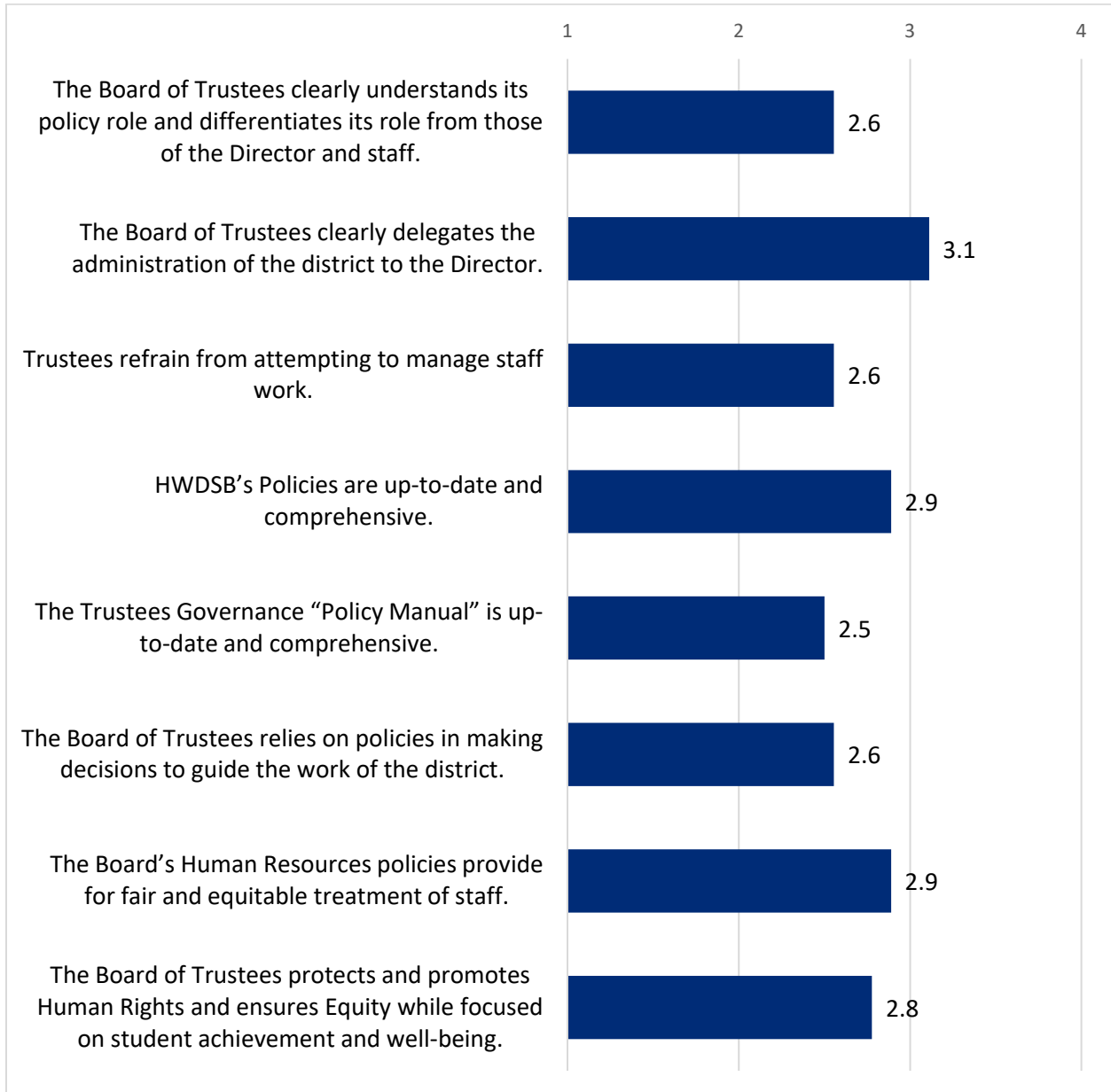
Scale:	
1. PRE-IMPLEMENTATION:	we have nothing in place to address this, we may need to know more, we may be gathering information, we may be planning
2. EARLY IMPLEMENTATION:	this happens ad hoc, we're still learning
3. BUILDING CAPACITY:	this happens but not always consistently, we are learning more, practicing, supporting, shifting practice
4. SUSTAINING CAPACITY:	we are where we need to be. Practice/knowledge is consistent and ongoing

Of HWDSB's 13 Trustees, 10 participated and their responses, using the scale above, are summarized below. The average response is indicated at the end of each bar. It is that number we look at to assess progress toward a maximum of 4.

