

Toronto District School Board

Governance Procedure PR718

Title: **DELEGATION PROCEDURE**

Adopted: December 7, 2016

Effected: December 7, 2016

Revised:

Reviewed:

Authorization: Board of Trustees

1.0 RATIONALE

This Delegation Procedure (the “Procedure”) supports implementation of the Toronto District School Board (TDSB) Bylaws, as related to addressing a Committee of the Board (also known as “delegations” and as defined below in section 3.0), and managing the delegation process.

This Procedure is designed to ensure that members of the public can provide information and perspectives to trustees and are actively involved in the Board’s decision-making process.

2.0 OBJECTIVE

To set out a consistent and easily understandable process for the public to address Committees of the Board through delegations (i.e., by speaking in person or through written submission).

3.0 DEFINITIONS

Agenda Clearing is the process by which the Chair of the Committee, in consultation with the senior staff lead, approves, the meeting agenda which is then shared with Governance and Board Services.

Board means the Board of Trustees of the Toronto District School Board.

Bylaws mean the TDSB Bylaws which establish procedural rules governing operations of the Board of Trustees.

Chair means the Chairperson of the Board or of a Committee of the Board.

Closed (or Private) Session means a meeting of the Board or any Committee of the Board which is closed to the public in accordance with subsections 207.(2) and 207.(2.1) of the *Education Act*, when the subject-matter under consideration involves:

- (a) the security of the property of the TDSB;
- (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 TDSB 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 TDSB;
- (e) litigation affecting the TDSB; or
- (f) an ongoing investigation under the *Ombudsman Act* respecting the Board of Trustees.

Committee means (for the purpose of this Procedure only):

- permanent committee;
- statutory committee that conducts public meetings;
- standing committee; or
- special (ad-hoc) committee of the Board.

Committee Mandate means formal authority and duties assigned to a Committee of the Board.

Committee of the Whole means a committee with a membership composition that includes all trustees of the Board and is governed by meeting rules applicable to a committee of the Board.

Delegate means any member of the public, a representative of a local community, organization or any interest group.

Delegation means the action of speaking or submitting a written statement by a delegate to a Committee, as defined in this Procedure.

Exceptional circumstances means a situation arising where the number of delegations submitted for a committee meeting cannot be accommodated by the agenda. The Chair of the Board of Trustees, in consultation with the Chair of the Committee and the Executive Officer, Governance and Board Services, will determine whether a special meeting of the Committee of the Whole would be required to hear all delegations.

TDSB is the Toronto District School Board.

4.0 RESPONSIBILITY

The Chair of the Board, Chair of a Committee of the Board, in consultation with the Executive Officer, Governance and Board Services.

5.0 APPLICATION AND SCOPE

This Procedure applies to all members of the Board, staff supporting Committee meetings, and members of the public wishing to address a Committee of the Board.

This Procedure sets out the process for delegations at the meetings of permanent, statutory, standing and special (ad-hoc) Committees (as defined under section 3.0).

Delegations will not be heard at Board meetings (except by the Special Education Advisory Committee, as prescribed by Regulation 464/97 under the *Education Act*) but are welcome at the meetings of Committees which report to the Board.

Under exceptional circumstances, delegates may also be heard at a special Committee of the Whole (as described below in section 6.0).

6.0 PROCEDURES

6.1 Subject Matter

Delegates may address a Committee on an item of the agenda or on another matter relevant to the mandate of the Committee.

6.2 Submitting a Request for Delegation

- i. Persons wishing to address a Committee of the Board should submit a delegation request in advance of the Committee meeting.
- ii. In order to accommodate all delegates, the delegation requests are expected to be received in Governance and Board Services by 4:00 p.m. two (2) working days before the meeting. Every effort will be made by Governance and Board Services to post the meeting agendas on the public website three (3) working days before a Committee meeting. If an agenda is posted after the said deadline, the public will be notified and additional time will be provided to submit delegation requests.
- iii. The Chair of the Committee will give consideration to hearing late delegation requests while taking into account the number of delegations already received by the deadline.
- iv. A request for delegation can be submitted via email, by phone, by fax, through regular mail or in person to Governance and Board Services:

