

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
BOARD MEETING
SEPTEMBER 27, 2022**

PUBLIC SESSION

**TOPIC: UNAPPROVED MINUTES OF THE COMMITTEE OF THE
WHOLE MEETING OF SEPTEMBER 13, 2022**

RECOMMENDATION

THAT the Niagara Catholic District School Board receive the unapproved Minutes of the Committee of the Whole Meeting of September 13, 2022, as presented.

The following recommendations are being presented for the Board's consideration from the Committee of the Whole Meeting of September 13, 2022:

7.1.1 *Disconnect From Work Policy (NEW)*

THAT the Niagara Catholic District School Board approve the Disconnect From Work Policy, as presented.

7.1.2 *Niagara Compliance Audit Committee Report*

THAT the Niagara Catholic District School Board continues as a joint participant in the Niagara Compliance Audit Committee;

THAT the Niagara Catholic District School Board approve the Terms of Reference, as established (*Appendix I*);

THAT the Niagara Catholic District School Board approve that the Secretary of the Board be delegated the authority to appoint members to the Niagara Compliance Audit Committee.



MINUTES OF THE COMMITTEE OF THE WHOLE MEETING

TUESDAY, SEPTEMBER 13, 2022

Minutes of the Meeting of the Committee of the Whole of the Niagara Catholic District School Board, held on Tuesday, September 13, 2022 in the Father Kenneth Burns c.s.c. Board Room, at the Catholic Education Centre, 427 Rice Road, Welland.

The meeting was called to order at 6:30 p.m. by Vice-Chair Moody.

A. ROUTINE MATTERS

1. Opening Prayer

Opening Prayer was led by Trustee Turner.

2. Roll Call

Vice-Chair Moody noted that Trustee Fera and Trustee Sicoli asked to be excused.

| Trustee | Present | Present Electronically | Absent | Excused |
|-------------------------|---------|------------------------|--------|---------|
| Rhianon Burkholder | ✓ | | | |
| Kathy Burtnik | ✓ | | | |
| Frank Fera | | | | ✓ |
| Larry Huibers | ✓ | | | |
| Daniel Moody | ✓ | | | |
| Leanne Prince | ✓ | | | |
| Dino Sicoli | | | | ✓ |
| Paul Turner | ✓ | | | |
| Student Trustees | | | | |
| Charlotte Johnstone | ✓ | | | |
| Steffen Zylstra | ✓ | | | |

The following staff were in attendance:

Camillo Cipriano, Director of Education; **Lee Ann Forsyth-Sells, Kimberly Kinney, Gino Pizzoferrato, Pat Rocca**, Superintendents of Education; **Domenic Massi, Joseph Zaroda**, Associate Superintendents of Education; **Giancarlo Vetrone**, Superintendent of Business & Financial Services; **Clark Euale**, Controller of Facilities Services; **Anna Pisano**, Recording Secretary/Administrative Assistant, Corporate Services

3. **Approval of the Agenda**

Moved by Trustee Prince

THAT the Committee of the Whole approve the Agenda of the Committee of the Whole Meeting of September 13, 2022, as presented.

CARRIED

4. **Declaration of Conflict of Interest**

Declaration of Conflict of Interest was declared by Trustee Huibers with Item F1 of the In Camera Agenda. This trustee has family members who are teachers, or employees of the Board. He left the meeting during discussion of this item.

5. **Approval of Minutes of the Committee of the Whole Meeting of June 14, 2022**

Moved by Trustee Burtnik

THAT the Committee of the Whole approve the Minutes of the Committee of the Whole Meeting of June 14, 2022, as presented.

CARRIED

6. **Consent Agenda Items**

Trustee Prince requested Item A6.2 be held. This item was moved to Committee and Staff Reports Section D3 of the agenda.

6.1 **2022-2023 Parents Reaching Out (PRO) Grants**

Presented for information.

6.2 **Annual Reports for Catholic School Councils and the Niagara Catholic Parent Involvement Committee 2021-2022**

Moved to Section D3

6.3 **Capital Projects Progress Report Update**

Presented for information.

Moved by Trustee Prince

THAT the Committee of the Whole adopt consent agenda items.

CARRIED

B. PRESENTATIONS

1. Introduction of New Student Trustee

Director Cipriano called upon Student Trustee Zylstra to introduce incoming Student Trustee Charlotte Johnstone.

Student Trustee Zylstra provided a brief bio on Student Trustee Johnstone, and noted that Student Trustee Johnstone has been appointed as the Southern Regional Representative for OSTA-AECO.

