

Filling a Trustee Vacancy

1.0 Rationale

- 1.1 From time to time a seat on the Board of Trustees may become vacant. This policy sets out the options and process for filling a trustee vacancy as called for in the Board's Consolidated By-laws and in a manner consistent with the terms of the *Education Act*.

2.0 Policy Objective

- 2.1 The objective of this policy is to set out a concise, fair and transparent policy for filling a vacancy on the Board of Trustees.
- 2.2 This policy is to be interpreted and applied in accordance with the District's commitment to promoting and upholding Indigenous Rights and Human Rights and the Safe and Respectful Workplace and Harassment Prevention policy in all of its learning and working environments.

3.0 Policy

3.1 Options for Filling a Vacancy

- 3.1.1 The Vacancy Committee shall consider and determine the method of filling the vacancy from the following options:
- (a) Requiring the municipality to hold a by-election at the Board's expense (this option is not available within approximately 8 months of a regularly scheduled municipal election). If this option is chosen, the Director shall engage and coordinate with the appropriate municipality and shall report to the Board as appropriate to keep the Board informed.
 - (b) Appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. If this option is selected, the Committee shall select the method of appointment from the following options:
 - i. Appointing one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area provided the candidate remains interested, resides in the vacated electoral area and remains a qualified person as defined under the *Education Act*.
 - ii. Appointing one of the unsuccessful applicant candidates from the "Trustee Applicant Pool" (defined below) that is from the vacated electoral area and provided the candidate is still interested, resides in the vacated electoral area and remains a qualified person as defined under the *Education Act*.
 - iii. Conducting a candidate application and appointment process.

- 3.1.2 In order to facilitate consideration of these options, the Director shall prepare and provide to the Vacancy Committee, an initial report outlining the options and processes for filling the vacancy in accordance with the terms of this Policy.
- 3.1.3 If the timing of the vacancy would allow for a by-election, the initial report from the Director shall include the results from the previous election for the relevant electoral area and the estimated costs of a by-election.
- 3.1.4 This initial report shall also advise of any applicants in a Trustee Applicant Pool from the electoral area of the vacancy.
- 3.1.5 If option 3.1.1 (b)(i) is chosen, the Director shall reach out to the candidate to confirm that the candidate is still interested, still resides in the vacated electoral area and remains a qualified as defined under the *Education Act* and, if so, to advise of the appointment.
- 3.1.6 If option 3.1.1 (b)(ii) is chosen, the Director shall reach out to the candidate to confirm that the candidate is still interested, still resides in the vacated electoral area and remains a qualified person as defined under the *Education Act*.
- 3.1.7 If option 3.1.1 (b) (iii) is chosen, the process outlined in paragraphs 3.2 and 3.3 will apply.
- 3.1.8 Any meetings regarding the consideration and/or implementation of the foregoing options that include discussion of candidates will be held in closed session.

3.2 Application Process

- 3.2.1 If option 3.1.1 (b)(iii) is chosen, the Vacancy Committee will receive an initial report from the Director addressing the following which the Committee shall consider and adopt as it deems appropriate:
 - (a) The form and content of the position posting and the extent and duration of the posting for applications (e.g., the Board's website, social media, advertisements, etc.) and any additional information to be included on the Board's website regarding the nature of the role of School Board Trustee;
 - (b) The form and content of the application form that applicants will be required to submit;
 - (c) The deadline for submitting completed application forms;
 - (d) A weighted assessment matrix for assessing and scoring completed applications which is to be referenced by Vacancy Committee members in reviewing applications to improve fairness and consistency. At the discretion of the Vacancy Committee, the assessment matrix may include weight being given to the electoral area in which applicants reside.
- 3.2.2 The DDSB's Accessibility Policy shall apply to applicants throughout this process, as applicable.
- 3.2.3 Upon written or verbal indication from an individual that they intend to apply for the position, the following information will be provided to applicants, electronically or in hard copy as the interested party may elect:

- i. The position posting, the application form and the assessment matrix;
- ii. Durham District School Board Facts Folder;
- iii. The Consolidated Bylaws including the Member Code of Conduct;
- iv. Schedule of Board and Committee Meetings;
- v. Committee Membership List.

