Greater Essex County District School Board

Policy: Electronic Meetings and Meeting Attendance

Reference No: P-GV-02

This policy outlines Trustee attendance requirements and process that allows Trustee participation in meetings of the Board by electronic means in accordance with the requirements of the Education Act (Section 208.1) and Regulation (O. Reg. 463/97).

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For the purpose of this regulation, electronic means is telephone, video or web conferencing.

All members of the Board are required to be physically present in the meeting room of the board at every regular meeting of the Board and every regular meeting of a Committee of the Whole Board unless a member receives written approval to attend by electronic means before the meeting in accordance with Ontario Regulation 463/97 [s. 7(5)]. A trustee who participates in a meeting through electronic means in accordance with Ontario Regulation 463/97 is deemed to be present at the meeting.

Trustees who are unable to attend a regular board meeting in person may be granted authorization for their absence. In accordance with clause 228(1)(e) of the *Education Act*, the board of trustees is required to pass a motion either approving or denying the trustee's absence. This decision must be formally recorded in the minutes of the meeting. This motion is usually passed at the meeting that the Trustee was absent from or at the next regular board meeting, if the circumstances warrant it. The Board does not have authority to approve an absence by a trustee from a regular committee of the whole meeting.

A. Unauthorized Trustee Absences

1. A Trustee who absents themselves without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board pursuant to clause 228(1)(e) of the Education Act, results in the trustee's seat being vacated. Clause 228(1)(e) does not apply to regular committee of the whole meetings, special board meetings or special committee of the whole meetings.
2. Failure to attend a regular board meeting or regular committee of the whole meeting by electronic means (with approval) under the Ontario Regulation 463/97 [s. 7(5)], would result in the trustee's seat being vacated.

B. Considerations for Electronic Meeting Attendance

1. At the request of any trustee, including a student trustee, the Board shall provide the electronic means for participating in meetings of the Board (regular or special) or of a committee of the board, including a Committee of the Whole Board (regular or special).
2. If a trustee proposes to participate in a meeting by electronic means, the trustee shall submit a request in writing and the reasons for the request to the Chair of the Board at least 3 hours in advance, where possible, of a Board a Meeting (as per Bylaw 5.10.2)
3. If the trustee making a request is the Chair of the Board, the Chair shall submit the request and reasons to the Vice-Chair of the Board, or if the Vice-Chair is not available, to the Trustee of the Month (Bylaw 2.3.2).
4. The Chair, Vice-Chair, or the Trustee of the Month, as applicable, may approve a request if they are satisfied that one or more of the following circumstances apply:

    a) The distance from the trustee's primary place of residence within the area of jurisdiction of the board to the meeting location is 125 kilometres or more;
    b) Weather conditions do not allow the trustee to travel to the meeting location safely;

c) The trustee cannot be physically present at a meeting due to health-related issues;
d) The trustee has a disability that makes it challenging to be physically present at a meeting; or,
e) The trustee cannot be physically present due to family responsibilities in respect of:
    i. The trustee's spouse;
    ii. A parent, step-parent, or foster parent of the trustee or the trustee's spouse;
    iii. A child, step-child, foster child, or child who is under legal guardianship of the trustee or the trustee's spouse;
    iv. A relative of the trustee who is dependent on the trustee for care or assistances; or,
    A person who is dependent on the trustee for care or assistance and who considers the trustee to be like a family member.

C. Requests and approvals for electronic participation in Board and Committee of the Whole meetings are subject to the following:

1. The Chair shall not approve a request for a trustee to participate by electronic means in a regular board meeting or regular committee of the whole board meeting if the request would result in fewer than one trustee of the board, in addition to the Chair of the Board or their designate, being physically present in the meeting room.
2. The Vice-Chair or the Trustee of the Month shall not approve a request for the Chair of the Board to participate by electronic means in a regular board meeting or regular committee of the whole board meeting unless the Vice-Chair or Trustee of the Month will be physically present in the meeting room.
3. The chair of a committee of the board, other than the chair of a committee of the whole board, or their designate shall be physically present in the meeting room of every regular meeting of a committee of the board. The committee chair or designate may participate by electronic means, if approved, and provided that at least one other member of the committee, who is also a trustee of the board, is physically present in the meeting room.
4. The Director of Education or their designate must be physically present in the meeting room for each meeting of the board and each meeting of a committee of the board, including a committee of the whole, except when all schools of the board are closed pursuant to s. C. (5) below.
5. If all schools of the board are closed under an order made in accordance with Ontario Regulation 463/97 then the requirement for the physical attendance at any meetings by a trustee or the Director of Education is not required in accordance with that Regulation and all trustees and student trustees may participate electronically as of right and without complying with s. B. (4) above. In those circumstances, the meeting room of the board or a committee of the board will not be open to permit physical attendance by members of the public.
6. Except those committee meetings from which the public has been excluded, the meeting room of the Board or of a committee of the board, as the case may be, shall be open to permit physical attendance by members of the public at every regular meeting of the Board or of the committee of the board, regardless of whether one or more trustees (including the student trustees) participate at such meetings electronically, unless all schools of the board are closed, as described in s. C. (5) above.