C. GOVERNANCE POLICIES

1. Governance Policies for Recommendation to the Board

1.1. Disconnect From Work Policy (NEW)

Julia Tiessen, Senior Administrator of Human Resources presented feedback received from the vetting process and highlighted recommended amendments to the Disconnect From Work Policy following the vetting process.

Following discussion, the Committee of the Whole recommended the following additional amendments:

- Paragraph 2 add “*non-emergency*”

Moved by Trustee Burtnik

THAT the Committee of the Whole recommend that the Niagara Catholic District School Board approve the Disconnect From Work Policy, as amended.

APPROVED

2. Governance Policies Prior to Vetting

2.1. Privacy Policy (600.6)

John Forte, Privacy and Risk Advisor, presented the Privacy Policy (600.6).

The Committee of the Whole suggested the following amendments:

- No amendment

The Committee of the Whole requested that the Privacy Policy (600.6), be vetted from September 14, 2022 to October 27, 2022 with a recommended deadline for presentation to the Committee of the Whole in November, for consideration to the Board in November.

2.2. Records and Information Management Policy (600.2)

Mr. Forte presented the Records and Information Management Policy (600.2).

The Committee of the Whole suggested the following amendments:

- Revise second sentence of the first paragraph.

The Committee of the Whole requested that the Records and Information Management Policy (600.2), be vetted from September 14, 2022 to October 27, 2022 with a recommended deadline for presentation to the Committee of the Whole in November, for consideration to the Board in November.

3. Governance Policy Review Schedule

Director Cipriano presented the Governance Policy Review Schedule.

D. COMMITTEE AND STAFF REPORTS

1. Director of Education and Senior Staff Introduction to the 2022-2023 School Year

Director Cipriano and Senior Staff presented the Introduction to the 2022-2023 School Year report for Trustee information.

Director Cipriano and members of Senior Staff answered questions of Trustees.

2. Niagara Compliance Audit Committee Report

Director Cipriano presented the Niagara Compliance Audit Committee report.

Moved by Trustee Burtnik

THAT the Committee of the Whole recommend that the Niagara Catholic District School Board continues as a joint participant in the Niagara Compliance Audit Committee;

THAT the Committee of the Whole recommends to the Niagara Catholic District School Board the approval the updated Terms of Reference, as established and updated (*Appendix I*);

THAT the Committee of the Whole recommends to the Niagara Catholic District School Board that the Secretary of the Board be delegated the authority to appoint members to the Niagara Compliance Audit Committee.

CARRIED

3. Consent Agenda Item A6.2

3.1 Annual Reports for Catholic School Councils and the Niagara Catholic Parent Involvement Committee 2021-2022

Trustee Prince acknowledged the excellent work of Catholic School Councils.

4. Monthly Updates

4.1 Student Trustees' Update

Charlotte Johnstone, and Steffen Zylstra, Student Trustees, presented a brief verbal update on the current activities of the Student Senate.

4.2 Senior Staff Good News Update

Senior Staff highlights included:

Superintendent Rocca

- Superintendent Rocca highlighted the events of the Niagara Celebration of Nations which took place September 9-11, 2022 at the Niagara Performing Arts Center. This is a three-day Gathering of Indigenous Arts, Culture, and Tradition that showcased a wide variety of Indigenous arts and artists, including our very own students from St. Kateri Secondary School who had the opportunity to display and present their artwork honoring Indigenous athletes.

Superintendent Lee Ann Forsyth-Sells

- Superintendent Forsyth-Sells extended congratulations to Principal Ward and Vice-Principal Gambale on their successful application to President's Choice Charities. St. Anthony Catholic Elementary School has received \$10,000 to support their breakfast program.

Superintendent Kinney

- In mid-September Minister Lecce will be visiting two of our classrooms to observe teachers that are engaging in the work of the Science of Reading.

D. INFORMATION

1. Trustee Information

1.1 OCSTA 2022 Fall Regional Meeting – September 27, 2022

Director Cipriano highlighted the September 27, 2022 OCSTA 2022 Regional Meeting.

Trustees were asked to confirm their attendance with Anna Pisano.

E. OTHER BUSINESS

1. General Discussion to Plan for Future Action

F. BUSINESS IN CAMERA

Moved by Trustee Prince

THAT the Committee of the Whole move into the In Camera Session.

CARRIED

The Committee of the Whole moved into the In Camera Session of the Committee of the Whole Meeting at 9:14 p.m. and reconvened at 9:43 p.m.

