Regular Meeting

September 22, 2021

A regular meeting was convened at 7 p.m. on Wednesday, September 22, 2021, by electronic means, in accordance with amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings, with Alexander Brown, Chair of the Board, presiding.

The following members were present: Trustees Michelle Aarts, Alexander Brown, Rachel Chernos Lin, Stephanie Donaldson, Trixie Doyle, Harpreet Gill, Parthi Kandavel, Shelley Laskin, James Li, Alexandra Lulka, Dan MacLean, Chris Mammoliti, Chris Moise, Patrick Nunziata, Zakir Patel, Robin Pilkey, Yalini Rajakulasingam, David Smith, Anu Sriskandarajah, Jennifer Story, Chris Tonks, Manna Wong and Student Trustees Jyoti Dadhich, Isaiah Shafqat and Evan Woo.

All trustees participated by electronic means, in accordance with amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings.

1. National Anthem and Acknowledgement of Traditional Lands

Following an acknowledgment of the National Day for Truth and Reconciliation from Elder Dr. Duke Redbird, Chair Alexander Brown recited the acknowledgement of traditional lands. The national anthem by students from Davisville Public School was played following the acknowledgement.

2. Approval of the Agenda

Trustee Donaldson, seconded by Trustee Chernos Lin, moved: **That the agenda be approved**.

The motion was carried.

3. Celebrating Board Activities

(a) Good News Stories: Focus on Youth Toronto Partnership

A video of good news stories presented by Information Technology Field Services featuring students and staff was shown at the meeting.

4. Memorials

The Chair expressed sympathy on behalf of the Board to the families of Maryse Bernier, Lori Balzereit Nakashima, Cathy Crocker-Cook, David Fissenden, Amina Jiair, John Mingle, and Carol Pitt, Board employees who recently died.

A moment's silence was observed in their memory.

5. Chair's Announcements

The Chair welcomed everyone to the second regular meeting of 2021-2022 school year. The Chair:

- thanked staff for their hard work, adaptability, and commitment to a safe school year;

- thanked trustees and senior team members for wearing orange shirts in recognition of September 30 as Orange Shirt Day, in recognition of the legacy and harm of the residential school system and the first annual National Day of Truth and Reconciliation;

- spoke about the implementation of the TDSB mandatory COVID-19 vaccine procedure;

- was encouraged by the announcement from Toronto Public Health updating their guidance about extra-curricular activities such as sports, clubs and bands;

- introduced the new student trustees for the 2021-2022 school year, Jyoti Dadhich, a Grade 12 student at Central Toronto Academy, Evan Woo, a Grade 12 student at Earl Haig Secondary School, and returning Indigenous student trustee, Isaiah Shafqat, a Grade 11 Two-Spirit Mi'kmaq secondary student at Kâpapâmahchakwêw – Wandering Spirit School.

6. Reports From Trustees Appointed to External Organizations and Student Trustees

Toronto Student Transportation Group

Trustee Pilkey presented an oral report on the activities of the Toronto Student Transportation Group, including:

- an update on recent meetings, noting that the Toronto Student Transportation Group has been meeting regularly and that the year has started well;

- information on the impact and effect of the mandatory vaccination procedure, as the guidelines impact bus drivers for both the TDSB and Toronto Catholic District School Board;

- a reminder for trustees of the upcoming information session on student transportation.

Student Trustees

Student Trustees Dadhich, Shafqat, and Woo presented an update on the activities of the Student Senate, including:

- personal reflections from each student trustee on their return to school;

- feedback from students and staff regarding concern over the 45-minute lunch period for secondary students;

- Proposed modification to the secondary timetable to extend the lunch period by 15 minutes.

A copy of the report was circulated at the meeting.

7. Director's Leadership Report

Director Colleen Russell-Rawlins presented her leadership report for September 2021. The Director:

- acknowledged the work of trustees and senior team in being more purposeful in ensuring students' lived experiences and identities are respected and reflected in their learning and interactions, noting the growing diversity of the TDSB executive;

- spoke about the legacy of residential schools and Indigenous education, and the history of Orange Shirt Day;

- shared her joy in reconnecting with students and staff in returning to school;

- applauded the actors and producers of Is My Mike ON? A CanStage Production from Jordan Tannahill featuring the talents of students, ages 12 to 17 from nine TDSB schools.