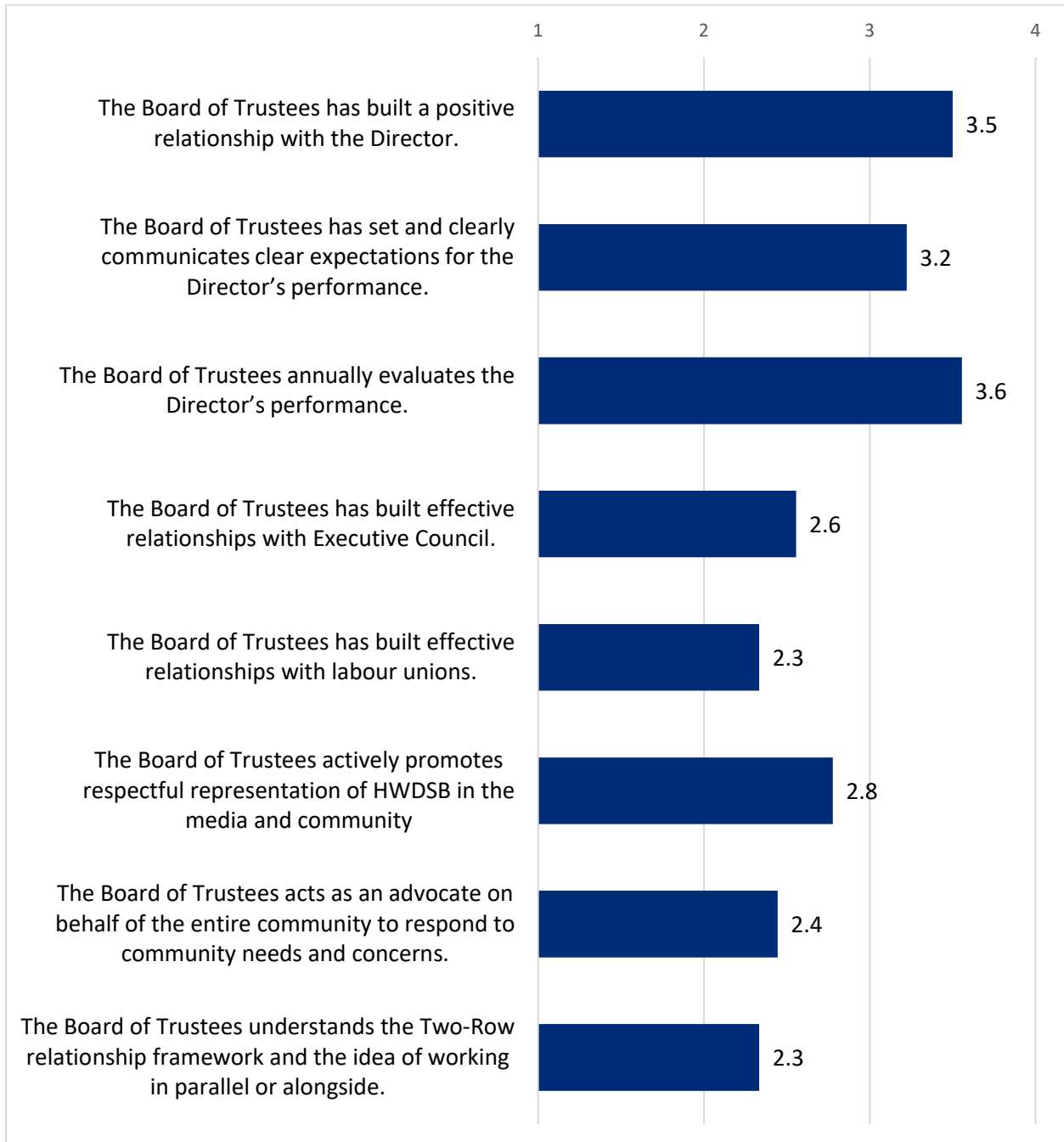
Mission and Strategic Planning