3.2.4 Following the application deadline the Vacancy Committee will meet, in closed session, to review any properly completed applications using the weighted assessment matrix in order to prepare a short list of applicants who will be invited to participate in interviews. Only applicants who have submitted complete written applications by the deadline will be eligible to be short-listed. All applicants not on the short list will be so advised by the Trustee Services Coordinator.

3.2.5 The Vacancy Committee has the discretion as to how many applicants to short list.

3.2.6 The Director shall deliver a report to the Vacancy Committee with proposed interview date(s) and the schedule of interviews for the candidates that have been short listed for interview. The Vacancy Committee, in consultation with the Director, will establish the interview date(s) and schedule.

3.2.7 If the Vacancy Committee determines that it will ask questions of the interviewees, then the questions shall be standardized for all interviewees and are to be provided to all interviewees at least two (2) days prior to the first interview.

3.2.8 Interviews shall be conducted at a Special Meeting of the Board. Should quorum not be present for a Board meeting on the meeting date, those present will constitute a Selection Committee which shall meet, conduct the interviews and make a recommendation to the Board at a meeting of the Board of Trustees (either at the next Regular Meeting or, at a Special Board Meeting, at the discretion of the Chair of the Board). The Chair of the Board or designate shall preside over the meeting(s) during which the interviews are conducted.

3.3 Applicant Interviews

3.3.1 Each candidate invited for an interview shall be requested to address the Board for up to five (5) minutes, and to respond to any standardized questions for up to five (5) minutes.

3.3.2 Candidates shall be advised of their right to attend virtually or in-person.

3.3.3 Voting shall be by secret ballot. The Director or designate, and two (2) additional staff members designated by the Director, together with one Student Trustee, shall count the ballots and shall maintain the confidentiality of the process. The Trustee Services Coordinator will have access to the vote tallies and will assist in collecting and posting the results in accordance with the provisions of this Policy.

3.3.4 On the first ballot, Trustees shall vote for three (3) candidates and any ballot without three names shall be considered a spoiled ballot.

3.3.5 The candidates shall be ranked based on the number of votes received (most to least). The top half of the candidates will proceed to the second ballot and their names shall be posted in the Boardroom and on-screen for virtual attendees. In the event there is more than one candidate tied for the final spot in the top half of candidates, then all those tied candidates will proceed to the second ballot.

- 3.3.6 On the second and subsequent ballots, Trustees shall vote for only one (1) candidate.
- 3.3.7 Voting shall continue, and on each subsequent ballot, the candidate receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate received a majority of votes cast (except on the first ballot). In the event of a tie, all candidates tied for the lowest number of votes shall be dropped from the ballot. Any candidate who does not receive any votes will be dropped from the ballot.
- 3.3.8 In the event of a tie for the successful candidate, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.

3.4 Trustee Applicant Pool

- 3.4.1 Those candidates that proceeded to the second ballot of further (other than the successful candidate), shall be placed in a "Trustee Applicant Pool" which may be engaged, at the discretion of the Vacancy Committee, for filling any further vacancy during the term in accordance with the provisions of section 3.1.1 (b) (ii) above.

3.5 Swearing In

- 3.5.1 An appointed candidate shall attend at the next convenient Board meeting within the 90-day appointment window to be sworn in.
- 3.5.2 In the case of a by-election being chosen to fill a vacancy, the elected candidate shall attend at the next Regular Meeting of the Board following the by-election to be sworn in.

4.0 Evaluation

- 4.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

5.0 Reference Documents

5.1 Policies

[DDSB's Consolidated Bylaws](#)

5.2 Other Documents (Legislation, Provincial Regulations, Etc.)

[Education Act](#)

Appendix:

None

Effective Date:

2025-02-18

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD