



963 Airport Road North Bay, ON P1B 8H1  
Phone: 705.472.8170  
Website: www.nearnorthschools.ca

Erika Lougheed, Chair

Craig Myles, Director of Education

---

---

The March 19, 2024 **Committee of the Whole Public Session** of the Near North District School Board was held in person at the Head Office and via a Zoom video and/or teleconference.

**Trustees Present:**

Erika Lougheed, Chair  
Ashley St. Pierre, Vice Chair ®  
Howard Wesley ®  
Bill Steer ®  
Chantal Phillips  
Jeanie Fuscaldo  
Julie Bertram ®  
Louise Sargent  
Shane Hall  
Albany Benson, Student Trustee  
Dora Chen, Student Trustee

**Administrative Staff Present:**

Gay Smylie, Superintendent (Director designate)  
Seija Van Haesendonck, Superintendent of Business  
Timothy Graves, Superintendent ®  
Deb Bartlett, Communications Officer  
Maureen Egan, Executive Assistant  
Glenn Morrison, Manager IT

**Other:**

Staff, media, and community partners

**Regrets:**

Craig Myles, Director of Education  
Melanie Gray, Superintendent of Education

® attended remotely via Zoom video or audio conference

**1.0 Call to Order**

Chair Lougheed called the Committee of the Whole meeting to order at 5:30 pm. Superintendent of Education Gay Smylie was identified as Director Designate for the meeting.

**1.1 Land acknowledgement**

Chair Lougheed read the declaration aloud.

**1.2 Attendance**

Attendance indicated that 11 trustees were present, including the two Student Trustees.

**1.3 Declaration of Conflict of Interest Nil**

**2.0 In-Camera**

At approximately 5:35 pm, Chair Lougheed advised the Committee of the Whole would be moving into a private session. Members of the public were excused and

advised they would be permitted back into the meeting once the Board arose in public session.

Motion: CW 2024 03 01 S. Hall/L.Sargent

That the Board move into a Committee of the Whole Private Session in order to discuss items pertaining to *The Education Act* R.S.O. 1990, c. E.2 section 207(2)(b). - CARRIED.

A brief pause was noted to coordinate the appropriate video conference controls and allow staff and community members time to exit the meeting room. Trustees attending virtually were reminded to secure their space as well to ensure confidentiality.

### **3.0 Arise and Report**

At approximately 5:54 pm, the Committee arose and reported in the public session of the Committee of the Whole. A brief pause was noted to coordinate the appropriate video conference controls to permit members of the public to re-enter the virtual meeting and open the physical meeting space for in-person guests to re-enter.

### **4.0 Approval of the Agenda**

Trustees were referred to the agenda included in the agenda package.

Motion: CW 2024 03 02 C.Phillips/L.Sargent

That the agenda for the Committee of the Whole meeting of March 19, 2024, be approved as amended. The amendment being the addition of correspondence by Trustee Fuscaldo under New Business. - CARRIED.

### **5.0 Review of Previous Minutes**

CW 2024 03 03 S.Hall/J.Bertram

That the minutes for the Committee of the Whole meeting of February 13, 2023 be approved. – CARRIED.

### **6.0 Business Arising**

#### **6.1 School Openings Closures and Consolidations Administrative Guideline**

Chair Lougheed noted that this item was brought forward from the February CW meeting to allow for further discussion. She reminded trustees that Administrative Guidelines are created by staff for staff. It is included in our agendas as a courtesy and for transparency. We were reminded of this recently in our workshop with Wayne Joudrie who clearly referenced Administrative Guidelines being staff purview only.

Trustee Sargent clarified that at the February board meeting the motion was to not to include the AG as an item in the Regular Board meeting until further discussion and clarity was complete. Trustee Sargent expressed concern that she was invited to a meeting with staff following the February CW meeting to edit the guideline and felt this is not how the board should conduct business. The Chair was also present. She did not expect that it would result

in the final edit of the AG. She feels this AG required further discussion with trustees given the complex content, previous editorial by trustees and relevant legislation. Complete understanding by trustees is necessary and she suggested deferring the AG to the next workshop with Wayne Joudrie who could facilitate the discussion and ensure what we see in the AG is what is legislative versus what a group of people want to see moving forward.

Trustee Wesley agreed with Trustee Sargent and noted his concern with clause 2.3. Trustee Bertram said she would appreciate further questions and answers with Wayne Joudrie.

Chair Lougheed asked if she wants this specific AG to be reviewed with Wayne Joudrie and Trustee Bertram confirmed. Trustee Fuscaldo asked an editing question regarding clause 2.6, 7<sup>th</sup> bullet. Chair Lougheed reminded trustees that staff manage the AG process.