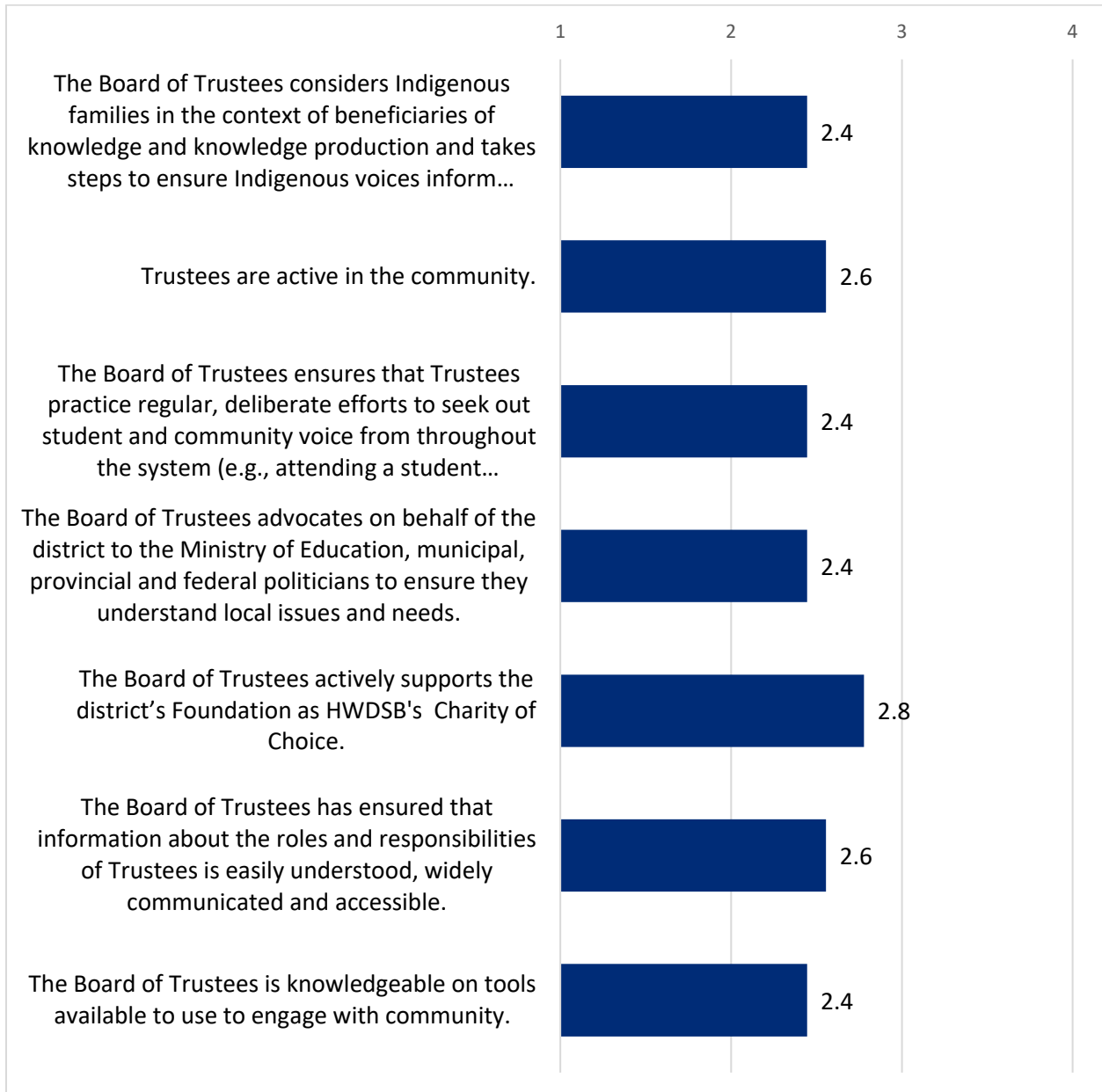
Policy and Governance