G. REPORT ON THE IN-CAMERA SESSION

Moved by Trustee Prince

THAT the Committee of the Whole report the motions from the In Camera Session of the Committee of the Whole Meeting of September 13, 2022.

CARRIED

SECTION B: STUDENT TRUSTEES EXCLUDED

H. ADJOURNMENT

Moved by Trustee Turner

THAT the September 13, 2022 Committee of the Whole Meeting be adjourned.

CARRIED

This meeting was adjourned at 9:44 p.m.

Minutes of the Committee of the Whole Meeting of the Niagara Catholic District School Board held on **September 13, 2022.**

Approved on **October 11, 2022.**

Daniel Moody
Vice-Chair of the Board

Camillo Cipriano
Director of Education/Secretary -Treasurer

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
BOARD MEETING
SEPTEMBER 27, 2022**

PUBLIC SESSION

TOPIC: DISCONNECT FROM WORK POLICY (NEW)

RECOMMENDATION

THAT the Niagara Catholic District School Board approve the Disconnect From Work Policy (NEW), as presented.

Prepared by: Julia Tiessen, Executive Officer of Human Resources
Presented by: Julia Tiessen, Executive Officer of Human Resources
Recommended by: Committee of the Whole
Date: September 27, 2022



Niagara Catholic District School Board

DISCONNECT FROM WORK POLICY

STATEMENT OF GOVERNANCE POLICY

200 – Human Resources

Policy No

Adopted Date:

Latest Reviewed/Revised Date:

All employees of the Niagara Catholic District School Board (the “Board”) have the responsibility of contributing to the success of the organization in fulfilling its Mission, Vision and Values for students and the families it serves. To this end, the Board is committed to both employee and organizational health by creating and maintaining a supportive and healthy workplace for all employees.

The purpose of this policy is to provide a framework to support the right of employees to disconnect from work by significantly reducing the practice of non-emergency work-related meetings and communications after-hours, including emails, telephone calls, video calls or the sending or reviewing of other messages.

The Board recognizes the contributions of all employees and encourages employee health and wellness by fostering a work environment that maintains a healthy work-life balance, including the ability to disconnect from work outside of normal working hours, as stipulated in Ontario Bill 27, *Working for Workers Act*, 2021 and the *Employment Standards Act*, 2000.

This policy applies to all employees of the Board.

The Director of Education will issue *Administrative Operational Procedures* for the implementation of this policy.

References:

- [***Working for Workers Act 2021 SO 2021 c. 35 – Bill 27***](#)
- [***Employment Standards Act***](#)
- [***Municipal Freedom of Information and Protection of Privacy Act***](#)
- [***Ontario Human Rights Code***](#)
- [***Workplace Safety and Insurance Act***](#)
- [***Employee Assistance Program \(EAP\)***](#)
- [***Education Act and Regulations***](#)
- [***Niagara Catholic District School Board Policies/Procedures/Documents***](#)
 - [***Equity and Inclusive Education Policy \(100.10\)***](#)
 - [***Employee Code of Conduct and Ethics Policy \(201.17\)***](#)
 - [***Employee Workplace Harassment Policy \(201.7\)***](#)
 - [***Accessibility Standards Policy \(800.8\)***](#)
 - [***Collective Agreements***](#)
 - [***Terms and Conditions***](#)

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
BOARD MEETING
SEPTEMBER 27, 2022**

PUBLIC SESSION

TITLE: NIAGARA COMPLIANCE AUDIT COMMITTEE REPORT

RECOMMENDATION

THAT the Niagara Catholic District School Board continues as a joint participant in the Niagara Compliance Audit Committee;

THAT the Niagara Catholic District School Board approve the Terms of Reference, as established (*Appendix 1*);

THAT the Niagara Catholic District School Board approve that the Secretary of the Board be delegated the authority to appoint members to the Niagara Compliance Audit Committee.

Prepared by: Giancarlo Vetrone, Superintendent of Business & Financial Services

Presented by: Camillo Cipriano, Director of Education/Secretary-Treasurer

Recommended by: Committee of the Whole

Date: September 27, 2022



REPORT TO THE COMMITTEE OF THE WHOLE SEPTEMBER 13, 2022

NIAGARA COMPLIANCE AUDIT COMMITTEE REPORT

BACKGROUND INFORMATION

Niagara Compliance Audit Committee

Compliance Audit Committees are required under the *Municipal Elections Act, 1996* (MEA) for all local boards including Catholic school boards, to consider applications from eligible electors requesting audits of candidates, contributors, and registered third party campaign finances in relation to the 2022 Municipal Election, and any by-elections during the 2022-2026 term pursuant to the MEA. As it states:

Compliance Audit Committee (Municipal Elections Act)

88.37 (1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act. 2016, c. 15, s. 66.

