



POLICY

Title:	TRUSTEE LEAVE OF ABSENCE	Policy No.: 5019 Effective Date: 2024 January 30
Department:	Director's Services	
Reference(s):	<i>Education Act, R.S.O. 1990, c. E.2 (Sections 170 and 228)</i> <i>Employment Standards Act, 2000, S.O. 2000 c. 41</i> <i>Human Rights Code (Ontario), R.S.O. 1990, c. H.19</i> <i>O.Reg. 357/06 Honoraria for Board Members</i>	

The following policy provides the guidelines for a leave of absence by Trustees in respect of their statutory role as an elected representative.

1.0 DEFINITION

- 1.1 Leave of absence is generally defined as any approved temporary absence and/or reduction of duties required of a Trustee under the Education Act, that is sought on specific medical, personal or compassionate grounds.

2.0 GENERAL

- 2.1 This Policy applies to all Trustees of the Board, including Student Trustees.
- 2.2 A signed written request by a Trustee seeking a leave of absence shall be made by the Trustee directly to the Board, for receipt by the Chair of the Board (or Vice-Chair in the Chair's absence) and the Director of Education, for inclusion at the next Board meeting and shall state the leave is per the Leave of Absence Policy.
- 2.3 When such request is provided, the following information shall be included and communicated to the Chair of the Board, the Director of Education and the Board:
- 2.3.1 Rationale to support the leave of absence request;
 - 2.3.2 The anticipated start date of the leave and expected return date;
 - 2.3.3 A plan of whether the Trustee chooses to remain engaged in the business of the Board. This may include how and whether the Trustee intends to participate in all, some, or no Board/Committee meetings during the period of the leave;

Administered By: **Director's Services**

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- 2.3.4 A plan of how the work of any Committee commitments will be completed.
- 2.3.5 A plan of how public communication will be handled during the Trustee leave.
- 2.4 Discussion, if any, on the specifics for the leave of absence is considered to be a personal matter. Discussion shall be limited and subject to human rights, privacy laws, employment standards legislation, and any other applicable legislation and shall be held in a closed session of the Board.
- 2.5 Despite section 2.4 above, leave of absences discussed in a closed session, shall be duly moved and voted on in the public session and recorded in the public minutes.
- 2.6 In accordance with section 228 of the *Education Act*, an office is not vacated by a Trustee who is absent for three (3) consecutive regular meetings of the board for whom a leave of absence has been authorized by Board resolution that is entered in the minutes.
- 2.7 Trustees on an approved leave may:
 - 2.7.1 Continue to receive the Trustees' honorarium as specified in the Trustee Honoraria Policy (No. 1007) and Trustee Honoraria Procedure (1007a).
 - 2.7.2 Continue to have relevant expenses paid in accordance with Expense Reimbursement-Trustee Policy (1005) and Expense Reimbursement – Trustee Procedure (1005a).
 - 2.7.3 Be exempt from attending meetings of the Board and any committees, unless otherwise specified.
 - 2.7.4 Continue to have access to information through their designated board provided technology and email.
 - 2.7.5 Respond to email communications at the level they determine, if any, utilizing an out-of-office email response to identify they are on leave, the level of service offered, and an alternative Trustee contact as appropriate and; inform the Chair of the Board and the Director of Education regarding the level of service provided during the leave.
 - 2.7.6 Continue to be responsible for adhering to the Trustee Code of Conduct.

3.0 LEAVE OF ABSENCE REQUEST BY CHAIR

- 3.1 As per section 218.4 of the *Education Act*, the Chair of the Board has certain statutorily enshrined duties required of them by law which cannot be suspended due to a leave of absence undertaken by the Chair of the Board.
- 3.2 In addition to the obligations outlined of a Trustee seeking a leave of absence pursuant to this Policy, when the Chair of the Board is requesting a leave of absence for a period greater than thirty (30) days, the Chair shall either resign their position as Chair (remaining as a Trustee) or request that the Board of Trustees conduct an election to appoint an

interim Chair for the duration of the leave period.

