



## Bylaws Review Ad Hoc Committee Agenda

BRC:005A

Thursday, June 10, 2021

1:30 p.m.

Electronic Meeting

### **Trustee Members:**

Shelley Laskin (Chair), Trixie Doyle, Yalini Rajakulasingam, Manna Wong

### **Pages**

1. Call to Order and Acknowledgement of Traditional Lands
2. Approval of the Agenda
3. Declarations of Possible Conflict of Interest
4. Delegations
- To be presented
5. Theme Review: Meetings, Part Two
6. Adjournment

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REVIEW OF MEETINGS (PART 2)

Theme: MEETINGS (PART TWO)	Issue/Problem	Questions for Consideration	Bylaw Subsection	Operational or Governance
Electronic Participation	Need to confirm and clarify section 5.8 Electronic Participation to include provisions from Ontario Regulation 463/97 under the Education Act.	<p>Option 1: Revise Bylaws sections 5.8.6 – 5.8.9 to align with Regulation 463/97, and simultaneously revise P039, Electronic Participation in Meetings Policy, mandated by Regulation 463/97.</p> <p>Option 2: Consider removing sections on electronic participation from the Bylaws (sections 5.8.6 – 5.8.9), which duplicate provisions of P039, Electronic Participation in Meetings Policy, and instead refer to P039 for details; simultaneously revise P039.</p>	(5.8)	Governance
Voting (majority definition)	<p>Concern regarding the definition of majority vote as the current definition refers, by default, to a majority of all members (not just present).</p> <p><i>“Majority” for the purposes of voting means a simple majority or more than half of the total Board or Committee members, rounded up to the nearest one”</i></p>	Should we amend the definition of majority vote to mean majority of members present?	(1.6)	Governance
Delegations Procedure	Concern regarding the Delegations Procedure (PR718) being included within the Bylaws.	Should the Delegations Procedure (PR718) be removed as an appendix?	Appendix and (5.16)	Governance
	<p>Concern regarding the nature and content of delegations.</p> <p>Concern that the rules restricting delegations on the same topic are not clear as some interpret them to mean that a delegation is not permitted on the same topic to the same committee but is allowed at another committee.</p>	<p>Who decides if a person cannot delegate?</p> <p>Should PR718 be revised to clarify that the restriction re delegations on the same topic applies to all committees?</p>	Appendix and (5.16)	Governance

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Theme: MEETINGS (PART TWO)	Issue/Problem	Questions for Consideration	Bylaw Subsection	Operational or Governance
	<i>PR718: Section 6.3 ix – “A delegation may be made on a topic only once to any Committee within a 12 month period, unless the subject matter of the delegation has changed substantially.”</i>			
Debate	Clarify and confirm the voting requirements to end debate (call the question).	Should we amend sections 5.13.15 – 16 to require 2/3 majority? <i>5.13.15 A motion to end debate will be decided by a majority of the members.</i>  <i>5.13.16 If a motion to end debate is supported by majority, no further debate can take place and the Chair will immediately put the pending motion to a vote.</i>	(5.13.15 - 5.13.16)	Governance
	Concern whether participants attending Board meetings electronically should be required to stand when speaking.	Should the Bylaws be revised to require that only in-person attendees stand while speaking?	(5.13.4)	Governance
	Concern regarding the order of speakers, specifically the prioritization of new speakers vs. those who already spoke.	Should the Bylaws clarify that trustees will be allowed to speak again only after all trustees had an opportunity to speak.	TBC (5.13.10 – 5.13.11)	Governance
Emergency Business	Concern that items are being brought forward as ‘emergency business’, but may not meet the current criteria, which is:  <i>“Emergency Business” means a situation, or the threat of a situation, adversely affecting health, safety and/or well-being, or resulting in significant legal risk or financial damage or loss, which by its nature and seriousness requires an immediate response”</i>	Should the definition of “emergency business” be revised?	(1.6) and (5.12.7)	Governance
Reconsideration of Previous Business	Need to confirm if Committees can be authorized to reconsider a previous decision of the Board.	Should we amend 5.15.20(d) to remove “Committee”:	(5.15.20d)	Governance

REVIEW OF MEETINGS (PART 2)