8. Declarations of Possible Conflict of Interest

No matters to report

9. Matters to be Decided Without Discussion

Trustee Laskin, seconded by Trustee Nunziata, moved: **That the following matters presented as matters to be decided without discussion be approved or received, as appropriate:**

a. Confirmation of Minutes of the Meeting Held on August 25, 2021

b. Governance and Policy Committee, Report No. 06, September 8, 2021 (see page 6)

1. Enterprise Risk Management Policy, Phase 1 [4147]

c. Integrity Commissioner Selection Committee, Report No. 01, September 9, 2021 (For receipt) (see page 17)

d. Finance, Budget and Enrolment Committee, Report No. 12, September 13, 2021 (see page 23)

1. Contract Award: Architectural Services for McKee Public School [4140]

The motion was carried.

10. Office of the Integrity Commissioner: 2020-21 Annual Report (see page 26)

Integrity Commissioner, Suzanne Craig, presented her annual report on the activities of the Office of the Integrity Commissioner for the period October 1, 2020 to September 1, 2021.

Trustee Moise, seconded by Trustee Donaldson, moved: **That the report be received**.

The motion was carried.

11. Finance, Budget and Enrolment Committee, Report No. 12, September 13, 2021 (see page 23)

Item 2, 2022-2023 Budget Schedule [4150] (see page 24)

Trustee Doyle, seconded by Trustee Kandavel, moved: **That the budget meeting schedule for the development of the 2022-2023 operating and capital budget, as presented in the report, be approved**.

The motion was carried.

12. Planning and Priorities Committee, Report No. 17, September 14, 2021 (see page 50)

Item 1, Indigenous Land-Based Learning [4135] (see page 50)

Trustee Nunziata, seconded by Trustee MacLean, moved: **That the Toronto District School Board move towards ensuring that the Indigenous Land-based Learning Centre at the Boyne River Natural Science School Site begin preparations to serve TDSB students and the wider Indigenous community, supported through the TDSB Urban Indigenous Education Centre, guided by the Elders Council**.

The motion was carried.

Item 2, Implementation of a Mandatory Vaccination Procedure [4151] (see page 51)

Trustee Mammoliti, seconded by Trustee Laskin, moved: **That the report be received.**

The motion was carried.

13. Adjournment

At 9:13 p.m., on motion of Trustee Smith, seconded by Trustee Wong, the meeting adjourned.

Confirmed by the Board at the meeting held on October 20, 2021

_____
Alexander Brown, Chair of the Board

Alexander Brown
Chair

Governance and Policy Committee
Report No. 06

GPC:006A
Wednesday, September 8, 2021
4:30 p.m.
Electronic Meeting

Members Present	Trustees James Li (Chair), Michelle Aarts, Stephanie Donaldson, Harpreet Gill, Yalini Rajakulasingam and Anu Sriskandarajah
Also Present	Trustees Alexander Brown, Rachel Chernos Lin, Trixie Doyle, Parthi Kandavel, Shelley Laskin, Dan MacLean, Christopher Mammoliti, Chris Moise, Zakir Patel and Robin Pilkey All trustees participated by electronic means in accordance with amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings.

Part A: Committee Recommendations

1. Enterprise Risk Management Policy, Phase 1 [4147]

The Committee considered a report from staff (see GPC:006A, page 1) presenting a workplan for the development of an enterprise risk management policy, in response to a Provincial directive requiring all ministry and government agencies to implement an enterprise risk management program.

Moved by: Trustee Donaldson
Seconded by: Trustee Sriskandarajah

The Governance and Policy Committee **RECOMMENDS that the policy development work plan, as presented in the report, be approved.**

Carried

Part B: Information Only

2. Call to Order and Acknowledgement of Traditional Lands

An electronic meeting of the Governance and Policy Committee was called to order at 7:03 p.m., with James Li presiding.