Superintendent Smylie (Director designate) thanked Trustee Sargent for her understanding of what occurred at the meeting and said she appreciated sitting down with Trustee Sargent, Emily Samuel and Chair Lougheed to discuss the process. She explained the editing error made and spoke to at the February meeting and highlighted that the only change from this version to the version brought forward last month was clause 2.12. Everything else remained unchanged. The reason for striking 2.12 was that it had not been previously captured as a new addition (i.e. it had not been highlighted along with the other changes). During that public consultation period of 30 days (which in reality was much longer due to the summer holiday) we gathered data and feedback which was shared at the February board meeting and in the board report. During the discussion Trustee Sargent mentioned policy is the responsibility of the trustees. Superintendent Smylie noted that AGs such as ours are not prevalent in other boards; ours are a mix of policy and operating procedures. Policy is created by PPMs directly from the Ministry of Education for example the concussion protocol. From Trustee Sargent's view point it was clear there remains unclear the separation from policy and the procedure and concurred discussing this with Wayne Joudrie and separating policy and procedure out for clarity. The AG on School Openings Closures and Consolidations is a procedure for staff to implement, which is why it is placed on Board meeting agendas as an information item. SO Smylie explained that the Ministry of Education sends us updates from legislation and other policies that we have to imbed in our documents ie Human rights. She concluded adding she hoped this helped explain staff's work with AGs.

Trustee Phillips thanked Superintendent Smylie for the explanation. She thanked the team who drafts these guidelines that require a depth of knowledge and expertise noting her role as trustee can be found in procedure .

**Motion: CW 24 03 04 LS/HW**

That trustees defer to after the next meeting with Wayne Joudrie so that if there is anything we can separate out from AG it is reflected going forward and that in the meantime School Openings Closures and Consolidations AG does not come back as in information item to the Board. - Carried

Chair Lougheed clarified that when staff invite her to meetings it is her responsibility to attend.

## **7.0 New Business**

### **7.1 Notices of Motion**

#### **7.1.1 Motion: CW 24 03 05 B. Steer/S.Hall**

Trustees were referred to the Notice of Motion filed by Trustee Steer contained in the agenda package seeking OPSBA to petition the Ministry of Education to create a secondary school course Living Consciously.

Trustee Steer spoke to his motion noting the alignment with student success and well-being. Once approved it would be on the AGM agenda in July. Trustee Wesley thanked Trustee Steer for bringing this motion forward and noted his support.

Trustee Fuscaldo liked motion but asked that the word mandatory be removed. Trustee Sargent seconded the suggestion to allow for discussion. Trustee Steer felt it would be a disservice to remove “mandatory” because our students need this experience for future success.

Trustee Bertram agreed with keeping “mandatory”. Trustee Sargent understands the reasoning, sees the value and thanked Trustee Steer. She asked if it has been discussed at OPSBA. He responded there has been informal conversations. Student Trustee Chen expressed her opinion that the word mandatory is important and all students should have this experience.

Consensus not to strike the word mandatory. With no further comments to note, the motion was read aloud by the Chair. Closing comments from Chair Lougheed to note there is consensus to move the recommendation forward to the Board meeting for review and approval.

#### **7.1.2 Motion: CW 24-03-06, J. Fuscaldo/J. Bertram**

Trustees were referred to the Notice of Motion filed by Trustee Fuscaldo contained in the agenda package requesting the Board approve a motion that would add a standing item to the regular board agenda. The standing item would be a roundtable forum to allow trustees to bring items to the table.

Trustee Fuscaldo explained this would give trustees an open forum to bring anything to the table that does not fit elsewhere. If trustees want to share good news stories it allows this. Chair Lougheed asked for clarification that the intent was March not January as stated in the Notice of Motion and Trustee Fuscaldo confirmed.

Chair Lougheed advised this would fall under a bylaw change as noted by Wayne Jourdrie and should be included in the full bylaw review.

Trustee Sargent was happy to see this coming through as it had been part of board meetings in the past under Trustee Comments. It was an opportunity to say what’s

going in trustees' communities and a wonderful way to acknowledge the hard work of staff and students. She cautioned it is not or and should not turn into a political agenda.

Vice-Chair St. Pierre liked the idea but felt it is more suited in committees and expressed concern with lack of boundaries including what can be turned into motion. There would be confusion with what is sent to the agenda setting committee. There is too much grey area and while it is short and simple there is no direction on how to deal with it. Vice-Chair St. Pierre was also very concerned that it could result in staff being blind-sided and unprepared.