Committees may be required to appoint auditors and determine if legal proceedings are required as a result of the auditors' reports or reports from the clerk of the municipality. The powers and functions of the Committee are set out in Section 88 of the MEA and are in place to ensure that the provisions pertaining to campaign finances have not been contravened and to follow the necessary steps to ensure compliance. Below is an excerpt from the MEA:

Compliance Audit Committee (Municipal Elections Act)

88.37 (1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act. 2016, c. 15, s. 66.

Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and **shall not include:**

- (a) employees or officers of the municipality or local board;
- (b) members of the council or local board;
- (c) any persons who are candidates in the election for which the committee is established;
or
- (d) any persons who are registered third parties in the municipality in the election for which the committee is established. 2016, c. 15, s. 66.

Eligibility for appointment

(3) A person who has such qualifications and satisfies such eligibility requirements as may be prescribed is eligible for appointment to the committee. 2016, c. 15, s. 66.

Same

(4) In appointing persons to the committee, the council or local board shall have regard to the prescribed eligibility criteria. 2016, c. 15, s. 66.

Term of office

(5) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2016, c. 15, s. 66.

Role of clerk or secretary

(6) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2016, c. 15, s. 66.

Appendix 1 – Niagara Compliance Audit Committee Terms of Reference

RECOMMENDATION

THAT the Committee of the Whole recommend that the Niagara Catholic District School Board continues as a joint participant in the Niagara Compliance Audit Committee;

THAT the Committee of the Whole recommends to the Niagara Catholic District School Board the approval the Terms of Reference, as established (*Appendix 1*);

THAT the Committee of the Whole recommends to the Niagara Catholic District School Board that the Secretary of the Board be delegated the authority to appoint members to the Niagara Compliance Audit Committee.

Prepared by: Giancarlo Vetrone, Superintendent of Business & Financial Services

Presented by: Camillo Cipriano, Director of Education/Secretary-Treasurer

Recommended by: Camillo Cipriano, Director of Education/Secretary-Treasurer

Date: September 13, 2022

Terms of Reference for Niagara Compliance Audit Committee

1. Authority

1. Sections 88.33 and 88.35 of the *Municipal Elections Act, 1996 (Act)* provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidate's or registered third party's campaign finances, even if the candidate has not filed a financial statement.
2. Sections 88.34 and 88.36 of the Act requires the clerk to review the contributions reported on the financial statements submitted by a candidate or registered third party and report any contraventions of any of the contribution limits to the compliance audit committee.
3. Section 88.37 of the Act requires the council or local board, to establish a compliance audit committee before October 1st in an election year for the purposes of Sections 88.33 to 88.36 of the Act relative to a possible contravention of the election campaign finance rules.

2. Establishment of Committee

1. A Joint Compliance Audit Committee is established with the potential participants as set out below, and shall be named the "Niagara Compliance Audit Committee" ("Committee"):

Local Area Municipalities": Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara on the Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland and Township of West Lincoln

"Region": Regional Municipality of Niagara

"School Boards": District School Board of Niagara and Niagara Catholic District School Board.

2. The potential participants as set out in Section 1 above, shall each determine its participation in the Committee, the results of which shall form the "Joint Participants."
3. The Committee is a statutory committee.

3. References

1. The following municipal terms shall have a corresponding meaning for School Boards: municipality/board, Council/Board, Clerk/Secretary, responding municipality/responding board. Reference to Councils/Boards and Clerks shall be deemed to include those of the Joint Participants.
2. Responding municipality means the municipality/board responsible for the office, with the Region responsible for the offices of Regional Chair and Regional Councillors, municipalities

responsible for the office of Mayor and Councillors/Aldermen and School Boards responsible for the office of trustees.

3. The local area municipalities shall receive the compliance audit applications on behalf of the Region and School Boards who will then immediately provide same to the Region or School Board to commence the compliance audit proceedings.

4. Term

1. The term of the Committee shall be concurrent with the term of Council. The term of appointment of the Committee members shall be December 1 of the regular election year to November 14 of the next regular election year, including any by-elections, or until such time as the applicable Committee has disposed of any remaining matters in accordance with the *Act*.

5. Duration

1. The Committee shall be established before October 1st in an election year.
2. The establishment of the Committee and terms of reference shall continue as set out herein from Council term to Council term unless determined otherwise by Council. However, the appointment of the members to the Committee shall be approved by each Council or delegated authority prior to October 1st in each election year.

