

Toronto District School Board

Governance Procedure PR718

Title: **DELEGATION**

Adopted: December 7, 2016

Effectuated: December 7, 2016

Revised: **March 8, 2023**

Reviewed: **March 8, 2023**

Authorization: Board of Trustees

1. RATIONALE

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

This Procedure is designed to allow members of the public to provide information and perspectives to Trustees and to be actively involved in the Board’s decision-making process.

2. 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. DEFINITIONS

Accommodation for the purposes of this Procedure means an adjustment made to the delegation process to enable fair and equitable participation by persons with disabilities when addressing Committees of the Board through delegations.

Agenda Clearing means the process by which the Chair of the Committee, in consultation with the Committee Vice-Chair (if available) and the Director of Education or designate, determines the meeting agenda which is then shared with Governance and Board Services.

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

Board Bylaws mean the procedural rules governing operations and meetings of the Board of Trustees.

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

Closed (Private) Session means a meeting of members 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:

- the security of the property of the TDSB;
- 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 their parent or guardian;
- the acquisition or disposal of a school site;
- decisions in respect of negotiations with employees of the TDSB;
- litigation affecting the TDSB; or
- an ongoing investigation under the Ombudsman Act respecting the TDSB.

Committee means the following committees of the Board established pursuant to the Board Bylaws: Planning and Priorities Committee, Standing Committees, Special Committees, and Subcommittees.

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

Committee of the Whole means a meeting format of the Board of Trustees using procedural rules of a Committee. Under the Committee of the Whole meeting format, a majority vote of the Board of Trustees is required to convene in either open or closed session to consider matters, including private matters.

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

Delegation means the action of presenting or submitting a written statement by a delegate to a Committee.

Exceptional Circumstances means a situation arising where the number of delegations submitted for a Committee meeting cannot be accommodated by the agenda.

Member means a member of the Board of Trustees. A member may be referred to as a Trustee pursuant to section 1(12) of the *Education Act*, with duties specified in section 218.1 of the Act. A Student Trustee, although not an elected member of the Board, has certain privileges and duties which are outlined in the Board Bylaws and in accordance with the *Education Act* and its regulations.

Personal Information means recorded information about an identifiable individual. As defined by *Municipal Freedom of Information and Protection of Privacy Act* this may include, but is not limited to:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- Any identifying number, symbol or other particular assigned to the individual,
- The address, telephone number, fingerprints or blood type of the individual,
- The personal opinions or views of the individual except if they relate to another individual,
- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- The views or opinions of another individual about the individual, and
- The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Special Committee means a Committee established by the Board to fulfil a specific task or objective, which is dissolved after the completion of its task. A Special Committee typically reports to a Standing Committee or directly to the Board.

Subcommittee means a Committee of Trustees established by the Board upon recommendation from the corresponding Standing Committee of the Board. Subcommittees make recommendations and report to the corresponding Standing Committees.

TDSB means the Toronto District School Board.

Trustee means Member, as defined above.

4. RESPONSIBILITY

The Chair of the Board, Chairs of Committees of the Board, in consultation with the Director of Education or designate.

5. 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 through delegations.

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 meeting of a Committee.

6. PROCEDURES

Delegation Requirements

- 6.1. Delegates may request to address a Committee on an item on the agenda or on another matter relevant to the mandate of the Committee.
- 6.2. Delegates may address a Committee in person, through electronic means or through written submissions. Written submissions must be provided to Governance and Board Services one (1) day prior to the meeting.
- 6.3. A delegation may be made only to one Committee within a 12-month period, unless the subject of the delegation has changed substantially. Delegations on the same subject to multiple Committees are not permitted.
- 6.4. Delegations are open to members of the TDSB community (including parents/guardians/caregivers, students, and volunteers), residents of the City of Toronto, and individuals or organizations serving the TDSB community.
- 6.5. The Board's Community Advisory Committees (CACs) will refer their recommendations as a meeting agenda item to the relevant standing committee through agenda clearing.
- 6.6. Any person who is also a member of CAC may delegate on their own behalf but not on behalf of the CAC on an agenda item or a matter related to the standing committee mandate.

Submitting a Request for Delegation

- 6.7. Persons wishing to address a Committee of the Board through either an oral or written delegation should submit a delegation request in advance of the Committee meeting, using the Delegation Request Form (see Appendix A).