Role



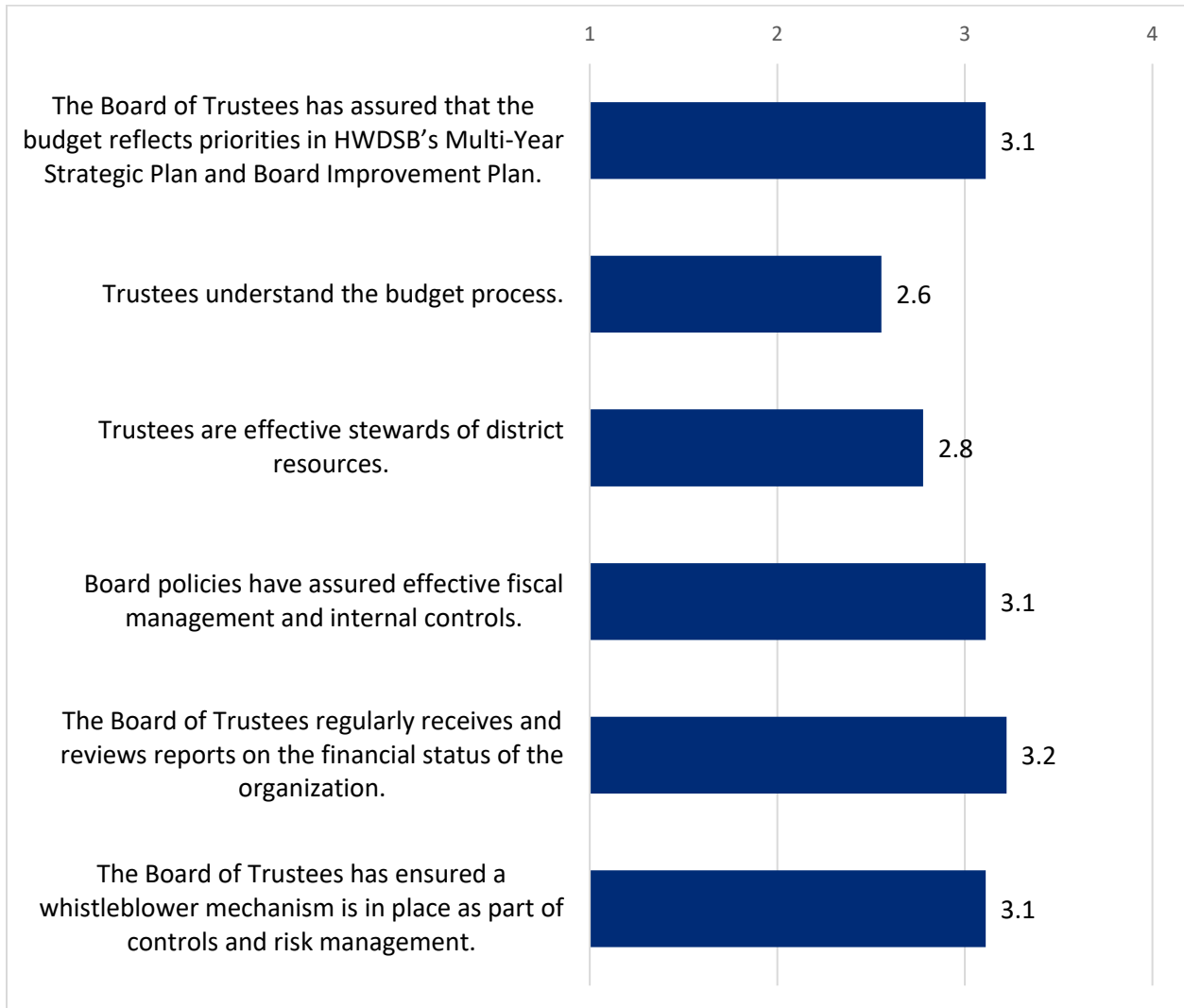
Relationships