Theme: MEETINGS (PART TWO)	Issue/Problem	Questions for Consideration	Bylaw Subsection	Operational or Governance
	<p>Concern that the rules regarding reconsideration of Board decisions are unclear and require clarification. Sections 5.15.26 and 5.15.27 are not aligned as section 5.15.26 connects reconsideration to 12-month term and 2/3 majority requirement, and section 5.15.27 refers to 2/3 majority only.</p> <p><i>5.15.26 A previous decision of the Board cannot be reconsidered for at least twelve (12) months after the decision was made, or for the remainder of the term of the Board, whichever is the shorter time, unless two-thirds (2/3) majority of the members decide otherwise.</i></p> <p><i>5.15.27 A motion to reconsider a previous decision of the Board requires two-thirds (2/3) majority of all members to carry (pass).</i></p>	<p><i>“Motions that are not amendable include: (d) Reconsider a previous decision of the Board (at Committee)”?</i></p> <p>Should we remove 12-month restriction if any previous decision can be reconsidered with 2/3 majority?</p> <p>Do we want to establish a period of time after which decisions would not be defined as reconsiderations but rather new decisions?</p>	<p>(5.15.26) and (5.15.27)</p>	<p>Governance</p>
	<p>Current Bylaws do not define “reconsideration”.</p>	<p>Should we define “reconsideration” in the Definitions?</p> <p>If yes, what constitutes “reconsideration”? (E.g., How different must a subsequent motion be to warrant reconsideration?)</p>	<p>(1.6) and (5.15.26-5.15.29)</p>	<p>Governance</p>
<p>Motions</p>	<p>Need to clarify the rules for withdrawing notices of motion.</p> <p><i>5.15.3 A Notice of Motion may be withdrawn before it is considered at the meeting.</i></p>	<p>Should the Bylaws clarify who can withdraw a notice of motion and when?</p>	<p>(5.15.3)</p>	<p>Governance</p>

REVIEW OF MEETINGS (PART 2)

Theme: MEETINGS (PART TWO)	Issue/Problem	Questions for Consideration	Bylaw Subsection	Operational or Governance
	<p>Clarify the remedies for questions of personal privilege.</p> <p><i>5.15.40 A question of personal privilege will not be in order if the remedy or resolution requested exceeds the power or ability of the Chair, Committee or Board.</i></p>	<p>What is the power of the Chair, Committee, or Board in resolving questions of personal privilege? Should it be defined in the Bylaws?</p>	(5.15.40)	Governance
	<p>Concern regarding the current language about motions expending funds.</p> <p><i>5.15.6 All motions that would require the Board to expend funds for a new initiative will be considered by an appropriate Committee prior to consideration by the Board.</i></p>	<p>Should 5.15.6 be amended from “by an appropriate committee” to “by the Finance, Budget, and Enrollment Committee”?</p> <p>Or should the provision include FBEC and “any other appropriate committee”? (E.g., send item first to committee with an appropriate mandate to discuss item and see if the item is something they would recommend the Board should do. If funding is available, then send the item to FBEC to discuss financial matters. Since committees outside FBEC shouldn’t make budget recommendations and FBEC shouldn’t make recommendations around things like programming.)</p>	(5.15.6)	Governance
	<p>Need to clarify the process to appeal the Chair’s ruling.</p>	<p>Is a motion to appeal the ruling of a Chair debateable? Should this information be included in the Bylaws?</p>	(5.15.35) and (5.15.45)	Governance
	<p>Concern with multiple trustees speaking on behalf of the Board. Need to clarify that once a decision is made (i.e., a motion is carried/adopted or lost/failed), only the Chair speaks for the Board.</p>	<p>Should we add a provision to the Bylaws about the Chair’s responsibility to act as the sole trustee spokesperson, including social media platforms?</p>	TBD	Governance

### **Acknowledgement of Traditional Lands**

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe (A NISH NA BEE), the Haudenosaunee (HOE DENA SHOW NEE) Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis and Inuit peoples.

### **Reconnaissance des terres traditionnelles**

Nous reconnaissons que nous sommes accueillis sur les terres des Mississaugas des Anichinabés (A NISH NA BAY), de la Confédération Haudenosaunee (HOE DENA SHOW NEE) et du Wendat. Nous voulons également reconnaître la pérennité de la présence des Premières Nations, des Métis et des Inuit."

### **Funding Information Requirement**

At the special meeting held on March 7, 2007, the Board decided that to be in order any trustee motion or staff recommendation that would require the Board to expend funds for a new initiative include the following information: the projected cost of implementing the proposal; the recommended source of the required funds, including any required amendments to the Board's approved budget; an analysis of the financial implications prepared by staff; and a framework to explain the expected benefit and outcome as a result of the expenditure.

### **[1]Closing of certain committee meetings**

(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).

(2.1) Closing of meetings re certain investigations – A meeting of a board or a committee of a board, including a committee of the whole board shall be closed to the public when the subject-matter under considerations involves an ongoing investigation under the Ombudsman Act respecting the board