- 6.8. In order to manage the delegation process, delegation requests must be submitted to Governance and Board Services by 4:00 p.m. two (2) working days before the meeting.
- 6.9. Requests received after the deadline noted above will be considered at the discretion of the Chair of the Committee.
- 6.10. 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, additional time will be provided to submit delegation requests, and appropriate notification will be posted on the website advising on the extended deadline.
- 6.11. A request for delegation can be submitted via email, by phone, through regular mail or in person to Governance and Board Services, as follows:
- Email: delegates@tdsb.on.ca
 - Phone: 416-397-3761
 - Mailing address:
Governance and Board Services
5050 Yonge Street, 5th Floor
Toronto, Ontario
M2N 5N8
 - In person: A request for delegation may be dropped off in-person at the above address to the Reception on the main floor.
- 6.12. Using the Delegation Request Form, a request for delegation must include the following information:
- Name of the delegate and, if applicable, the name of the group the speaker represents such as a school council or community group;
 - Municipality
 - Contact information;
 - Name of the Committee, date of meeting and the agenda item (if applicable); and,
 - A description of the delegation.
- 6.13. Delegates that require accommodations in accordance with the TDSB's Accessibility Policy (P069) or need assistance, including translation services, may contact Governance and Board Services in advance of the meeting.
- 6.14. Upon receipt of a delegation request, Governance and Board Services will contact the delegate to confirm receipt of the request within one business day.
- 6.15. All delegation requests will be submitted by Governance and Board Services to respective Committee Chairs for review.

- 6.16. The Committee Chair may refer a delegation request to be heard at a different Committee or to a staff member for direct follow-up.

Conduct of Delegates

- 6.17. Delegates are expected to provide input in a respectful and constructive manner.
- 6.18. Delegates may voice concerns but must not:
- Promote hate, harassment, or violate the *Ontario Human Rights Code*, TDSB Policies and Procedures;
 - Use offensive, obscene or defamatory language, gestures or images;
 - Use negative or derogatory personal references;
 - Misuse personal information related to TDSB students, staff or Trustees;
 - Discuss topics outside of their intended delegation;
 - Discuss matters- related to litigation or potential litigation or any matter which is currently before any court or administrative tribunal affecting the TDSB; or
 - Cross debate with other delegates, staff or Trustees of the Board.
- 6.19. Delegates engaged in any behaviour that is disruptive to the meeting or violates any of the above requirements may have their delegation stopped by the Committee Chair and the delegate may be removed from the meeting.

Review of Delegation Requests

- 6.20. Governance and Board Services will provide the Committee Chair or designate with delegation requests for each Committee meeting, including information on compliance with delegation requirements for the Committee Chair's consideration and approval.
- 6.21. The Committee Chair will review the number of delegations for a Committee meeting to ensure the agenda and meeting are manageable.
- 6.22. If, as determined by the Chair of a Committee, the number of oral delegation requests is such that it cannot be accommodated at a meeting, 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.
- 6.23. If, following discussions with the delegates, the Chair of the Committee determines that the number of expected oral delegations is still high, the Chair of the Committee may recommend to the Chair of the Board and the Director or designate, to invoke the exceptional circumstances provision (as defined in section 3.0) and to call a special meeting of the Committee to hear all delegations.

- 6.24. The Chair of the Committee and Director or designate will determine whether a special meeting of the Committee would be required to hear all delegations.
- 6.25. When delegation requests are approved by the Committee Chair, Governance and Board Services will provide the delegate with Committee meeting information (e.g., date, time, location).

Delegations by Staff

- 6.26. Employees of the Board may make a delegation request on topics other than those concerning individual employment or personal professional interests, for which other channels exist.
- 6.27. Employees must disclose on their delegation request form the fact that they are employed by the TDSB. Employees are required to keep confidential any and all information they acquire during the course of employment that would reasonably be considered personal or confidential information and are responsible to ensure compliance with the TDSB's Employee Conflict of Interest Policy (P057) and any other applicable policies.
- 6.28. Delegation requests from staff 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 their designate.

Matters to be Considered in Closed (Private) Session

- 6.29. The Chair of a Committee may determine whether to schedule a delegation in closed session if the matter meets the requirements of subsections 207 (2) and 207 (2.1) of the *Education Act* (see section 3.0 – Closed (Private) Session definition).

