



Revisions to Governance Procedure PR533, Election Activities and Use of Board Resources

To: Governance and Policy Committee

Date: 24 April, 2019

Report No.: 04-19-3633

Strategic Directions

- Transform Student Learning
- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that the revised Election Activities and Use of Board Resources Governance Procedure (PR533), as presented in this report, be approved.

Context

At the March 26, 2019 Governance and Policy Committee meeting, the Committee considered a memorandum from the Integrity Commissioner related to the February 6, 2019 Board decision regarding revisions to the Election Activities and Use of Board Resources Governance Procedure (PR533).

As a result, the Governance and Policy Committee made the following recommendations, which were subsequently approved by the Board of Trustees:

The Governance and Policy Committee RECOMMENDS that the Integrity Commissioner propose further revisions to the Election Activities and Use of Board Resources Procedure (PR533) to clarify the definition of election activities

and to revise section 6.21, Trustee Newsletters, to prohibit the use of trustee photos in newsletters during an election period; and

That the revisions be brought back to a future Governance and Policy Committee meeting for consideration.

In consultations with the Integrity Commissioner, staff drafted revisions to the Election Activities and Use of Board Resources Procedure (PR533) (see Appendix A), presented for the Committee's consideration.

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee's directions, the revised draft Procedure will be provided to the Board of Trustees for final approval, at the May 22, 2019 Board Meeting.

Resource Implications

No additional resources will be required.

Communications Considerations

Subject to Board approval, the revised procedure will be communicated to the Trustees and to staff through the System Leaders' Bulletin. The revised Procedure will be posted on the TDSB's public website.

Board Policy and Procedure Reference(s)

- Board Member Code of Conduct (P075)
- Governance Policy (P086)
- Community Use of Board Facilities (P011)

Appendices

- Appendix A: Revised PR533, Election Activities and Use of Board Resources (track changes)

From

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Toronto District School Board

Governance Procedure PR533

Title: **ELECTION ACTIVITIES AND USE OF BOARD RESOURCES**

Adopted: September 9, 2003
Effected: September 9, 2003
Revised: May 2014, March 21, 2018, **June 20, 2018, [\[new date\]](#)**
Reviewed: February 2013, September 2015, [\[new date\]](#)
Authorization: Board of Trustees

1.0 RATIONALE

This Election Activities and Use of Board Resources Governance Procedure (“the Procedure”) supports legislated requirements and Board-established By-laws, policies and procedures that set out the governance and accountability framework at the Toronto District School Board (TDSB).

This Procedure aligns with the applicable legislation, which regulates the conduct of school board, municipal, provincial and federal elections.

2.0 OBJECTIVE

To establish the rules which govern and regulate election activities and use of Board resources.

3.0 DEFINITIONS

Board is the Toronto District School Board, which is also referred to as “TDSB”

Board Property means all sites owned, operated and leased by the Board, as well as the Board sites that are occupied by other groups, businesses and organizations in a lease or other agreement.

Board Resources includes, but is not limited to facilities, equipment, supplies, services, staff, funds, branding (logo/wordmark) or other resources owned and operated by the Board.

By-Election means an election other than a regular election that is conducted in accordance with the governing legislation.

Candidate means any person who has filed and not withdrawn a nomination for an elected office at the school board, municipal council, provincial or federal level in an election or by-election. For the purpose of this Procedure, individuals campaigning for a nomination to represent the provincial or federal government in an upcoming election are also considered candidates.

Constituent means a ratepayer who is defined as a supporter of the English Public school board system under the *Education Act* and within the City of Toronto.

Election means a regular election and also includes by-election.

Election Activity refers to activities related to campaigning for school board, municipal council, provincial and federal office, including the seeking of a nomination in an election. [A Trustee may distribute information regarding an all-candidates meeting being held at a school for municipal, provincial or federal office, provided that they are not a candidate in that election.](#)

Election Period is the official campaign period of an election.

- For a school board and municipal council election, the election period commences on May 1 of an election year and ends on voting day.
- For a provincial or federal election, the election period commences the day the writ for the election is issued and ends on voting day.
- For a by-election at the school board, municipal council, provincial or federal level, the period commences when the by-election is called and ends on voting day.

Official Business means duties and responsibilities as prescribed by the *Education Act* and further explained in the TDSB's Governance Policy (P086), and directly related to operations of the Toronto District School Board.

Partisan means identification or support for a specific political party or an individual seeking or holding public office.

Regular Election means a general election for school board, municipal council, provincial and federal office.

Social Media includes any freely accessible, third-party hosted interactive web technology used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Websites, Twitter, Facebook, Instagram and Pinterest are examples.