- Email: delegates@tdsb.on.ca
- Phone: 416-397-3627
- Fax: 416-393-9969 (with Attention: Written Submission for Consideration by Trustees)
- Mailing address:
 - Governance and Board Services
 - 5050 Yonge Street
 - Toronto, Ontario
 - M2N 5N8
- A request for delegation may be dropped off in-person at the above address to the Reception at the main floor.

v. A request for delegation must include the following information:

- The name of the delegate and, if applicable, the name of the group the speaker represents such as a school council or community group;
- Contact information;
- The name of the Committee, date of the meeting and the agenda item or the matter related to the Committee mandate that the delegate wishes to address;
- A description of the delegation matter.

6.3. Delegation Requirements

- i. Delegates may address a committee in person or provide written submissions.
- ii. All written submissions will be provided to Committee members in advance of the meeting.
- iii. Upon receipt of a delegation request, Governance and Board Services will consult with and assist the delegate to ensure that the delegate's concerns are accommodated most appropriately. The issue may be referred to be heard at a different committee or to a staff member for direct follow-up.
- iv. Delegates are expected to provide input in a respectful and constructive manner.
- v. Delegates are encouraged to voice concerns but shall avoid:
 - use of offensive language
 - negative or derogatory personal references, or
 - cross debate with other delegates, staff or trustees of the Board.
- vi. If, as determined by the Chair of a Committee, the number of oral delegation requests is high, the Chair of the Committee may request that delegates be

contacted and the option be proposed for a delegate to submit a written delegation instead of an oral delegation.

- vii. If, following discussions with the delegates, the Chair of the Committee determines that the number of expected oral delegations is still high, he/she may recommend to the Chair of the Board and the Executive Officer, Governance and Board Services, to invoke the exceptional circumstances provision (as defined in section 3.0) and to call a special meeting of the Committee of the Whole to hear all delegations.
- viii. If it is decided to call a special meeting of the Committee of the Whole to hear delegations, the corresponding agenda item will be deferred from the regular Committee meeting to the special meeting. Governance and Board Services will contact delegates as soon as possible informing them about the change in their delegation meeting time.
- 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.

6.4. Delegations by Staff

Requests for delegation from staff, regardless of topic, will be considered and may be accepted solely at the discretion of the Chair of the Committee in consultation with the Director of Education or his/her designate. It is staff's responsibility to ensure compliance with the TDSB's *Employee Conflict of Interest Policy (P057)*.

Employees making a delegation at a Committee meeting are required to disclose to the Committee the fact that they are employed by the TDSB, confirm that they are not acting on behalf of the TDSB, and confirm that they have read and adhere to the *Employee Conflict of Interest Policy (P057)*.

6.5. Confidential Matters

The Chair of a Committee may determine at the Committee agenda clearance meeting to schedule a delegation in closed session if the matter is deemed to be of a confidential nature (see section 3.0).

6.6. Time Allotted for a Delegation

The length of time allotted for a delegate speaking to a Committee will be up to five minutes. If a delegation involves more than one speaker, the maximum time allotted remains at five minutes. It is the responsibility of the delegates to present according to this timeframe.

Following the delegation, each trustee may ask brief questions for clarification only. The time for both questions and responses will not exceed three minutes per trustee.

6.7. Committee Discussion of the Delegation

Substantive discussion on the matter of the delegation will take place when its corresponding item is reached on the meeting agenda. Speaking time for each trustee will be limited to five minutes, at a time, during the discussion.

If the delegation addressed a matter relevant to the mandate of the Committee, but not an item on the agenda for that meeting, a trustee may move a motion requesting consideration of the matter at another regular meeting of the Committee. Discussion of the matter addressed by the delegation will then take place at that regular meeting of the Committee.

7.0 EVALUATION

This Procedure will be reviewed as required by the Board, at a minimum every four (4) years after effective date.

8.0 APPENDICES

N/A

9.0 REFERENCE DOCUMENTS

- Employee Conflict of Interest Policy (P057)
- *Ombudsman Act*
- Toronto District School Board Bylaws
- Regulation 464/97 under the *Education Act*