3. Approval of the Agenda

On motion of Trustee Donaldson, seconded by Trustee Sriskandarajah, the agenda was approved.

4. Delegations

re COVID-19 and Reopening Schools Safely

1. Heather Pun, Parent

5. Declarations of Possible Conflict of Interest

No matters to report

6. Chair's Update

The Committee heard an update from the chair, who stated that public consultations for the Parent Involvement Advisory Committee and Specialized Programs were now available on the Board's website at https://www.tdsb.on.ca/About-Us/Policies-Procedures-Forms/Policy-Consultations.

7. Implementation of a Mandatory Vaccination Plan: Update

The Committee heard an update from staff on the development of a COVID-19 vaccination strategy for staff (see attached).

During consideration of the matter, on motion of Trustee Rajakulasingam, seconded by Trustee Aarts, the meeting moved into private to hear legal advice under section 207 (2) of the *Education Act*.

8. Adjournment

On motion of Trustee Rajakulasingam, seconded by Trustee Brown, the meeting adjourned at 10:04 p.m.

Part C: Ongoing Matters

No matters to report

TDSB COVID-19 STAFF VACCINATION STRATEGY UPDATE

Audley Salmon, Interim Executive Superintendent - Employee Services

Leola Pon, Executive Officer - Legal Services

Governance and Policy Committee Meeting

September 8, 2021

OVERVIEW

1. Ministry of Education **vaccination disclosure** policy for staff, Trustees and others

2. Board of Trustees' resolution re **mandatory vaccination** procedure for staff, Trustees and others

MINISTRY OF EDUCATION
VACCINATION DISCLOSURE
POLICY FOR STAFF, TRUSTEES AND OTHERS

1

MINISTRY OF EDUCATION VACCINATION DISCLOSURE POLICY

Date	Developments
August 17	Government of Ontario announces vaccination status disclosure (VSD) requirement for staff, trustees and "frequent visitors"
August 18	Email to all TDSB staff & employee groups re: VSD requirement
August 20	Ministry issues "Implementation Resource" document - Attestation & proof of vaccination by **September 7** - Regular testing and educational session
September 2	Email to all TDSB staff with instructions on VSD
September 2	Ministry issues updated Implementation Resource document; details expected later
September 3	Ministry provides initial direction on rapid antigen testing
September 7	CMOH issues instructions for *mandatory vaccination* policy for all publicly funded school boards by same date

1

MINISTRY OF EDUCATION VACCINATION DISCLOSURE POLICY

Data Security and Privacy:

- TDSB IT and privacy staff developed *MyVaccination Status* app/web portal to securely capture data
- Encrypted data during attestation submission (in transit)
- Access control rules: limited staff access per Notice of Collection
- Login is controlled by Enterprise Single-Sign on system
- ServiceNow accounts are created/updated by TDSB SAP integration
- Primary and disaster recovery data servers stored in Canada

1

MINISTRY OF EDUCATION VACCINATION DISCLOSURE POLICY

Vaccination Status Data

- Ministry requires **aggregate** and **depersonalized** VSD data to be shared with Ministry and posted on TDSB website on monthly basis
- TDSB will report **only Board-wide data**, not by school, department, building, etc.

1

MINISTRY OF EDUCATION VACCINATION DISCLOSURE POLICY

MyVaccination Status Responses as of 5 pm today:

- **68%** of 43,562 staff vaccination attestations completed
- Of responses received, over **94.6%** of staff have reported that they are vaccinated

1

MINISTRY OF EDUCATION VACCINATION DISCLOSURE POLICY

Next steps:

- All staff (including unvaccinated) expected to report to work as usual in the meantime
  - Rapid antigen testing 2x per week for unvaccinated staff
- TDSB will follow up with individuals to work toward full compliance
  - Strategies to address non-compliance
- Finalize Mandatory Vaccination Procedure
  - Target: week of September 14
  - Will be updated regularly upon receipt of new information or direction from Ministry or public health officials