Trustee means a person elected, acclaimed or appointed to the office of trustee or a member of the Board, pursuant to the provisions of the *Municipal Elections Act* and the *Education Act*.

Trustee Office means the authority and public duties attached to the position of being elected as a TDSB Trustee.

Voting Day means the day the final vote is to be taken in an election.

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for overseeing this Procedure. Within the Director's Office, the responsibility for the day-to-day management and coordination of the Procedure is co-assigned to the Executive Officer, Government, Public and Community Relations and the Executive Officer, Governance and Board Services.

5.0 APPLICATION AND SCOPE

This Procedure applies to election activities by Trustees and candidates, as defined in section 3.0. Staff, volunteers, students, school councils, the Board's community advisory committees and their members also have certain responsibilities under this Procedure.

This Procedure operates as a supplement to the existing statutes governing the conduct of members of the Board in all their roles and candidates for public office, including but not limited to the *Education Act*, *Municipal Conflict of Interest Act*, *Municipal Elections Act, 1996*, *Municipal Elections Modernization Act, 2016*, and the *Municipal Freedom of Information and Protection of Privacy Act*.

6.0 PROCEDURES

This Procedure recognizes that Trustees are holders of their office until the end of the term and supports them in continuing to fulfill their responsibilities as Trustees.

Nothing in this Procedure should preclude a Trustee from performing their duty as an elected official or inhibit them from representing the interests of their constituents during the election period.

6.1 GENERAL RESTRICTIONS APPLICABLE AT ALL TIMES

6.1.1 Use of Board Resources, Communications, and Election Activities

- (a) Trustees are required to observe the terms of all policies and procedures established by the Board that apply to Trustees, including the Board Member Code of Conduct (P075).
- (b) All candidates are prohibited from election activities on Board property, including distribution of election related signs, pamphlets or buttons and the use of school resources or school communication tools. Use of election related signs on Board premises in windows or offices is prohibited.

- (c) Trustees will not distribute media releases using the resources of the Board including communications networks or distribution systems for election purposes.
- (d) Trustees will not use the services of any staff of the Board to assist in any communication activity related to the preparation or distribution of election related materials or events. Personal social media accounts for election activity will not be created or supported using Board resources.
- (e) Candidates (including their staff and campaign volunteers) are prohibited from using pictures, videos or recording audio of TDSB students, parents/guardians, staff and volunteers for any election activity without their explicit written consent. Board staff will not create any photographic or video materials for use in any election related materials.
- (f) Trustees will not use their Board office or information technology resources (e.g., cell phones, tablets, computers, fax) for election activities.
- (g) Stationery, printing, photocopying and other materials will not be used for election activities.
- (h) Trustees will not use Board resources or funds to print or distribute information which promotes themselves as a candidate or any other candidate for municipal, provincial or federal office. Trustees may distribute information regarding all candidates' meetings being held on Board property, provided that they are not a participant in the debate.
- (i) Trustees are responsible for ensuring that the content of their communications material funded by the Board is not election-related.
- (j) Websites or domain names that are funded by the Board will not include any election activity materials.
- (k) Trustees will not use the Board's email/voice mail system to record, distribute or disseminate election activity messages or correspondence. ~~Trustees will not use any distribution lists developed by the Trustees while in office for election activity purposes without ensuring that all recipients are provided with the option to unsubscribe from the Trustee's distribution list(s).~~ Trustees will not use any distribution lists or email addresses obtained when carrying out Official Business of the Trustee Office for election activity purposes.

6.1.2 Restrictions for Students and Employees

- (a) Students are not to be involved in a candidate's election activity during school hours and on Board property.

- (b) Employees must not engage in election activities of any kind during work hours and on Board property. Employees who support or work for a registered candidate must keep these activities outside of work hours. It is generally recommended that school administrators and other senior staff avoid campaigning on behalf of a trustee candidate. Staff are expected to take extra care to ensure that they act in a manner that school community members, current Trustees and Trustee candidates consider to be impartial, fair and unbiased.
- (c) No Board property (e.g. phone, fax, computer, e-mail, e-mail and distribution lists, and photocopier) will be used for election activity.
- (d) Employees must not provide any personal information (name, address, phone number, email) of students and parents/guardians, including school council and community advisory committee members, to any candidates or their staff.
- (e) Employees must not provide any election related materials to students or their parents/guardians.

6.2 RESTRICTIONS DURING ELECTION PERIODS

6.2.1 Trustee Newsletters

Trustees may continue to distribute newsletters to school communities as part of the Trustees' official business, provided that the newsletters are not used for campaign purposes and do not include photo images of Trustees or any candidates.