Trustee Steer did not support the motion and asked it be referred to Wayne Joudrie noting it cannot cross into operations. Trustees would need clear coaching and advice before proceeding. Trustee Bertram concurred to discuss with Wayne Joudrie.

Trustee Wesley considered it a great idea and that we need to ensure its good news being shared. He agreed we would need guidelines.

Consensus reached to not forward to board. With no further comments to note Chair Lougheed confirmed consensus to move the recommendation to Wayne Joudrie and the governance review work.

### 7.1.3 Correspondence

Trustee Fuscaldo explained she wanted to add this item because she received a letter on March 5. She is not discussing the content but important to backtrack on the sequence of events. There was a discussion at the February Board on an AG and Trustee Wesley called for the vote and it was ignored; the Director spoke followed by an SO. Chair Lougheed referenced someone laughing.

Referring back to the correspondence, Trustee Fuscaldo told Chair Lougheed that she believes she crossed a line, the content is incorrect and expects a retraction.

Chair Lougheed advised this should be discussed in closed session. Trustee Fuscaldo declined saying since it is about her she gives permission to discuss in open committee.

Chair Lougheed explained for clarify purposes that meetings must be professional. The correspondence was vetted by legal to ensure it was not disciplinary in nature. Trustees can always voice their concerns but only in a professional respectful manner. The point is to ensure dissent is different from ridicule. Laughing at staff is not voicing a concern or challenging information and we cannot allow that.

Trustee Phillips felt the Chair had no right or authority to send this letter. She agreed on the verbal correction during the meeting but felt that once the meeting was over the Chair had no authority or power to provide letter. She explained she conferred with a parliamentarian from British Columbia for understanding.

Chair Lougheed suggested further clarity and conversation can be arranged from our lawyer who was consulted on the content.

Trustee Sargent disagreed that the trustee was laughing and would have preferred a conversation between the chair and the trustee. She would like to see something in the future

where if we get to this point it should be a conversation with the Chair, Vice-chair and trustee. She would have suggested a discussion among trustees.

Trustee Wesley had several concerns with this letter. He believes when people have challenges we talk first. He was concerned that a legal team was consulted and that it was on letterhead. We are a team, we are in training and we want to move things ahead. This is not good communication.

Trustee Fuscaldo advised the Chair that she read the situation wrong and if she had called it could have been clarified.

Chair Lougheed asked what the will of the board was including proposal.

Trustee Fuscaldo asked for a retraction and for the February 13 minutes to be amended to reflect that Trustee Wesley called for a vote.

A motion to retract the letter was moved by Trustee Fuscaldo and seconded by Trustee Phillips to allow for discussion.

Trustee Phillips asked the board to retract the letter because it doesn't reflect a decision by the trustees.

Chair Lougheed disagreed with the opinion that she was not authorized to send the letter and reminded trustees of the legal opinion sought prior to sending.

Trustee Wesley was in support of retracting the letter but unsure how to proceed since it was not board approved.

Chair Lougheed maintained it is the purview of board chair to ensure civil discourse at board meetings.

Vice-Chair St. Pierre advised that this letter was a reminder only how to conduct oneself in a professional setting. She has noticed other times when it was not admonished and it should have been.

Trustee Bertram noted our code of conduct and felt the letter was extreme.

Superintendent Smylie commented on how to move the issue forward by capturing it in the governance model. It could be referred to further discussion with Wayne Joudrie. This could be a good learning experience to know how it is applied or not applied. He could facilitate further discussion.

Trustee Sargent asked if there were copies of the letter elsewhere which the Chair responded no. She stated that because the whole board did not know, the idea to have the letter retracted from chair and vice chair would suit. She felt moving forward a phone call would be the best approach.

Chair Lougheed stated that a conversation/phone call must be mutually respected whereas in the past it has not.

Trustee Fuscaldo noted an informal and formal complaint process. In the future its best we follow those procedures. She could not see how she may have undermined the staff since she did not laugh.

Trustee Steer reminded trustees that we have to trust our chair, vice-chair and legal the legal opinion He would like this discussed with Wayne Joudrie at the next workshop before rescinding the letter.

Chair Lougheed completed discussion and was agreement with the will of the board and the issue will be brought forward to Wayne Joudrie at the next workshop.

## **7.0 Motion to Adjourn**

Motion: CW 24-03-07 J. Bertram/ B. Steer

That we do now adjourn at 7:06 pm. – CARRIED.