6. Mandate

1. The mandate of the Committee is to hear and determine all applications filed in accordance with Sections 88.33 to 88.36 of the *Act* pursuant to the procedures established by the Clerks under the *Act*.
2. The powers and functions of the Committee as set out in Sections 88.33 to 88.36 of the *Act* include:
 - (a) within 30 days of receipt of a compliance audit application from an elector, review and decide whether it should be granted or rejected;
 - (b) if the application is granted, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the election campaign finances;
 - (c) receive the auditor's report;
 - (d) within 30 days of receipt of the auditor's report, consider the report and if the report concludes the candidate or registered third party appears to have contravened a provision of the *Act* relating to election campaign finances, decide whether legal proceedings against the candidate or registered third party for the apparent contravention shall be commenced, and
 - (e) within 30 days after receipt of a report from any participating municipality's Clerk of any apparent over-contributions to candidates or registered third parties, the Committee shall consider the Clerk's report and decide whether legal proceedings against the contributor should be commenced.

7. Composition

1. The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with membership drawn from the following stakeholder groups:
 - (a) accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
 - (b) college or university professors with expertise in political science or local government administration;
 - (c) legal profession with experience in municipal law, municipal election law or administrative law;
 - (d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
 - (e) other individuals with knowledge of the campaign finance rules of the Act.
2. The Committee shall not include,
 - (a) employees or officers of the Joint Participants;
 - (b) members of the Council or Board of the Joint Participants;
 - (c) any persons who are candidates in the election for which the Committee is established;
 - (d) any person who is or intends to volunteer or seek employment to assist any candidate or registered third party in the election for which the Committee is established, or
 - (e) any person who is a registered third party in any local area municipality.
3. When an application has been filed under Section 88.33 of the Act, only three (3) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the application.
4. The Clerk of the responding municipality shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.

8. Member Selection and Appointment

1. At a minimum, the recruitment of committee members shall be advertised in a local newspaper having general circulation and on the websites of the Joint Participants. Other recruitment measures may be initiated by the Clerks.
2. All persons interested in serving on the Committee shall complete an application form prescribed by the Clerks setting out their qualifications and experience.
3. A Nomination Committee consisting of a majority of the Clerks or designates, shall review the applications and submit a joint short list of candidates to the Councils/Boards, or Clerk as the delegated authority, for appointment approval.
4. In the event a vacancy occurs during the term, the municipality may rely on the remaining members to compose a Committee of three (3) members.

9. Selection Criteria

1. Without limiting the foregoing, members shall be selected on the basis of the following:
 - (a) demonstrated knowledge and understanding of municipal election campaign finance rules;
 - (b) proven analytical and decision-making skills;
 - (c) experience working on a committee, administrative tribunal, task force or similar setting;
 - (d) availability and willingness to attend meetings;
 - (e) excellent oral and written communication skills.

10. Chair of Committee

1. The Committee members shall select a Chair from amongst its three (3) sitting members at its first meeting.

11. Secretary to Committee

1. The Clerk of the responding municipality shall act as Secretary to the Committee.

12. Compensation

1. Members of the Committee shall receive a retention honorarium of \$300.00 including mileage, for attendance at a training session the costs of which shall be shared equally amongst the Joint Participants.
2. Members shall receive an honorarium of \$200.00 per meeting, plus mileage, at the rate of the responding municipality.

13. Costs and Funding

1. The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a result of a decision of the Committee being challenged to the Ontario Superior Court of Justice.
2. The Joint Participants shall equally share in the costs associated with advertising and training.

14. Auditor

1. The Area Clerks shall issue a joint RFP for auditor services and the Committee shall appoint an auditor.

15. Meetings

1. The Committee shall conduct its meetings in public but may deliberate in private.

2. The responding municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.
3. The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

16. Conflicts

1. Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.
2. In the event a member discloses a pecuniary interest to the application in advance of the meeting, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.
3. To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree, in writing, not to undertake the audits or preparation of the financial statements of any candidate or registered third party seeking election to the Councils/Boards. Failure to adhere to this requirement shall result in the individual being removed from the Committee.
4. All Committee members shall agree, in writing, they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election to the Councils/Boards. If upon being made aware that a member has participated or contributed to a campaign or registered third party, the Clerks or designates, by majority vote, shall remove the member from the roster or recommend to the Councils/Boards, or the delegated authority, to rescind the appointment to the Committee.

17. Practices and Procedures

1. The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the *Act* to implement the Committee's decisions.