



REPORT TO

CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

REVISION TO BY-LAW REGARDING TRUSTEE DEBATE

Jesus said to them, "I am the bread of life, he who comes to Me will not hunger, and he who believes in Me will never thirst - John 6:35

Drafted

Meeting Date

April 4, 2025

April 10, 2025

Brendan Browne, Director of Education

RECOMMENDATION REPORT

Vision: IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope.

Mission: Nurturing the faith development and academic excellence of our Catholic learning community through the love of God, neighbour, and self.



MULTI-YEAR STRATEGIC PLAN 2022 - 2025

IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope



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## **A. EXECUTIVE SUMMARY**

The Board of Trustees approved revisions to its operating By-Law 175 on November 14th, 2024, on a motion from the Chair of the Board's Bylaw Review Committee. These revised By-laws were recommended for approval from the Board's By-Law Ad Hoc Committee.

One revision to the By-Law relates to how staff reports are dealt with at Board meetings. This revision is reflected in "Article 11 Protocol for Debate", specifically in subsection 11.4 "Staff Reports – Information, Questions, & Debate." This subsection includes two concepts which were not included in the previous By-law.

This new protocol for debate has caused confusion in the Board room. Several Trustees have expressed their preference to return to previous protocol for debate.

This report serves to provide the appropriate notice, rationale, and recommendation to amend the By-Law as per Article 17 "Amendments to the By-Laws." A subsequent report, allowing for the appropriate notice required by Article 17, will be brought to an up-coming meeting for Trustees to approve the deletion of subsection 11.4 from the By-Law, and the renumbering of the By-Law to reflect this revision.

**The cumulative staff time required to prepare this report was 8 hours.**

## **B. PURPOSE**

1. The purpose of this report is to provide the written notice and rationale as per Article 17 of the By-Law to recommend an amendment to the By-law, specifically deleting subsection 11.4 "Staff Reports – Introduction, Questions, & Debate" from the Board's By-Law, and to renumber the By-Law Articles that follow, and the Table of Contents, as required to reflect the deletion of this subsection.

## **C. BACKGROUND**

1. The TCDSB By-law provides important rules for the governance and operation of the Board business.
2. The Board's By-Law Review Ad-Hoc Committee focusses on revisions to the By-Law. Over the last several years the Committee met regularly with staff to make important revisions and updates to the Board's By-Law.

3. One of the revisions approved in November 2024 to the By-Laws, subsection 11.4 “Staff Reports – Introduction, Questions, & Debate,” introduced a new protocol for staff to present reports at Board meetings and Trustees to ask questions of staff regarding their reports for ten minutes prior to the commencement of debate
4. This revision to the By-Law and influence and impact on debate, has created confusion in Board and Committee meetings and resulted in several Trustees requesting this revision be eliminated from the By-Law.

## **D. EVIDENCE, RESEARCH, ANALYSIS**

1. The revised By-Law was passed by the Board on November 14, 2024.
2. One revision made to “Article 11 Protocol for Debate” was the addition of subarticle 11.4.
3. Subarticle 11.4 includes two concepts, not previously in the By-Law before the November 2024 revisions:
  - a. That the Chair may (but does not have to) ask staff to introduce their reports and if so, staff can only speak for a maximum of 5 minutes;
  - b. That debate of the report will be preceded by a question and answer period for Trustees to ask questions of staff about the report for a maximum of 10 minutes
4. Article 11. 4 reads:

### **11.4 Staff Reports – Introduction, Questions & Debate**

When a staff report is put before the Board or a Committee, the following procedure shall be followed:

- 11.4.1 A motion to receive the report shall be moved and seconded;
- 11.4.2 The staff member shall speak to the report only if asked to do so by the Chair. Where such introduction is requested, the staff member shall speak for no more than five (5) minutes;
- 11.4.3. Immediately following the staff introduction (if one has been requested), Trustees may ask staff questions. This question and answer period shall not exceed ten (10) minutes;

11.4.4. After the question and answer period, a motion shall be moved regarding the Board or Committee's decision on the staff report and recommendations, if any; and then

11.4.5. Debate shall begin in accordance with Article 11.6.

5. Staff's understanding of the intention behind new subarticle 11.4 was the By-Law Review Committee's consideration about how best to use Board Meeting time.
6. The Board has followed the provision for the last several months. The compartmentalizing of the procedure into staff comments, questions, and then trustee debate, has not resulted in the efficiencies intended by the subarticle. Specifically, the Board of Trustees often ask questions of staff during debate as staff's role is to provide the best information and context to trustees to support decision making of the board. The 10 minutes allotted for questions does not allow enough time for all Trustees to have the opportunity to ask questions, and questions to staff continued into the time allocated for debate. This results in the blurring of the intended sections as per subarticle 11.4 and has created confusion and dissatisfaction from many Trustees since its implementation. Many Trustees, including some who served on the By-Law Review Committee, have expressed that it may not be working as envisioned.
7. As Secretary to the Board as Director of Education, I have reviewed the By-Law, and the implications on Board and Committee meetings. It is in the best interests of the Board and the Board's commitment to good governance to always be working toward effective, efficient, and responsible rules for debate and governance.
8. Trustees and the public are used to debate that provides Trustees with 3 minutes each to ask questions, make statements, and contribute to debate. This allows all Trustees the opportunity to contribute to debate, ask important questions, and make appropriate statements. This approach to debate as standardized to include staff reports would provide consistency and clarity for Trustees, staff, and the public.
9. The Director of Education and Secretary of the Board recommends the Board amend its By-Laws as per Article 17 of the By-Laws. Specifically, the removal of subarticle 11.4 "Staff Reports – Introduction, Questions, and Debate", and re-numbering the By-law Articles and Table of Contents, to reflect this revision. The removal of this subarticle would result in consistency in the rules for all public debate in the board room.

## **IMPLEMENTATION AND PROCEDURAL CONSIDERATIONS**

1. The Board may amend its By-Law from time to time, subject to Article 17 of the By-Laws. This Article requires that any amendments to the By-laws can be made at a meeting of the Board. Amendments can be made on an affirmative vote of 2/3rds of all Trustees.
2. Article 17.1.1 requires written notice of the proposed changes be given at a meeting of the Board before the meeting at which the vote on the amendment is conducted. Article 17.1.2 requires a brief statement of the intended purpose for the amendment. This report satisfies those requirements of advanced written notice and intended purpose for the amendment.
3. Article 17.2 states that the required notice period in Article 17.1 for a notice of motion proposing to amend the By-Laws of the Board may not be waived or shortened.
4. This report serves to provide the appropriate notice, rationale, and recommendation to amend the By-Laws.
5. A report to amend the By-Laws, specifically to remove subarticle 11.4 from the By-laws and renumber the By-laws, will come before the Board for Trustees approval at a subsequent meeting in accordance with Article 17 of the By-laws.

## **E. RECOMMENDATION**

The Director of Education and Secretary of the Board recommends that Trustees move and second the following notice of motion that gives notice of the proposed amendment as required by Article 17.1 . The motion then returns for consideration and vote at an upcoming Meeting of the Board of Trustees.

That the proposed amendment is as follows:

That subarticle 11.4 “Staff Reports – Introduction, Questions, and Debate” be deleted from Operating By-Law 175, and that the By-Law articles be renumbered to reflect this change.