D. Standing Committee Meetings

Approved reasons for electronic participation apply to Board Standing Committees; however, a Trustee does not forfeit their seat solely due to non-attendance at a Standing Committee meeting. In accordance with Section 5.11 of the Board Governance Bylaws, any member who is absent from three (3) consecutive regular Committee meetings without the Committee's authorization will lose their seat on that Committee.

E. Expectations for Participation in Electronic Meetings

1. The electronic means shall permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously.
2. The Board shall provide members of the public with the ability to connect electronically to a meeting of the board or of a committee of the board. The electronic means used shall permit the public to hear the meeting, and where permitted by the board (example, a delegate), to participate in a meeting then all participants in the meeting shall be able to communicate with each other simultaneously and instantaneously.
3. At all meetings at which a trustee, including a student trustee, participates by electronic means, it is the responsibility of those trustees to comply with the requirements of the Municipal Conflict of Interest Act, including, in the case of a meeting that is closed to the public, to disconnect from the electronic participation for so long as is necessary in order to so comply.
4. The Board shall ensure that appropriate processes are put in place to ensure the security and confidentiality of electronic participation in proceedings held during meetings that are closed to the public. The Board shall also ensure student trustees who participate through electronic means do not participate in any proceedings that are closed to the public under clause 207(2)(b) of the Education Act (subject matter under consideration involves the disclosure of intimate, personal or financial information in respect of a trustee of the board or member of a committee, an employee or perspective employee of the board or a pupil or their parent or guardian).

<u>If electronic attendance is granted:</u>

- Each member is responsible for their connection to the internet and telephone conference call; no actions of the Board shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented them from participating in the meeting.
- Trustees are encouraged to mute their phones/devices whenever possible to prevent background disruptions. After notifying the member, the chair may order the secretary to disconnect or mute a member's connection if it is causing undue interference with the meeting. The chair's decision to do so is not debatable and shall be announced during the meeting and recorded in the minutes.
- Trustees who participate in the meeting electronically shall announce themselves at the first opportunity after joining the meeting but must not interrupt a speaker for the purpose of doing so.
- All Trustees participating electronically must guarantee that privacy is maintained during a Private Session. Trustees participating in a Private Session electronically will be asked by the chair to make a declaration at the beginning of a meeting that they are in a secure

room, are using a secure means of connecting to the meeting, and that no one else is able to hear the proceedings. Such declarations will be recorded in the minutes.

- The Chair of the Board, Standing Committee or Committee shall ensure that declarations of conflict of interest are heard by all Trustees and the public in attendance and that those participating electronically have an opportunity to verbally declare any conflict.
- Trustees participating electronically shall notify the Chair of any temporary or permanent departure from a meeting before absenting themselves so that the Chair can ensure maintenance of a quorum.
- Should technical difficulties arise, where members affected by the disruption are no longer deemed present at the meeting, the Chair of the meeting shall assess whether a quorum is present. The minutes of the meeting shall indicate the time and duration of the disruption and the names of participants unable to connect electronically with the meeting.
- In the event that the board's connection is lost, and thereby an absence of quorum, any business transacted while the connection to the meeting is disconnected is null and void. Members present in the meeting room at such a time may take those actions that are in order in the absence of quorum.
- To seek recognition by the chair, a member participating electronically shall address the Chair and state their own name.
- Trustees who may be able to submit motions in writing during the meeting, are entitled to make motions orally to the recording secretary to transcribe and read verbatim.
- When a vote is taking place, the Chair will ask Trustee(s) who have joined the meeting electronically to state whether they are in support of or opposed to a motion. On conclusion of the vote, the Chair will announce whether the motion was carried or defeated.

REFERENCES:

Education Act (Section 208.1)
Ontario Regulation 463/97