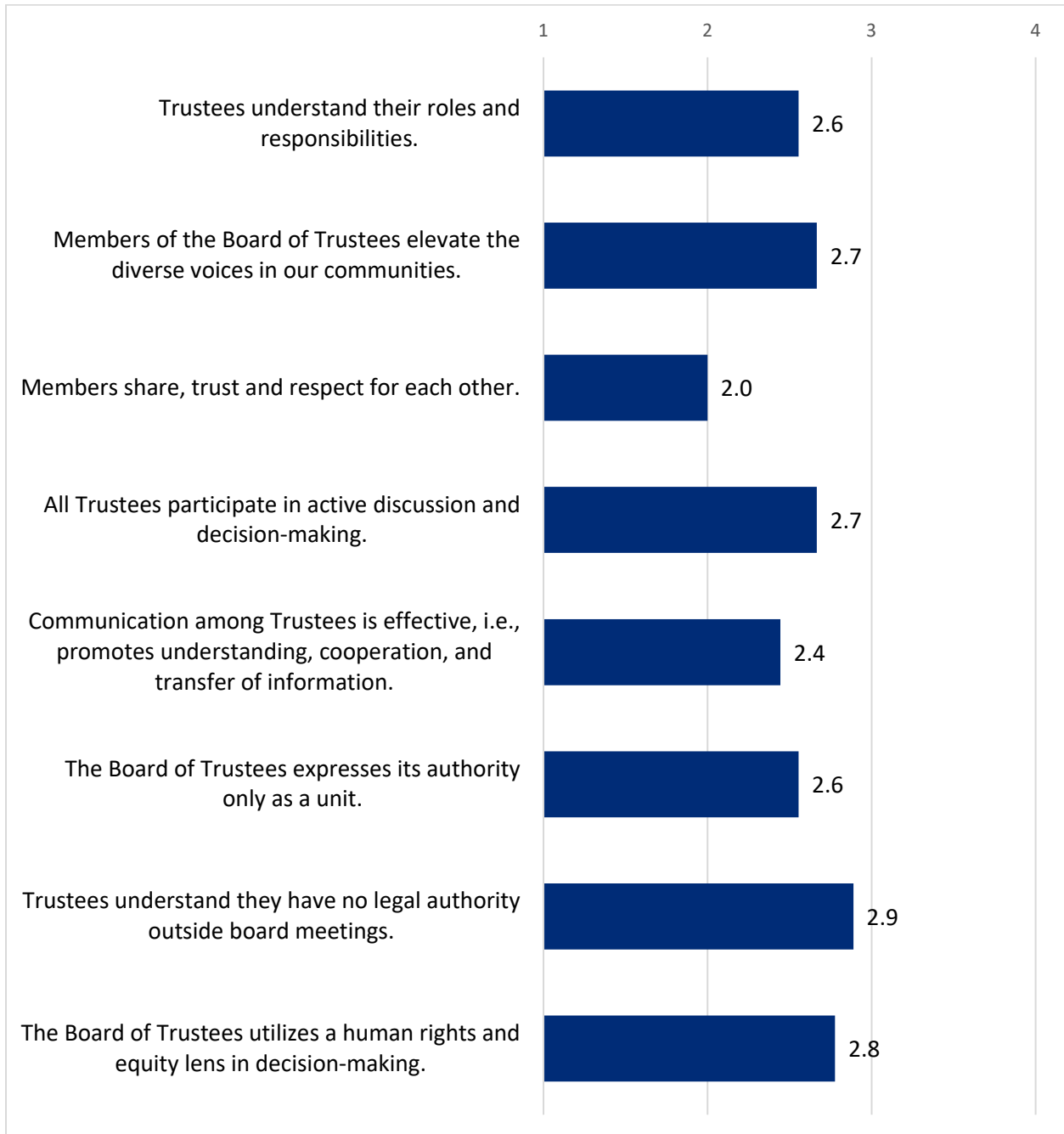
Relationships, cont'd.



