

MINUTES OF PROCEEDINGS OF THE
ENGLISH MONTREAL SCHOOL BOARD

A Special Board Meeting of the English Montreal School Board has taken place on Wednesday, October 28, 2020, at 3:00 P.M. in the Laurence Patterson Conference Room, 6000 Fielding Avenue.

Chairman

Ms. M. Jennings, Trustee

Administrators Present:

Ms. E. Alfonsi, Interim Director General
Me B. Duhême, Assistant Director General, Administration Division
Me N. Lauzière, Secretary General
Me L. Roy, Director Legal Services
Ms. B. Sellato, Consultant, Communications

No members of the staff or public were present

1. Proper Notice of the Special Board Meeting

Me. Nathalie Lauzière confirmed that proper notice of this meeting was given.

2. Approval of the Agenda

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the agenda be approved, with the following modifications;

- 10. Special Remarks by the Trustee (addition)
- 11. Adjournment

Adopted

Resolution # 20-10-14-2

3.	<p><u>Question Period</u></p> <p>The Trustee, Ms. Marlene Jennings responded to questions posed by Mr. Chris Eustace regarding changes to By-Law No. 3 - Code of Ethics and Professional Conduct for the Members of the Council of Commissioners.</p>
4.	<p><u>Adoption of Minutes:</u></p> <p>4.1 <u>Regular Board Meeting Held on September 16, 2020</u></p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Minutes of the Regular Board Meeting held on September 16, 2020, be approved as presented.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-10-28-4.1</u></p> <p>4.2 <u>Special Board Meeting Held on September 22, 2020</u></p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Minutes of the Special Board Meeting held on September 22, 2020, be approved as presented.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-10-28-4.2</u></p> <p>4.3 <u>Special Board Meeting Held on October 14, 2020</u></p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Minutes of the Special Board Meeting held on October 14, 2020, be approved as presented.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-10-28-4.3</u></p>
5.	<p><u>Business Arising Out of Minutes</u></p> <p>There was no business arising out of the minutes.</p>
6.	<p><u>Following Consultation:</u></p> <p>6.1 <u>Revised By-Law No. 3 - Code of Ethics and Professional Conduct for the Members of the Council of Commissioners</u></p> <p>WHEREAS in conformity with section 175.1 of the <i>Education Act</i>, the English Montreal School Board (EMSB) adopted the current version of By-Law No. 3 - <i>Code of Ethics and Professional Conduct for the Members of the Council of Commissioners</i>, by virtue of Resolution No.19-06-12-11.2, and revised it;</p>

WHEREAS the Board approved resolution #20-09-22-6.1, on September 22, 2020, to send out for consultation purposes Revised By-Law No. 3 (2020) - Code of Ethics and Professional Conduct for Members of the Council of Commissioners to the following groups:

1. *Central Management Advisory Committee (CMAC)*;
2. *EMSB Parents Committee (EMSBPC)*;

WHEREAS the consultation period ended on October 22, 2020;

WHEREAS the feedback received from the groups was taken into consideration and used to revise the By-Law;

WHEREAS revised By-Law no. 3 replaces the *Guidelines with Regard to the Assumption of Reasonable Defense* that were adopted by the EMSB, by virtue of Resolution No. 14-06-18-17.1.2, and therefore said Guidelines must be abolished;

WHEREAS in accordance with Section 392 of the *Education Act*, public notice of 30 days has been given;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Revised By-Law No. 3 (2020) - *Code of Ethics and Professional Conduct for Members of the Council of Commissioners* and the Abolishment of the *Guidelines with Regard to the Assumption of Reasonable Defense* be approved and come into force on the day of the publication of a public notice.

