

Toronto District School Board

Policy P039

Title: **ATTENDANCE AND PARTICIPATION IN BOARD AND COMMITTEE MEETINGS**

Adopted: June 28, 2000

Effected: June 28, 2000; November 15, 2022; **September 1, 2025**

Revised: March 7, 2001, June 26, 2002, April 16, 2003, February 6, 2019, September 28, 2022; November 15, 2022; **May 21, 2025**

Reviewed: December 2012, February 6, 2019, September 28, 2022; November 15, 2022; **May 21, 2025**

Authorization: Board of Trustees

1. RATIONALE

The Attendance and 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. OBJECTIVE

To govern electronic and in-person attendance and participation by Members of the Board in the meetings of the Board and its Committees in accordance with the *Education Act* and Ontario Regulation 463/97 – Electronic Meetings and Meeting Attendance.

3. DEFINITIONS

Board means the Board of Trustees pursuant to the *Education Act*.

Business Day refers to a day from Monday to Friday, excluding holidays.

Chair refers to the chairperson of the Board of Trustees or of a Committee, as applicable.

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.

Committee of the Whole is a meeting format of the Board of Trustees using procedural rules of 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.

Disability refers to (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other service animal or on a wheelchair or other remedial appliance or device; (b) a condition of mental impairment or a developmental disability; (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; (d) a mental disorder; or (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

Electronic Participation refers to participation in a meeting by electronic means (e.g., teleconference, video conference), which permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously.

Family Responsibilities means essential duties such as providing care, supervision, or emotional support to family members in situations involving illness, education, childcare, or other necessary family-related activities.

Health-Related Issues means physical or mental conditions, illnesses, or symptoms that may impair an individual's ability to attend or participate in meetings, or that could pose a risk to the health and safety of others.

Member of the Board means a member of the Board of Trustees pursuant to section 1(12) of the *Education Act*, with duties specified in section 218.1 of the *Act*.

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. Any reference to Student Trustee includes Indigenous Student Trustee.

TDSB refers to the Toronto District School Board.

Vice-Chair refers to the Vice Chairperson of the Board of Trustees.

Weather Conditions means a variety of inclement weather occurrences and similar uncontrollable events, including extreme high or low temperatures, lightning, hail, heavy rain, flooding, tornado/hurricane warnings, blizzards, ice storms, and any weather that could create unsafe road conditions or significant commuting delays.

4. RESPONSIBILITY

The Director of Education holds primary responsibility for overseeing 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. APPLICATION AND SCOPE

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

Certain sections of the Policy apply to Student Trustees.

6. POLICY

6.1. General Requirements

- 6.1.1. TDSB will provide all Members of the Board and Student Trustees with electronic means for participating in Board, Committee of the Whole, or Committee meetings, subject to in-person attendance requirements of the *Education Act* and Ontario Regulation 463/97 – Electronic Meetings and Meeting Attendance
- 6.1.2. All Members of the Board are required to attend in person at all regular meetings of the Board and all regular Committee of the Whole meetings, unless the Member of the Board has obtained advance written approval by the Chair of the Board to attend the meeting electronically.
- 6.1.3. Members of the Board and Student Trustees may attend Committee meetings electronically, subject to minimum in-person meeting requirements under section 6.2.
- 6.1.4. Members of the Board and Student Trustees who participate in a Committee meeting through electronic means are deemed to be present at the meeting.
- 6.1.5. Members of the Board who participate in a regular Board meeting or regular Committee of the Whole meeting electronically will be deemed to be present at the meeting only if the Member received prior written approval by the Board Chair to attend the meeting electronically.

- 6.1.6. TDSB will establish appropriate processes to protect the security and confidentiality of all meetings held in private, including those where Members of the Board participate by electronic means.
- 6.1.7. Unless a meeting is closed to the public, the meeting room of the Board or Committee will be open to permit physical attendance by members of the public at every meeting of the Board or Committee, regardless of whether one or more Members of the Board participate at such meetings electronically.
- 6.1.8. Student Trustees may participate 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*.
- 6.1.9. Members of the Board and Student 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.

6.2. Physical Attendance Requirements

Regular Board and Committee of the Whole Meetings

- 6.2.1. The following persons must be physically present at every regular Board meeting and regular Committee of the Whole meeting:
 - (a) All Members of the Board; and,
 - (b) Director of Education or their designate.
- 6.2.2. Notwithstanding section 6.2.1. above, Members of the Board may participate at a regular Board meeting or regular Committee of the Whole meeting electronically, if granted written approval for electronic attendance under the circumstances outlined in section 6.3. below by the Chair, Vice-Chair, or if the Board has no Vice-Chair, by another Member of the Board, as applicable, before the meeting begins.

Committee Meetings

- 6.2.3. The following persons must be physically present at every Committee meeting:
 - (a) Committee Chair or their designate; and,
 - (b) Director of Education or their designate
- 6.2.4. Notwithstanding section 6.2.3.(a) above, the Committee Chair or their designate may participate in a Committee meeting by

electronic means if another member of the Committee, who is also a Member of the Board, is physically present in the meeting room.

