

Toronto District School Board

Policy P039

Title: **ELECTRONIC PARTICIPATION IN BOARD AND COMMITTEE MEETINGS**
Adopted: June 28, 2000
Effected: June 28, 2000; **November 15, 2022**
Revised: March 7, 2001, June 26, 2002, April 16, 2003, February 6, 2019, September 28, 2022; **November 15, 2022**
Reviewed: December 2012, February 6, 2019, September 28, 2022
Authorization: Board of Trustees

1.0 RATIONALE

The Electronic Participation in Board and Committee Meetings Policy (the “Policy”) supports the requirements under the *Education Act* and its regulations, including Ontario Regulation 463/97 – Electronic Meetings and Meeting Attendance. The Policy is aligned with the Board’s Bylaws.

2.0 OBJECTIVE

To govern electronic participation by Trustees in the meetings of the Board of Trustees and its Committees in accordance with the *Education Act* and its regulations.

3.0 DEFINITIONS

Chair refers to the Chairperson of the Board of Trustees or of any Committee.

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

Electronic Participation refers to participation in a meeting by audio and/or visual means (e.g., teleconference, video conference).

Member refers to a member of the Board of Trustees that 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 of Trustees, has certain privileges and duties which are outlined in the Board Bylaws and in accordance with the *Education Act* and its regulations. For the purpose of this Policy, any reference to Member or Trustee includes Student Trustee.

TDSB refers to the Toronto District School Board.

Trustee refers to Member, as defined above.

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for overseeing the implementation of the Policy.

Within the Director's Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to the Senior Manager, Governance and Board Services.

5.0 APPLICATION AND SCOPE

This Policy applies to all Trustees and staff supporting meetings of the Board of Trustees and its Committees.

6.0 POLICY

General Requirements

- 6.1. The TDSB will provide Trustees with an opportunity for electronic participation in Board of Trustees and Committee meetings in accordance with the provisions as outlined in the *Education Act* and its regulations.
- 6.2. Trustees will make every effort to provide notice to the Director of Education (via Governance and Board Services) if they intend to participate electronically by 5 p.m. on the day prior to the Board of Trustees or Committee meeting.
- 6.3. Trustees attending the meeting electronically will advise the Chair when joining the meeting to be deemed present at the meeting.
- 6.4. Trustees, who leave the meeting before adjournment, whether temporary or permanent, will advise the Chair.
- 6.5. The TDSB will ensure that appropriate processes are put in place to protect the security and confidentiality of all meetings held in private, including those where Trustees participate by electronic means.
- 6.6. Student Trustees may participate electronically in meetings that are closed to the public, except for meetings that are closed to the public under section 207(2)(b) of the *Education Act*.

- 6.7. Trustees who declare a conflict of interest must withdraw from the closed (private) session, including electronic participation, for the entire discussion of the matter about which they have declared a conflict.

Physical Presence Requirements

- 6.8. Notwithstanding section 6.1 of this Policy as outlined above, the following persons must be physically present:

At every Board of Trustees and Committee of the Whole meeting:

- (a) Chair of the Board of Trustees or designate, subject to section 6.14;
- (b) At least one additional Trustee of the Board of Trustees; and
- (c) The Director of Education or designate.

At every Committee meeting:

- (a) The Committee Chair or designate, subject to section 6.14;
- (b) At least one additional member of the Committee, if the Committee Chair or their designate participates in a meeting by electronic means; and
- (c) The Director of Education or designate.

- 6.9. A member of the Board of Trustees must be physically present in the meeting room for at least three (3) regular meetings of the Board of Trustees during each 12-month period.

- 6.10. If a member of the Board of Trustees is elected or appointed to fill a vacancy, the member must be physically present in the meeting room for at least one (1) regular meeting of the Board of Trustees for each period of four (4) full calendar months that occurs during the period beginning on the day the member is elected or appointed and ending the following November 14.

- 6.11. The failure to be physically present while participating electronically under this Policy does not constitute a failure for the purposes of clause 228(1)(e) of the *Education Act* regarding seat vacated by absence.

- 6.12. Physical attendance requirements outlined in sections 6.8 to 6.10 above do not apply during the period whereby all schools of the TDSB are closed for a total of two or more months, pursuant to an order made by:

- a) Minister of Education under Section 5(1) of the *Education Act*;
- b) Medical Officer of Health or the Chief Medical Officer of Health under the *Health Protection and Promotion Act*;
- c) Lieutenant Governor in Council under the *Emergency Management and Civil Protection Act*; or

d) Lieutenant Governor in Council under the *Reopening Ontario (A Flexible Response to COVID-19) Act*.

- 6.13. Under section 6.12 above and as outlined in Ontario Regulation 463/97 – Electronic Meetings and Meeting Attendance, the period starts on the day the order is made and ends 60 days after the order ceases to apply.
- 6.14. The Chair of the Board of Trustees or Committee Chair and/or their designate(s) may participate in a meeting electronically when:
- a) the distance from the Chair's or designate's current residence to the meeting location is 200 kilometers or more;
 - b) weather conditions do not allow the Chair or designate to travel to the meeting location safely; or
 - c) or the Chair or designate cannot be physically present at the meeting for health reasons.
- 6.15. Notwithstanding sections 6.1 and 6.8 above, the Chair or designate must be physically present for at least half of the meetings of the Board of Trustees for any twelve (12) month period.

Electronic Participation Decorum

- 6.16. All members attending via electronic participation who are not speaking must use the mute function on their device. TDSB staff may temporarily mute a member if there is interference (e.g., audio feedback, background noise) with the meeting.
- 6.17. Members who attend via video conference are advised to turn their cameras on, if possible, when speaking.
- 6.18. Members who attend via video conference will not use the chat function to extend debate.
- 6.19. Members will make every effort to avoid disrupting a meeting by turning personal and electronic devices to a non-audible function, reducing all background noise (including audible sounds transmitted from placing a call on hold), and refraining from private conversations.
- 6.20. Available webcasts of public meetings of the Board of Trustees and its Committees will be posted on the TDSB's public website.

7.0 SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

8.0 EVALUATION

This Policy is to be reviewed and updated as required, but at minimum, every four (4) years.

9.0 APPENDICES

NA

10.0 REFERENCE DOCUMENTS

Legislative Acts and Regulations:

- *Education Act*
- Ontario Regulation 463/97 – Electronic Meetings and Meeting Attendance

Other Documents:

- Board Bylaws