Adopted

Resolution #20-10-28-6.1

6.2 Revised By-Law No. 8 – Complaint Examination Procedure

WHEREAS in conformity with Section 220.2 of the *Education Act*, the English Montreal School Board (EMSB) had adopted the current version of By-Law No. 8 *Establishing the Complaint Examination Procedure for students or their parents or guardians*, by virtue of Resolution no. 10-10-27-7, and revised it;

WHEREAS the Board approved resolution #20-09-22-6.2, on September 22, 2020, to send out for consultation purposes Revised By-Law No. 8 - *Complaint Examination Procedure*, to the following groups:

1. *Central Management Advisory Committee (CMAC)*;
2. *EMSB Parents Committee (EMSBPC)*;

WHEREAS the consultation period ended on October 22, 2020;

WHEREAS the feedback received from the groups was taken into consideration and used to revise the By- Law;

WHEREAS By-Law No. 8 - *Complaint Examination Procedure* replaces all previous versions of the By-Law No. 8 *Establishing the Complaint Examination Procedure for Students or their Parents or Guardians* (2010) as well as Procedure DG-8.P: *Administrative Procedures re: Queries from Parents*, adopted by Resolution #88-10-26-11;

WHEREAS in accordance with Section 392 of the *Education Act*, public notice of 30 days has been given;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT Revised By-Law No. 8 - *Complaint Examination Procedure*, be approved and come into force on the day of the publication of a public notice.

IT WAS FURTHER RESOLVED THAT By-Law No. 8 *Establishing the Complaint Examination Procedure for Students or their Parents or Guardians* (2010) and all previous versions, as well as Procedure DG-8.P: *Administrative Procedures re: Queries from Parents* be abolished.

Adopted

Resolution #20-10-28-6.2

6.3 Abolishment of By-Law No.9 – Remote Participation by the Commissioners to the Council Meetings

WHEREAS pursuant to section 169 of the *Education Act*, the Council of Commissioners adopted By-Law No. 9 - *Remote Participation by Commissioners to Council Meetings*, by virtue of Resolution No. 18-04-25-12.3;

WHEREAS By-Law No. 9 must be abolished, as it was integrated into proposed By-Law no. 12 - *Internal Rules of Management of the Council of Commissioners and the Executive Committee*;

WHEREAS the Board approved resolution #20-09-22-6.5, on September 22, 2020, to send out for consultation purposes the abolishment of By-Law No. 9 – *Remote Participation by Commissioners to Council Meetings* to the *Central Management Advisory Committee* (CMAC);

WHEREAS the consultation period ended on October 22, 2020;

WHEREAS the feedback received from CMAC was taken into consideration;

WHEREAS in accordance with Section 392 of the *Education Act*, public notice of 30 days has been given;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the abolishment of By-Law No. 9 – *Remote Participation by Commissioners to Council Meetings* be approved and come into force on the day of the publication of a public notice.

Adopted

Resolution #20-10-28-6.3

6.4 By-Law No. 11 – Internal Governance

WHEREAS the English Montreal School Board (EMSB) proposes to adopt By-Law No. 11 - *Internal Governance*;

WHEREAS the Board approved resolution #20-09-22-6.3, on September 22, 2020, to send out for consultation purposes By-Law No. 11 to the following groups:

1. *Central Management Advisory Committee (CMAC);*
2. *EMSB Parents Committee (EMSBPC);*
3. *Association of English Montreal Board Administrators (AEMBA);*
4. *Association Québécoise des Cadres Scolaires - EMSB Section (AQCS);*
5. *Association of Montreal School Administrators (AMSA);*

WHEREAS the consultation period ended on October 22, 2020;

WHEREAS the feedback received from the groups was taken into consideration and used to revise the By-Law;

WHEREAS By-Law No. 11 - *Internal Governance* replaces all previous and current versions of Policy SG-03: *Policy on Oath of Confidentiality by Observers from Board's Consultative Groups*, adopted by Resolution #81-11-25-10b(ii), Policy SG-06: *Structure of Committees* (2018), adopted by Resolution #18-09-26-7 and Policy SG-8: *School Board Elections*, adopted by Resolution #98-05-26-10.1;

WHEREAS in accordance with Section 392 of the *Education Act*, public notice of 30 days has been given;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT By-Law No. 11 - *Internal Governance* be approved and come into force on the day of the publication of a public notice.

IT WAS FURTHER RESOLVED THAT all previous and current versions of Policy SG-03: *Policy on Oath of Confidentiality by Observers from Board's Consultative Groups*, Policy SG-06: *Structure of Committees* (2018) and Policy SG-8: *School Board Elections* be abolished.