1

BOARD OF TRUSTEES' RESOLUTION RE: **MANDATORY VACCINATION** PROCEDURE FOR STAFF, TRUSTEES AND OTHERS

1

TDSB MANDATORY STAFF VACCINATION PROCEDURE UPDATE

- August 25 Board resolution - Procedure still under development
- Will also address Ministry's mandatory vaccination *disclosure* requirement
- Key areas covered by Procedure:
  - Application: to whom does the Procedure apply
  - Phase in period for unvaccinated staff
  - Condition for new employees
  - Regular testing and reporting
  - Education program & resources

1

TDSB MANDATORY STAFF VACCINATION PROCEDURE UPDATE

- **Key areas covered by procedure (…cont'd):**
  - Exemptions and accommodations under *Human Rights Code*
  - Data collection, reporting and protection of privacy
    - Secure data collection
    - Limited access by identified TDSB staff
  - No harassment, bullying or discrimination
  - Non-compliance:
    - Administrative or disciplinary action
    - Random audits
    - False attestations

1

TDSB MANDATORY STAFF VACCINATION PROCEDURE UPDATE

Consultation per Board resolution:

- All TDSB employee groups' leaders
  - August 18 notice to all employees
  - September 1 consultation questions with Qualtrics survey link
  - September 3 health and safety table discussion with leaders
  - September 10 written submissions due
- TPH and Local Health Partners
- Urban Indigenous Education Centre
- In addition, select community organizations to support implementation

1

TDSB MANDATORY STAFF VACCINATION PROCEDURE UPDATE

- **Unvaccinated Employees**
  - Human Rights Code accommodation requests
  - Case-by-case approach
  - Regular 2x week testing
  - Non-compliance strategies and options
    - Administrative (non-disciplinary)
    - Disciplinary

1

TDSB MANDATORY STAFF VACCINATION PROCEDURE UPDATE

- Collection of additional community-based and TPH resources
- Strategies for outreach and engagement with unvaccinated employees
- Challenges:
  - Ministry-directed short timelines
  - Lack of detail on key elements such as testing and education session
  - Impact on operations due to staff shortages
  - Potential cost impacts

1

TDSB MANDATORY STAFF VACCINATION PROCEDURE UPDATE

Cost Impact

- Staff assessing additional costs that may be needed such as:
  - Administrative staffing supports
  - Technology requirements
  - Training materials
- Costs will be tracked and reported to FBEC committee as part of quarterly reporting
- Should staff anticipate that these costs will become significant, staff will recommend an amendment to the Board budget, to the Committee

1

TDSB COVID-19 STAFF VACCINATION STRATEGY UPDATE

Audley Salmon, Interim Executive Superintendent - Employee Services

Leola Pon, Executive Officer - Legal Services

Governance and Policy Committee Meeting

September 8, 2021

Integrity Commissioner Selection Committee
Report No. 01

ICSC:001A
Thursday, September 9, 2021
12 p.m.
Electronic Meeting

Members Present Trustees Stephanie Donaldson, Chris Moise, Zakir Patel, David Smith and Anu Sriskandarajah

All trustees participated by electronic means in accordance with amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings.

Part A: Committee Recommendations

No matters to report

Part B: Information Only

1. Call to Order and Acknowledgement of Traditional Lands

An electronic meeting of the Integrity Commissioner Selection Committee was called to order at 12:08 p.m. Denise Joseph-Dowers, Senior Manager, Board Services presided for part of the meeting, until the election of the chair of the committee.

2. Declarations of Possible Conflict of Interest

No matters to report

3. Election of Committee Chair

The Senior Manager, Board Services called for nominations for the position of committee chair.
Trustee Donaldson nominated herself for the position of chair of the committee.
Trustee Moise, seconded by Trustee Sriskandarajah, moved: **That nominations be closed**.

The motion was carried.
There being no further nominations, Trustee Donaldson was declared elected to the position of chair of the Integrity Commissioner Selection Committee for a term ending November 14, 2021.
Trustee Donaldson assumed the chair for the remainder of the meeting.