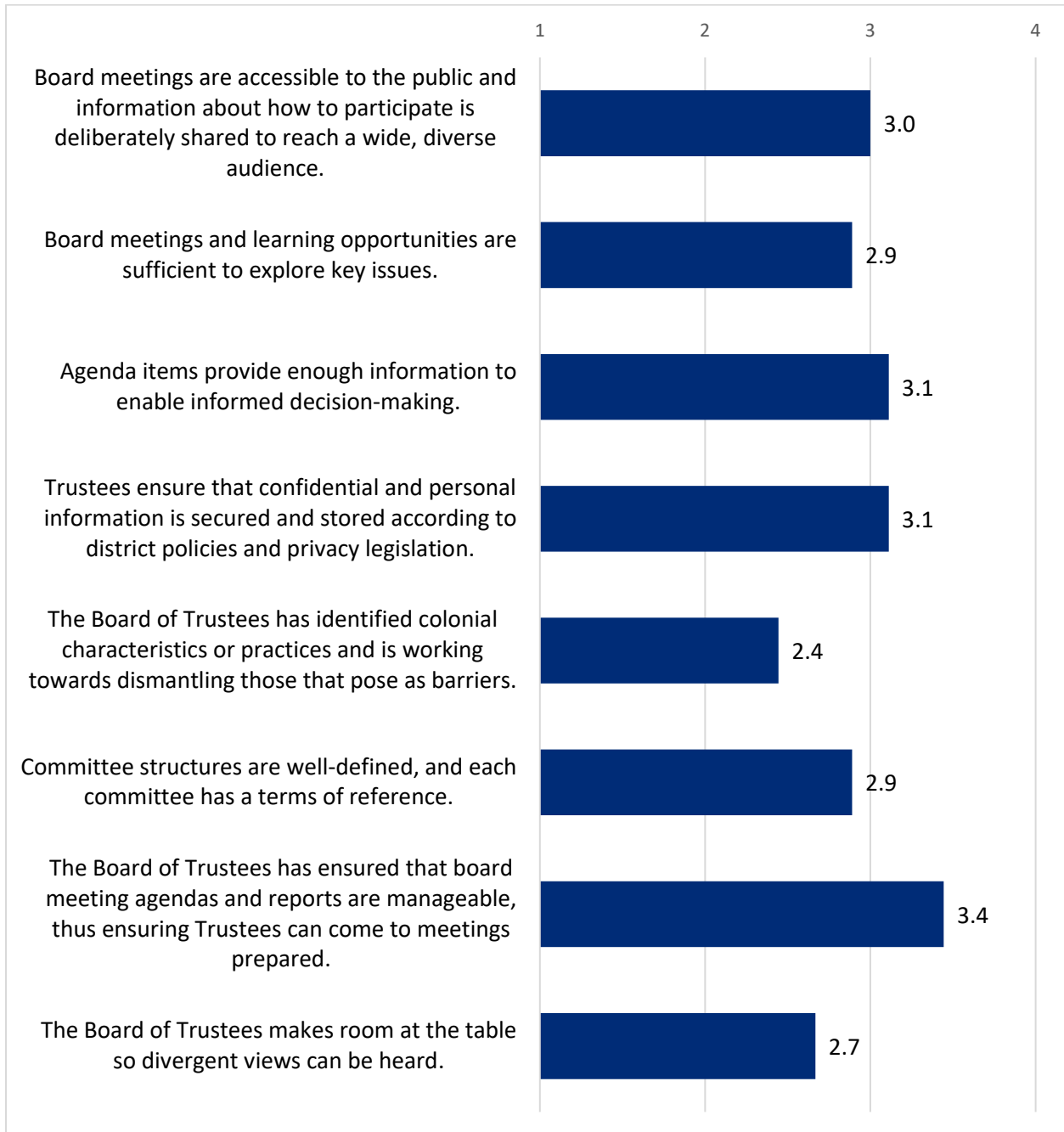
Fiduciary Role



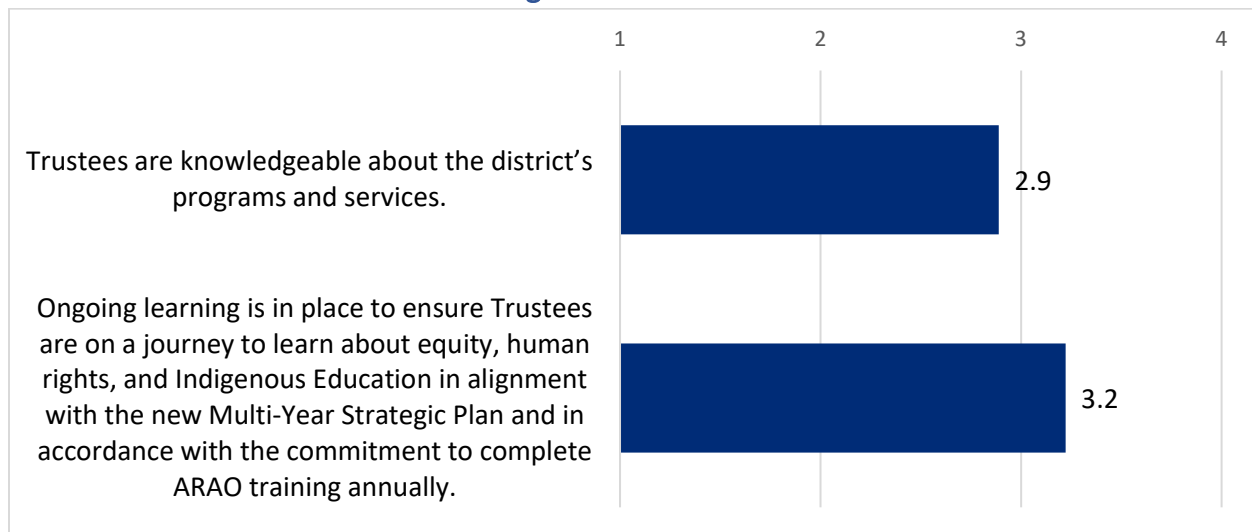
Board of Trustee Leadership



Effective Committee and Board Meetings



Board of Trustee Professional Learning



Following the matrices of maturation questions above, Trustees were asked optional open-ended questions. Below is a summary of the themes/sentiments expressed by those who chose to respond.