- 3.3 When the Chair of the Board requests a leave of absence for a period of less than thirty (30) days, the Vice-Chair of the Board shall act as interim Chair for the duration of the approved leave period or alternatively, until such time that the Chair of the Board provides written notice of the date that they intend to resume their role as Chair of the Board, whichever of the two dates occurs earlier.
- 3.4 If the Vice-Chair of the Board is unable and/or unwilling to assume the role of interim Chair for the duration of the leave period, the Board of Trustees shall pass a resolution to appoint another Trustee to serve as interim Chair for the duration of the leave period. In the event that two (2) or more Trustees seek to act as interim Chair of the Board during the leave period, the Board of Trustees shall conduct a vote in accordance with the election process outlined in the TVDSB Bylaws to elect an interim Chair for the duration of the leave period or end of the Chair's term, whichever of the two dates occurs earlier.
- 3.5 Upon the expiry of the leave of absence period approved by the Board, the Chair of the Board will automatically assume their previous role as Chair, unless they instead intend to seek a further extension to their leave of absence period, such notice of which shall be promptly provided, in writing, to the Interim Chair and Director of Education as soon as reasonably possible, so that the Board of Trustees may consider the merits of and vote on the extended leave request.

4.0 TRUSTEE PREGNANCY OR PARENTAL LEAVE

- 4.1 In accordance with section 228 of the *Education Act*, a Trustee is permitted to be absent from meetings of the Board for 20 consecutive weeks or less if the absence is a result of the Trustee's pregnancy, birth of the Trustee's child or the adoption of a child by the Trustee.
- 4.2 A pregnancy or parental leave is considered a right under the *Education Act*, and therefore does not require approval by the Board of Trustees to excuse the absence.
- 4.3 The pregnancy or parental leave may start up to 20 weeks before a Trustee's expected date of delivery, date of delivery, date of adoption and/or the date on which the child first comes into the Trustee's care, control or custody.
 - 4.3.1 A Trustee exercising their right to the leave, will notify the Chair of the Board and the Director of Education in writing at least six (6) weeks in advance of the leave, if possible.
- 4.4 When such notice is provided, the following information shall be communicated with the Board Chair, the Director of Education and the Board:
 - 4.4.1 The Trustee's expected start and end date of the leave period.
 - 4.4.2 A plan of whether the Trustee chooses to remain engaged in the business of the Board. This will include how and whether the Trustee intends to participate in all, some, or no Committee/Board meetings.

- 4.4.3 A plan of how the work of any Committee commitments will be completed. This may include another member being appointed to serve on the committee for the remainder of the term/current year.
- 4.4.4 A plan of how constituent communication will be handled during the Trustee leave.

4.5 Trustees on a pregnancy/parental leave shall:

- 4.5.1 Continue to have relevant expenses paid in accordance with the Expense Reimbursement-Trustee Policy and Procedure.
- 4.5.2 Be exempt from attending meetings of the Board and any committees, unless otherwise specified. This may include a recommendation that another member be appointed to serve on the committee for the remainder of the term/current year.
- 4.5.3 Continue to have access to information through their designated board provided technology and email.
- 4.5.4 Respond to email communications at the level they determine, utilizing an out-of-office email response to identify they are on leave, the level of service offered, and an alternative Trustee contact as appropriate and; inform the Board Chair, and the Director of Education regarding the level of service provided during the leave.
- 4.5.5 Continue to be responsible for adhering to the Trustee Code of Conduct.

5.0 VACATING OFFICE

- 5.1 An office is not vacated by a Trustee for whom an absence has been authorized by Board resolution that is entered in the minutes.
- 5.2 A Trustee vacates their seat if they are:
 - 5.2.1 convicted of an indictable offence;
 - 5.2.2 absents themselves without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board;
 - 5.2.3 ceases to hold the qualifications required to act as a Trustee;
 - 5.2.4 becomes disqualified under subsection 219 (4) of the Education Act; or
 - 5.2.5 fails to be physically present as required by the regulations made under clause 208.1 (1) (b). 1997, c. 31, s. 112; 2020, c. 7, Sched. 9, s. 2. of the Education Act.