6.3. Participating Electronically in a Board or Committee of the Whole Meeting

6.3.1. Members of the Board may request to participate in a regular Board or regular Committee of the Whole meeting by electronic means by:

- (a) submitting the request in writing to the Chair before the meeting begins; and,
- (b) identifying the circumstance(s) applicable under section 6.3.3.

6.3.2. If the Member of the Board making the request is the Chair of the Board, the Chair is required to submit the request and reasons to the Vice-Chair, or if the Board has no Vice-Chair, to another Member of the Board.

6.3.3. The Chair, Vice-Chair, or another Member of the Board, where applicable, may approve the request to participate in a meeting by electronic means if they are satisfied that one or more of the following circumstances exist:

- (a) the distance from the Member of the Board's primary residence to the meeting location is 125 kilometers or more;
- (b) weather conditions do not allow the Member of the Board to travel to the meeting location safely;
- (c) the Member of the Board cannot be physically present at a meeting due to health-related issues;
- (d) the Member of the Board has a disability that makes it challenging to be physically present at a meeting; or
- (e) the Member of the Board cannot be physically present due to family responsibilities in respect of:
 - (i) the Member of the Board's spouse,
 - (ii) a parent, step-parent or foster parent of the Member of the Board or the Member of the Board's spouse,
 - (iii) a child, step-child, foster child, or child who is under legal guardianship of the Member of the Board or the Member of the Board's spouse,

(iv) a relative of the Member of the Board who is dependent on the Member of the Board for care or assistance, or

(v) a person who is dependent on the Member of the Board for care or assistance and who considers the Member of the Board to be like a family member.

6.3.4. The Chair will not approve a request if approving the request would result in fewer than one (1) Member of the Board, in addition to the Chair of the Board or their designate, being physically present in the meeting room.

6.3.5. The Vice-Chair or other Member of the Board will not approve a request unless the Chair's designate will be physically present in the meeting room.

6.3.6. A request for electronic participation is not considered approved unless it is in writing and received by the requester before the meeting begins.

6.3.7. Members of the Board should submit their written request to attend electronically well in advance of the meeting to give reasonable time for the Chair (or Vice-Chair or another Member of the Board as applicable) to consider the request and to provide their decision before the start of the meeting.

(a) Under planned and expected circumstances, the Member of the Board should strive to submit the request at least two (2) Business Days before the meeting begins.

(b) Under unexpected circumstances, the Member of the Board must submit the request as early as possible before the meeting begins.

6.4. Physical Attendance Requirements Not Applicable During School Closures

6.4.1. Physical attendance requirements will not apply during the period outlined in section 6.2.1 if all schools of the TDSB are closed under an order made by:

(a) the Minister of Education under section 5 (1) of the *Education Act*;

(b) a medical officer of health or the Chief Medical Officer of Health under section 22 or 77.1 of the *Health Protection and Promotion Act*;

- (c) the Lieutenant Governor in Council under paragraph 5 of subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act*; or
- (d) the Lieutenant Governor in Council under clause 4 (1) (a) of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

6.4.2. 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.

6.5. Electronic Participation Decorum

- 6.5.1. Members of the Board and Student Trustees attending a meeting via electronic participation will advise the Chair when joining the meeting.
- 6.5.2. Members of the Board and Student Trustees, who leave the meeting before adjournment, whether temporary or permanently, will advise the Chair.
- 6.5.3. Members of the Board and Student Trustees attending via electronic participation who are not speaking must use the mute function on their device. TDSB staff may temporarily mute the microphone of a Member of the Board or a Student Trustee if there is interference (e.g., audio feedback, background noise) with the meeting.
- 6.5.4. Members of the Board and Student Trustees, who attend via video conference are advised to turn their cameras on, if possible, when speaking.
- 6.5.5. Members of the Board and Student Trustees, who attend via video conference will not use the chat function to extend debate.
- 6.5.6. Members of the Board and Student Trustees, who attend via video conference are expected to turn on their cameras during a meeting in private session and ensure the meeting is not audible to individuals who are not in the meeting.
- 6.5.7. Members of the Board and Student Trustees, 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.

6.5.8. Available webcasts of public meetings of the Board of Trustees and its Committees will be posted on the TDSB's public website.

6.5.9. Board Services will record attendance of each Member of the Board, whether in-person or electronically, during the meeting.

6.6. Non-Compliance

6.6.1. A Member of the Board vacates their seat if:

- (a) they absent themselves without being authorized by resolution of the Board entered in the minutes, from three (3) consecutive regular Board Meetings (s. 228 (1) (b) of the *Education Act*); or
- (b) they fail to be physically present at a regular meeting of the Board or a regular meeting of Committee of the Whole, unless their request to attend electronically is approved as set out in this Policy and in accordance with Ontario Regulation 463/97 (s.228 (1) (e) of the *Education Act*).

7. SPECIFIC DIRECTIVES

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

8. EVALUATION

This Policy is to be reviewed and updated as required, but at minimum every five (5) years.

9. APPENDICES

N/A

10. REFERENCE DOCUMENTS

Legislative Acts and Regulations:

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

Other Documents:

- Board Bylaws