1. In your opinion, what are the Board of Trustees' greatest strengths?

Generally, the strengths described by Trustees capture qualities that reflect the values of the board with regard to diversity, human rights, equity, student centredness, and commitment to community. Trustees also identified, as a strength, the level and quality of communication with each other and with community. In describing diversity as a strength, it was specifically the diversity of members, their perspectives, skills and experiences that were mentioned. The ways in which the Board of Trustees works through issues and decisions was lauded as a strength, as well. Specifically, the innovative thinking, creative problem-solving, student-centred decisions, and willingness to ask critical questions were identified as positive attributes.

2. What are the Board of Trustees' greatest opportunities for improvement?

The identified opportunities for improvement were varied and specific but largely focused on the operational side of the Board of Trustees such as improving time management during meetings, making spaces for all Trustees to engage in the conversation and share their unique perspectives, building relationships with senior staff as well as within the Trustee team, understanding Trustee roles more thoroughly, building deeper understanding for what it means to govern from a policy lens, and working to shift the decision-making to a more upstream approach.

3. As a member of the Board, I have concerns about...

Most of the concerns raised by Trustee participants tended to mirror the opportunities identified for improvement, for example, lack of understanding of certain aspects of roles and board processes; trust and relationships, engagement and participation. In addition, concerns were raised about the need for more visible and meaningful discussion among Trustees at public board meetings so that the thought processes and how decisions are arrived at can be witnessed while it is happening. Other concerns were raised about traditional practices and status quo that

are unchallenged or unseen when they could be causing harm, perpetuating colonialism, and preventing meaningful change.

4. I think the Board of Trustees would benefit from learning about these topics:
 Topics named included more information or training on Trustee roles such as governance and policy, the budget process, the allocation of resources to schools such as Special Education supports, community engagement and conflict resolution. Trustees also highlighted the fact that some topics generate more questions from the public than others and they would benefit from identifying these and ensuring steps are taken to be prepared with information and understanding. Lastly, it was identified that it may be helpful to expand on the methods for delivering training or learning to Trustees to accommodate different learners and schedules.

5. What additional resources & supports does the Board of Trustees need to understand roles and responsibilities as members of Trustee special committees, advisory committees, legislative committees, etc.?
 Ideas for resources and supports covered training on items already identified above as well as effective communication, presentations on various topics, links to external resources, transition planning, yearly Trustee committee plans, ongoing governance support as Trustees build expertise, more comprehensive onboarding, and access to legal counsel for information to support decisions. It was also recognized that a roadmap of what is available and where would be extremely useful for finding what is already provided.

6. Please describe how the board functions as a cohesive unit. Is it functioning as a unit as well as it should? Why or why not?
 Responses were mixed on this question. Some felt the Board of Trustees functions as a cohesive unit, stipulating that there can be disagreement on issues without it meaning the group is not cohesive. Others felt the Board of Trustees lacks cohesion. It was also suggested that there is cohesion within groups but not as a whole. Others recognized that cohesion and functioning as a unit more easily and readily happens when dealing with regular reports and updates. When it becomes difficult and can feel fractured is when there are challenging decisions to be made. It was also identified that Trustees going to the media or social media before consulting as a team makes cohesion difficult. Lastly, it was recognized that differences between Trustees regarding approaches and ideas about change do exist and that can make cohesion challenging.

Summary

This first annual Board of Trustees Self-Evaluation was designed to cover areas pertinent to the governance of public boards of education and do so in a way that provides a road map for future development, growth and improvement. The maturity model acts as a point in time and can be compared to results in subsequent years to track progress. The open-ended questions were designed to elicit more granular information that Trustees can now use to plan next steps.