Adopted

Resolution #20-10-28-6.4

6.5 By-Law No. 12 – Internal Rules of Management of the Council of Commissioners and the Executive Committee

WHEREAS the English Montreal School Board (EMSB) proposes to adopt By-Law No. 12 - *Internal Management Rules of the Council of Commissioners and the Executive Committee*;

WHEREAS the Board approved resolution #20-09-22-6.4, on September 22, 2020, to send out By-Law No. 12 for consultation purposes to the *Central Management Advisory Committee (CMAC)*;

WHEREAS the consultation period ended on October 22, 2020;

WHEREAS the feedback received from CMAC was taken into consideration and used to revise the By-Law;

WHEREAS By-Law No. 12 replaces all previous and current versions of Policy SG-02: *Taping of Meetings by Individual Commissioners*, adopted during the meeting of February 27, 1980, Policy SG-07: *Procedural Guidelines for Regular Meetings of the Board*, adopted during the meeting of March 18, 1975 and Policy SG-10: *Operation and Rules of Internal Management of the Council of Commissioners*, adopted by Resolution #13-04-24-12A.3;

WHEREAS in accordance with Section 392 of the *Education Act*, public notice of 30 days has been given;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT By-Law No. 12 - *Internal Management Rules of the Council of Commissioners and the Executive Committee* be approved and come into force on the day of the publication of a public notice.

IT WAS FURTHER RESOLVED THAT all previous and current versions of Policy SG-02: *Taping of Meetings by Individual Commissioners*, Policy SG-07: *Procedural Guidelines for Regular Meetings of the Board* and Policy SG-10: *Operation and Rules of Internal Management of the Council of Commissioners*, be abolished.

Adopted

Resolution #20-10-28-6.5

6.6 Appointment of Substitute Student Ombudsman

WHEREAS in accordance with section 220.2 of the *Education Act*, the Student Ombudsman is designated after consultation with the parents' Committee and on the recommendation of the Governance and Ethics committee;

WHEREAS section 4.6 of the proposed By-Law no. 8 – *Complaint Examination Procedure*, provides that the Council of Commissioners shall designate an individual to act as Substitute Student Ombudsman, to take over the role of Student Ombudsman during the period when the Student Ombudsman is absent and he cannot carry out his normal functions;

WHEREAS the English Montreal School Board (EMSB) approved resolution #20-09-22-7 to consult the *EMSB Parents' Committee* (EMSBPC) regarding the appointment of the recommended candidate for the position of Substitute Student Ombudsman;

WHEREAS the consultation period ended on October 23, 2020;

WHEREAS the *EMSB Parents' Committee* approved the appointment of the recommended candidate on October 20, 2020;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT Me Laurence Sarrazin be appointed as Substitute Student Ombudsman for the English Montreal School Board, effective November 1, 2020.

IT WAS FURTHER RESOLVED THAT the Director General and/or the Assistant Directors General be authorized to sign all pertinent documents concerning the appointment of the Substitute Student Ombudsman.

Adopted

Resolution #20-10-28-6.6

7.

Decision of the Substitute Ethics Commissioner : Angela Mancini, Chairman vs. Me Giuseppe Ortona, Interim Chairman

WHEREAS Me Anthony Battah, the English Montreal School Board (EMSB) Substitute Ethics Commissioner, has rendered his decision on October 13, 2020, regarding the Angela Mancini, Chairman vs. Me Giuseppe Ortona, Interim Chairman complaint case filed on March 4, 2019;

WHEREAS the mandate of the Ethics Commissioner and its Substitute is to apply the Code of Ethics and Professional Conduct for Members of the Council of Commissioners of the EMSB (hereinafter the “Code of Ethics”) and to provide for sanctions in accordance with the *Education Act*;

WHEREAS the Substitute Ethics Commissioner acquitted Me Giuseppe Ortona of alleged offences with regards to allegation #1 and allegation # 2, and concluded in accordance with section 7.4.3 of the *Code of Ethics*, that Me Giuseppe Ortona discharged his duties in good faith with respect to these allegations;

WHEREAS section 7.4.4 of the *Code of Ethics* provides that all decisions rendered by the Ethics Commissioner are public, and shall be recorded in the minutes of the Council of Commissioners;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Board acknowledges and deposits the decision rendered on October 13, 2020 by Me Anthony Battah, Substitute Ethics Commissioner in the case of Angela Mancini, Chairman vs. Me Giuseppe Ortona, Interim Chairman.