Time Allotted for a Delegation

- 6.30. The length of time allotted for a delegate speaking to a Committee will be up to five (5) minutes. If a delegation involves more than one speaker, the maximum time allotted remains at five (5) minutes. It is the responsibility of the delegates to present according to this timeframe.
- 6.31. Following the delegation, each Trustee may ask brief questions for clarification only. Questions of clarification should be related to the delegate's presentation. The time for both questions and responses will not exceed three (3) minutes per Trustee.

Committee Discussion of the Delegation

- 6.32. 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.

- 6.33. 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.

Written Submissions

- 6.34. All written submissions received before a Committee meeting will be shared as part of the delegations package. Written submissions received after a Committee meeting will be shared prior to the next Board meeting.

7. EVALUATION

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

8. APPENDICES

- Appendix A: Delegation Request Form

9. REFERENCE DOCUMENTS

- Accessibility Policy (P069)
- Employee Conflict of Interest Policy (P057)
- *Ombudsman Act*
- Regulation 464/97 under the *Education Act*
- Board Bylaws

DELEGATION REQUEST FORM

TDSB will strive to meet the accommodation needs of persons with disabilities; the delegates are encouraged to make their needs for accommodation known in advance of the Committee meeting by e-mail to delegates@tdsb.on.ca.

All fields, unless marked optional, must be completed for the delegation request to be considered. Incomplete forms will be sent back to the delegate to be completed.

Delegates acknowledge that they have read and understood the Delegation Procedure (PR718) and that information submitted in the form of a written or oral delegation may become part of the public record, given that Board and Committee meetings may be webcast and/or recorded.

Type of Delegation (Select: Written or Oral; In-Person or Electronic Means)	
Submission Date:	

CONTACT INFORMATION

First Name:	
Last Name:	
Name of Organization / School Represented	
Are you a TDSB Employee?	
Municipality:	
Phone Number:	
E-mail Address:	

NOTICE:

The personal information collected on this form is used and disclosed to create a public record related to a Board or Committee meeting. Please note, your personal information, written comments and presentations become part of a public record which may be disclosed to authorized third parties and members of the public in order to administer these purposes. The information is collected pursuant to sections s.169.1 and 170 of the *Education Act*. Questions about the collection may be directed to the Manager, Board Services, 5050 Yonge Street, Toronto, Ontario, M2N 5N8 or at delegates@tdsb.on.ca or by telephone at 416- 397-3288.

DELEGATION INFORMATION

Which Committee* would you like to speak to?	Finance, Budget and Enrolment	Governance and Policy	
	Program and School Services	Planning and Priorities (formerly Committee of the Whole)	
	Audit Committee		
*Refer to committee mandates below.			
Agenda Item:			
Brief Summary of the Topic of Discussion:			

Committee Mandates

Audit Committee

- (i) To consider and make recommendations to the Board on finance matters, including procurement and contract awards, referred to it for consideration.
- (ii) To review the impact of enrolment and policy change on the Board's budget, including reviewing the impact of enrolment trends, and marketing strategies to bolster enrolment in declining areas of the city; and
- (iii) To consider strategies to balance the capital and operating budget over a multi-year period, and to make recommendations to the Board to balance the annual capital and operating budget.

Finance Budget and Enrolment Committee (FBEC)

To consider and make recommendations to the Board on finance matters, including procurement and contract awards, referred to it for consideration, review the impact of enrolment and policy change on the Board's budget, including reviewing the impact of enrolment trends, and marketing strategies to bolster enrolment in declining areas of the city; and consider strategies to balance the capital and operating budget over a multi-year period, and to make recommendations to the Board to balance the annual capital and operating budget.

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The Committee will also consider facility related issues, including leases, plant operations, maintenance, architect selection and sketch plan approvals.

Governance and Policy Committee (GPC)

To consider and make recommendations to the Board on governance and policy matters referred to it for consideration, including review of Board governance practices and the ongoing development and review of the Board's policies.

Program and School Services Committee (PSSC)

To consider and make recommendations to the Board on education matters referred to it for consideration, including matters presented by the Board's Community Advisory Committees.

Planning and Priorities Committee (PSSC)

To make recommendations to the Board on:

- The development and annual review of the Board's Multi-Year Strategic Plan for the Board, in consultation with the Director or designate;
- The Board's inter-governmental relations;
- The development and management of plans for senior leadership succession;
- Professional development for members of the Board;
- Facility and property matters, including property disposition, major capital projects, boundary changes;
- Matters related to Trustees and Trustee Services; and
- Other issues referred to it from time to time by the Board or the Chair of the Board.

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