Trustee Policy Manual – Section	Feedback	Proposed Change
	Request to add a section related to navigating media requests	<p>Proposal: Working with Media.</p> <p>Working with the local media is an integral part of being an elected official. The working relationship between the Board of Trustees and the local media is essential as often times the media assists in disseminating information about local and system school board activities to the communities HWDSB serves.</p> <p>Individual Trustees may speak with media on ward-specific issues without authorization from the Chair of the Board. Trustees are encouraged to advise the Chair and staff, when possible, that they have scheduled or provided comment to the media and the subject matter for their awareness. It is understood that comments made by individual trustees represent the views of the Trustee and not necessarily those of HWDSB.</p> <p>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.</p> <p>Additional Consideration (from last committee meeting): Although the Chair of the Board is the official spokesperson for the Board of Trustees, individual Trustees may share different considerations they have prior to an item going to a committee or board meeting but are encouraged not to share their plans regarding voting to allow for an opportunity to share and hear from their colleagues about the topic.</p>

January 2, 2024

HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD

20 Education Court

Hamilton, ON L9A 0B9

Attn: Trustees & Governance Committee:
Elizabeth Wong, Trustee for Ward 1
Sabreina Dahab, Trustee for Ward 2
Maria Felix Miller, Chair & Trustee for Ward 3
Ray Mulholland, Trustee for Ward 4
Todd White, Trustee for Wards 5 & 10
Kathy Archer, Trustee for Wards 6 & 9
Dawn Danko, Trustee for Ward 7
Becky Buck, Trustee for Wards 8 & 14
Amanda Fehrman, Trustee for Wards 11 & 12
Paul Tut, Vice Chair & Trustee for Ward 13
Graeme Noble, Trustee for Ward 15
Harry Wang, Student Trustee
Thomas Lin, Student Trustee

RE: Proposed Trustee Policy Manual Revisions

To whom it may concern:

I am the Editor-in-Chief of Metroland Media Group Ltd., which publishes daily and community news throughout Southern Ontario, including the Hamilton Spectator. I also write on behalf of Cheryl Stepan, regional managing editor of The Hamilton Spectator and associated websites; Greg O'Brien, news director of CHCH TV; and Scott Monich, news director of CHML Radio.

It has come to our attention that the Hamilton-Wentworth District School Board ("HWDSB" or the "Board") is considering amendments to its Trustee Policy Manual that would restrict the ability of Trustees to communicate directly with members of the media. We write to voice serious concerns about this proposal.

As you know, as a public body, HWDSB is required to exercise its powers in a manner consistent with the *Canadian Charter of Rights and Freedoms*. Section 2(b) of the *Charter* protects freedom of expression and the freedom of the press, and our courts have held that it should only be restricted in the clearest of cases: *Native Women's Assn. of Canada v. Canada*, [1994] 3 S.C.R. 627 at para. 41.

In our view, the proposed amendment to prohibit trustees communicating with the media without the prior approval/direction of the Chair would unjustifiably violate s. 2(b) of the *Charter*. The Supreme Court of Canada has stated that: "[t]he full and fair discussion of public institutions, which is vital to any democracy, is the *raison d'être* of the s. 2(b) guarantees. Debate in the public domain is predicated on an informed public, which is in turn reliant upon a free and vigorous press": *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, [1996] 3 S.C.R. 480 at para. 23.

Further, section 2(b) protects the ability of the press to gather news as well as to report it: *Canadian Broadcasting Corp. v. Lessard*, [1991] 3 S.C.R. 421 at 429-430. As Justice McLachlin stated in that decision,

“[a]n effective and free press is dependent on its ability to gather, analyze and disseminate information, independent from any state imposed restrictions on content, form or perspective except those justified under s. 1 of the *Charter*.”

While it is understood that the Chair of the Board is its official spokesperson, per s. 218.4(e) of the *Education Act*, R.S.O. 1990, c. E.2, reporters often seek the personal opinions of individual trustees. As elected officials who represent the constituents in their respective wards, it is imperative that trustees be available and accountable to the public they represent. The Supreme Court has recognized that the press plays a fundamentally important role as the conduit between the public and public institutions: *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326 at 1339-1340. Prohibiting trustees from speaking to the media directly and from offering their personal views without prior approval would significantly hamper the media’s ability to keep the public apprised of developments in local politics, lessen the board’s public accountability, and would decrease political participation for the trustees, the press, and the public.

We urge the Board to reconsider these proposals in a way that recognizes and respects the *Charter* right of freedom of expression and the role of the free press in reporting on local government. Should this letter raise any questions, please do not hesitate to reach out.

Sincerely,

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