Adopted

Resolution #20-10-28-7

8.

F.A.C.E Protocol for 2020-2021

WHEREAS the English Montreal School Board (EMSB) and the Centre de services scolaire de Montréal (CSSDM) jointly and collaboratively operate FACE (Fine Arts Core Education) School;

WHEREAS FACE School offers artistic diversified instruction to French and English-speaking students from the EMSB and the CSSDM;

WHEREAS since 1998 an Agreement identifies the obligations and responsibilities of the EMSB and the CSSDM in order to ensure the continuation of the educational project of FACE School;

WHEREAS by virtue of Resolution #20-08-12-4.6, an EMSB Governing Board was constituted for the school year 2020-2021 and an EMSB Principal was appointed at FACE School;

WHEREAS the Agreement in force between the Parties had to be revised to reflect these changes;

WHEREAS the Parties have agreed on the terms and conditions of an Agreement for the duration of the school year 2020-2021;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the « (The Protocole d’entente amendé entre la Commission scolaire de Montréal (CSDM) (devenue le Centre de services scolaire de Montréal – CSSDM le 15 juin 2020) et la Commission scolaire English-Montréal (CSEM) relativement au partenariat entre le CSSDM et la CSEM en ce qui a trait à l’école F.A.C.E » be accepted and approved.

IT WAS FURTHER RESOLVED THAT the Director General or the Assistant Directors General be authorized to sign any and all documents that may be required to give full effect to the present Resolution.

IT WAS STILL FURTHER RESOLVED THAT a copy of this Resolution be translated and sent to the Centre de services scolaire de Montréal.

Adopted

Resolution #20-10-28-8

9. Agreement Between EMSB and CSSDM Re: Police 10 000

WHEREAS in 1998, *the* Commission des écoles catholiques de Montréal (CECM) was split into three new school boards, namely the Commission scolaire de Montréal (CSDM), the English Montreal School Board (EMSB) and the Commission scolaire de la Pointe-de-L'Île (CSPI);

WHEREAS in the 1998 legislative amendments, the employees of the CECM became employees of the CSDM, the EMSB or the CSPI;

WHEREAS at the time of the 1998 legislative changes, certain employees of the CECM held a life insurance policy with the *Mutual Life Insurance Company* (now *Industrial Alliance Insurance Company*), commonly known as Police 10 000;

WHEREAS in June 2020, the Commission Scolaire de Montréal became the Centre de Services scolaire de Montréal (CSSDM) and the Commission Scolaire de la Pointe-de-L'Île (CSPI) became the Centre de Services scolaire de la Pointe-de-L'Île (CSSPI);

WHEREAS the CSSDM currently acts as a policyholder of the Police 10 000 and is therefore the intermediary between *Industrial-Alliance* and the two other school boards, namely the EMSB and the CSSPI;

WHEREAS the amounts paid annually as premiums come partly from the employees as individuals (hereinafter "Employee Share") and partly from the school board/school services centre by which they are currently employed or the one that employed them at the time of their retirement (hereinafter "Employer Share");

WHEREAS following the transfer of rights and responsibilities resulting from the 1998 legislative changes, the EMSB and the CSSDM continued to collect the "Employee Share" from the employees under their respective authority and to contribute their "Employer Share" to the Police 10 000 fund;

WHEREAS during certain periods between 1998 and 2012, the EMSB did not fully remit its "Employer's Share" to the Police 10 000 insurance fund;

WHEREAS discussions were held between the CSSDM and the EMSB and they have come to an agreement in principle satisfactory for both parties;

WHEREAS the EMSB has, over the years, accrued sufficient amount of money to cover for the proposed Agreement;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Transaction with the Centre de Services scolaire de Montréal with regard to the Police 10 000 dossier be accepted and approved.

