



**POLICY SECTION:** TRUSTEES  
**SUB-SECTION:**  
**POLICY NAME:** FILLING A TRUSTEE VACANCY  
**POLICY NO:** T. 18

<b>Date Approved:</b> September 26, 2012	<b>Date of Next Review:</b> March, 2024	<b>Dates of Amendments:</b> March, 2019
<b>Cross References:</b> Education Act, R.S.O. 1990, c. E.2 Municipal Elections Act, 1996,		
<b>Appendix</b>		

**Purpose:**

The policy outlines the options available to the board when choosing to fill a trustee vacancy that has occurred prior to the end of the term of the trustee.

**Scope and Responsibility:**

The Board of Trustees is responsible for this policy and will be supported by staff when called upon. The policy extends to the filling of the vacancy of a trustee position when the vacancy occurs during the term of the trustee.

**Alignment with MYSP:**

- Living Our Catholic Values
- Strengthening Public Confidence
- Achieving Excellence in Governance



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**Policy:**

The Toronto Catholic District School Board (TCDSB) is committed to a transparent, fair and equitable process in filling the vacancy of a trustee when that vacancy occurs during the term of the trustee.

The Board of Trustees will retain unfettered discretion in determining whether to appoint or to hold a by-election at the time the trustee vacancy occurs, subject to the relevant provisions of the Education Act.

The Board of Trustees asserts that the holding of a by-election is the generally advisable method for filling at trustee vacancy in a democratic society.

**Regulations:**

1. The secretary of the Board shall report the cause of a trustee vacancy at the first regular meeting of the Board or Standing Committee comprised of all Trustees after the cause is known.
2. The remaining trustees shall pass a resolution declaring the office vacant.
3. A communication will be sent to the vacant ward ratepayers' schools and parishes advising them of the vacancy and the go forward process.

Any other Trustee will be authorized to act on behalf of ratepayers in the vacant ward, until such time as the vacancy is filled.



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4. A by-election may be held to fill a trustee vacancy, unless circumstances do not allow for it, and the cost of the election shall be funded through an identified source.
5. If at the time a trustee vacancy occurs and the Board resolves to appoint an individual to fill the trustee vacancy by appointment, a variety of methods could be used. While not legally binding, the potential appointee will be asked to declare that he/she will not be a candidate for Trustee in the next municipal election.
6. Ratepayer Survey:
  - a) Eligible voters in the vacant ward will be invited to attend at a school to cast a preferential vote or other electronic means.
  - b) The survey will be conducted by an independent third party.
  - c) The Board in its absolute discretion could resolve to appoint or not appoint the individual who received the most preferential votes. The Board will determine the minimum criteria at the time.
7. Outlined Below are Potential Methods for Appointments:
  - a) The Board will invite applications from applicants eligible to serve as a Catholic School Board Trustee who reside in the City of Toronto as per the Education Act.
  - b) Eligible candidates will appear before a special meeting of the Board of Trustees and interviewed.
  - c) The Board could open the position to nominations from the Trustees of the Board. Once nominations of individuals who are eligible to serve have been made and closed, those nominated would be invited to declare their interest and submit relevant information about themselves.
  - d) The Board will decide if all eligible candidates who submit a completed package by the determined deadline will be invited to present and be



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- interviewed by the Board of Trustees at a Special Board meeting to be scheduled through the Chair of the Board.
- e) Only those eligible candidates selected through a pre-screening of completed packages submitted by the deadline date will be invited to present and be interviewed by the Board of Trustees. In the event that the Board chooses to use a screening process; the screening committee will be determined by the Board and may include parents, clergy and staff or other stakeholders.
  - f) The secretary of the Board will inform the public of the name of the person selected to fill the vacancy

### **Relevant Sections of the Education Act**

#### Vacancies

221. (1) Subject to section 224, if the office of a member of a board becomes vacant before the end of the member's term,

(a) the remaining elected members shall appoint a qualified person to fill the vacancy within 90 days after the office becomes vacant, if a majority of the elected members remain in office; or

(b) a by-election shall be held to fill the vacancy, in the same manner as an election of the board, if a majority of the elected members do not remain in office. 1997, c. 31, s. 112; 2009, c. 25, s. 26.

#### Optional election

(2) Despite clause (1) (a), if members of the board are elected under the Municipal Elections Act, 1996, the remaining elected members may by resolution require that an election be held in accordance with that Act to fill the vacancy if the vacancy occurs,



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- (a) in a year in which no regular election is held under that Act;
- (b) before April 1 in the year of a regular election; or
- (c) after the new board is organized in the year of a regular election. 2002, c. 18, Sched. G, s. 10. Same

(3) The secretary of the board shall promptly send to the clerk of the appropriate municipality a certified copy of the resolution under subsection (2). 1997, c. 31, s. 112.

Notice re clause (1) (b)

(4) Where clause (1) (b) applies, the secretary of the board shall promptly send to the clerk of the appropriate municipality a notice that clause (1) (b) applies and the notice shall be deemed to be a resolution indicating a by-election is required for the purposes of section 65 of the Municipal Elections Act, 1996. 1997, c. 31, s. 112.

Term of office

(5) A member appointed or elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office. 1997, c. 31, s. 112.

Vacancies near election times

224. Where a vacancy occurs on a board,

- (a) within one month before the next election, it shall not be filled; or
- (b) after the election, but before the new board is organized, it shall be filled immediately after the new board is organized in the same manner as for a vacancy that occurs after the board is organized. 1997, c. 31, s. 112.



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Tie vote

227. If two or more candidates receive an equal number of votes at a meeting held under clause 221 (1) (a) to appoint a person to fill a vacancy or at a meeting to elect a person to fill a vacancy, the chair of the meeting shall provide for the drawing of lots to determine which of the candidates shall be appointed or elected. 1997, c. 31, s. 112.

**Evaluation and Metrics:**

The effectiveness of the policy will be determined by measuring the following:

An evaluation of the process will occur upon completion to ensure that it was transparent, fair and equitable.