6.2.2 School Visits by Candidates and Other Public Office Holders

- (a) Politicians (including Members of Parliament, Members of Provincial Parliament, City Councillors, Trustees) may visit a school at the invitation of the principal and the superintendent of the school in consultation with the TDSB's Government, Public and Community Relations department. Visits must be for the benefit of the students, non-partisan in nature, and to serve an educational purpose (including curriculum- and official government-based election education programs).
- (b) School visits by candidates and public office holders cannot be used for election activity purposes. Any requests by candidates and public office holders without official duties in schools or to address students for election activity purposes will be denied.

- (c) Current Trustees may only partake in school visits if related to fulfilling official business (including graduation ceremonies and talking with classes) as part of their usual role and not for election activity purposes.

6.2.3 *All-Candidates Meetings*

Requests by Schools

- (a) For all-candidate meetings requested by the school for curriculum purposes, messaging from the school administration must be of a non-partisan nature. The audience should be limited to students taking relevant courses only.
- (b) Invitations to all-candidates meetings will be provided well in advance of the scheduled date to all registered candidates. All-candidates meetings should only proceed with the confirmation of at least two candidates available to attend the meeting.
- (c) The registered candidates must be given equal time to speak and debate is to be focused only on the issues of their own/party's platform. Candidates must maintain respectful debate.
- (d) The meeting is for the education of students only and media is not to be present at curriculum-based all-candidates meetings.

Requests by the Community

- (e) To protect the neutrality of individual schools, campaigning (including election related materials and signage) is prohibited on Board property, except for the duration of an all-candidates meeting and in accordance with the terms and conditions of the TDSB permit. No election related materials will be given to students or distributed for students to take home. Event organizers must not give preferential treatment to any candidate or political party.
- (f) For community members wishing to host an all candidates meeting at a TDSB facility, contact the TDSB's Permits department. Permit holders for all-candidates meetings are governed by the rules and regulations as outlined in the facility permit and must use Board facilities in a responsible and respectful manner.

6.2.4 *Media at Schools and Polling Stations*

- (a) Media may only enter the polling station area with the permission of the Returning Officer in charge of the polling station area. If polling stations are located in cafeterias, or other areas that students must access as part of the regular school day, these stations are considered off limits to media.
- (b) Media may not enter and/or film any other part of the school during voting time or on voting day. The media may not speak to and/or film or interview any students or staff on Board property.

- (c) For concerns with media at polling stations, the Returning Officer should be notified. In the event that the concern persists, the principal or designate may ask the media to leave the premises.

For other inquiries regarding media personnel, contact the Superintendent of Education and/or Communications Officer assigned to your Learning Centre.

6.2.5 Restrictions for Students, Employees, School Councils and Community Advisory Committees

- (a) School councils and community advisory committees must not endorse a specific candidate or campaign on behalf of a specific candidate. School councils and community advisory committees may wish to host an all-candidates meeting.
- (b) School councils and community advisory committees must not distribute information on behalf of, or about, a specific candidate. If it is the normal practice of the school council or community advisory committee to meet regularly with the local Trustee(s), the meetings can continue as they usually would in the business of the Board.
- (c) The restrictions related to school councils and community advisory committees also apply to their individual members and officers when acting in their official capacity and/or on behalf of the councils/committees. Members of the school councils and community advisory committees are not subject to the above restrictions when acting in their capacity as a private citizen off of Board property.

6.2.6 Websites and Social Media Restrictions during Municipal Election Year (beginning August 1)

- (a) Commencing **August 1** and until voting day in a municipal election year, links to personal social media, blogs and external websites of current Trustees will be removed from the TDSB's web site.
- (b) Commencing **August 1** and until voting day in a municipal election year, personal social media accounts:
- Will not use the Board logo, branding or the title of Trustee;
 - Will be separate and distinct from any accounts used by the candidate in their position as Trustee;
 - Will not provide a link to or from, or reference any existing electronic accounts used for the candidate's work as a Trustee;

- Will include a clear statement that the account is for election activity purposes and not related to their position of Trustee.

7.0 EVALUATION

This Procedure is to be reviewed and updated as required, but at a minimum every four (4) years.

8.0 APPENDICES

N/A

9.0 REFERENCE DOCUMENTS

Policies:

- Board Member Code of Conduct (P075)
- Governance Policy (P086)
- Community Use of Board Facilities (P011)

Operational Procedures:

- Complaint Protocol for the Board Member Code of Conduct (PR708)
- Official and/or High-Profile Visits and Events (PR529)
- Trustee Expense Procedure (PR582b)

Legislative Acts and Regulations:

- *Education Act*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Elections Modernization Act, 2016*
- *Municipal Freedom of Information and Protection of Privacy Act*