IT WAS FURTHER RESOLVED THAT the Director General or the Assistant Directors General be authorized to sign the Transaction and all documents that may be required to give full effect to the present Resolution.

IT WAS STILL FURTHER RESOLVED THAT a copy of this Resolution be translated and sent to the Centre de Services scolaire de Montréal.

Adopted

Resolution #20-10-28-9

10. Special Remarks

Ms. Marlene Jennings spoke in regard to the issue of the N-word and the debate that has come up recently in the news. Ms. Jennings states it has recently come to our attention that our EMSB Secondary IV history workbooks have the N-word within them, on page 241, dealing with neo-nationalism in Quebec. She also states that the EMSB has immediately taken all necessary action to rectify this situation.

Ms. Jennings clarified some misunderstandings with regard to these textbooks and made some additional points. She also states that she is proud to be a Quebecer, she is proud that she was born and raised here and that she worked and contributed to Quebec.

- Yes, there is a Ministère de l'Éducation approved an official history textbook for secondary IV. Both an English and French version exist, that are used across the province.
- Ms. Jennings would like to make it very clear that in the official approved Secondary IV History textbook, there is no mention or use of the N-word, in either the English or French version.
- Many of the school board and school centers across the province found that the new versions either didn't deal at all with or dealt minimally with the contributions of the first nations to the building of the Quebec we know today.
- It is important to note that the revised approved version of the history textbook was found not to deal with or explain the history of our diversity in particular people of African ancestry.
- It is also important to know that the system of slavery, of trafficking humans from the continent of Africa by European countries, was actually used to build a whole economic system. This allowed many European countries to flourish, to have monies, to invent, advance science and innovation. In order to do this, those counties and societies needed to build a notion that the African people were not human, that they were property.
- The N-word in English was part of the currency of developing a justification for the human trafficking of Africans.
- Quebec was also built in part by slavery.
- A workbook was developed, which was not approved by the MEES, in order to provide a complement to the official history textbook, to provide context, to explain the actual contributions of our first nations, the actual contribution of Black Quebecer's to the building of this province.

The original workbook that was developed to complement the history textbook was written in French. When translating the word Negro, unfortunately, the N-word was used and the word went through. As soon as the EMSB became aware that this workbook was part of our curriculum, we removed the English version. We are recognizing this as a teaching moment and are looking into discussing with the publisher of this workbook placing a label over the original text. The label will include information as to why the section has been blocked out and will provide a complimentary educational lesson.

Ms. Jennings gave special thanks to Ms. Anna Sanalidro for her great performance and accomplishment on this matter.

Ms. Jennings read a public statement from the Quebec Board of Black Educators that she received regarding the textbook issue. She also discusses her personal ancestral history.

Ms. Marlene Jennings also spoke to the recent court challenge against her by the incoming Council of commissioners with regard to her legal authority to the appointment of the new Director General near the end of her mandate. Ms. Jennings states that she has invited the incoming Chair to join her in the recruitment process and to join the selection committee for the appointment of the new Director General, however he has declined. Ms. Jennings advises that she issued another invitation last week, also sharing the documents and progress report from the Executive Head Hunter firm, Mandrake. In the documentation sent, the identity of all the candidates was removed as under the best practice guidelines the identity of individuals who have applied for positions must be kept confidential to the public unless you are part of the selection and recommendation committee. She states that the incoming Chair has again declined. Ms. Jennings wants to make it clear that at no time did anyone call into question the rigorous process of the selection committee. Ms. Jennings points out that she has all the confidence in the selection committee. She is positive that when they start the interview process, the selection committee will explore with the candidates their involvement, knowledge, and advocacy for the English minority language communities; the role and the importance of the advocacy that the EMSB has historically undertaken, and will continue to take on protecting our constitutional right under section 23 of the Canadian Charter of rights and freedoms.

11.

Adjournment

On a motion by the Trustee, Ms. M. Jennings, the meeting was adjourned at 4:27 P.M.

Adopted

Resolution # 20-10-28-10

Signed in Montreal, _____

Ms. Marlene Jennings, Chairman

Me Nathalie Lauzière, Secretary General