4. Approval of the Agenda

On motion of Trustee Patel, seconded by Trustee Moise, the agenda was approved.

5. Delegations

No matters to report

6. Review of Committee Mandate and Workplan Discussion

The Committee heard a presentation from staff on a proposed request for proposals process.
The Committee heard a presentation from Integrity Commissioner Suzanne Craig on the selection of an Integrity Commissioner for the TDSB (see attached).
Following discussion, the Committee decided on the following next steps for development:

- Terms of Reference
- Workplan for the Committee
- Selection Criteria for inclusion on the Request for Proposals
- Duties of the Integrity Commissioner
- Code of Conduct to be appended to the RFP

7. Adjournment

On motion of Trustee Moise, seconded by Trustee Sriskandarajah, the meeting adjourned at 1:11 p.m.

Part C: Ongoing Matters

No matters to report

Submitted by: Stephanie Donaldson, Committee Chair

TDSB Integrity Commissioner Selection

September 9, 2021

TDSB Integrity Commissioner Selection Committee

Suzanne Craig, Integrity Commissioner, Toronto District School Board

1

Competencies of an Integrity Commissioner

- The Integrity Commissioner role must be independent, impartial and supported by adequate policies and procedures around investigations and term of appointment.
- The successful candidate should possess the following competencies:
  - Demonstrated skills of neutrality and independence;
  - Experience in conducting complex, sensitive investigations;
  - Experience working with a regulatory framework within the public sector;
  - Experience providing advice to elected officials;
  - Experience with public sector policy development;
  - Demonstrated superior communications skills, verbal and in writing;
  - Personal attributes of discretion, integrity and political neutrality

2

Office of the Integrity Commissioner: TDSB

- The work of the TDSB is complex and Trustees are required to address multiple competing legal, ethical and political interests. The Integrity Commissioner provides confidential advice to Trustees to help them understand their roles with the goal of ensuring they maintain high standards of conduct.
- Duties of the Integrity Commissioner include:
  - Receipt and investigation of Code complaints
  - Submission of an Annual Report of the activities of office
  - Provision of advice and recommendations to Trustees respecting the Code
  - Provision of educational information to Trustees, the Board, staff and the public about the Board Member Code rules
  - Political acuity and ability to maintain relationships with a broad spectrum of stakeholders, including Trustees, Board officials, and the public.

3

Integrity Commissioner Key Responsibilities

- Provide strategic ethics advice and guidance to Trustees;
- Works closely with TDSB executive professionals;
- Consults with the Board and TDSB staff to explain the rational and reasons for the need to modify and/or update policies and standards that will facilitate Code compliance;
- Manage media relations and represent the Board in public for matters in relation to the Office of the Integrity Commissioner;
- Provide policy advice and educational programs to the Board and Committees on issues of ethics and integrity.
- Resolve or adjudicate disputes from the public, Trustees and staff about allegations that Code standards have been breached.

4

Steps in the selection process

- Develop terms of reference of the selection committee, including reporting timeframes, confidentiality;
- Determine which executive staff will be part of the selection committee;
- Consult with current Integrity Commissioner to assist executive search firm in the determination of information that may be included in interview questions;
- Consider role of current Integrity Commissioner in interview process.

5

Planning for an Integrity Commissioner

- Tenure of office and indemnification:
  - The absence of provisions to address these issues risk seriously eroding the independence of integrity commissioners and therefore the very accountability and ethics regime
  - In the absence of a term of appointment, the integrity commissioner's independence is often compromised when he/she/they, in fulfillment of their role as accountability officer, submits a report with recommendations unfavourable to one or more Trustees
  - There exists the real risk that the ability of the integrity commissioner to faithfully and thoroughly investigate a code complaint may be compromised by the ability of the Board to deny budgetary funds required to carry out the integrity commissioner's mandate and to end the integrity commissioner's appointment arbitrarily.

6

Options for Appointment

- Creation of the same appointment as currently in force;
- Creation of a full time multi-year appointment, with option for renewal of appointment
- Hiring on an "*as needed basis*"

7

Toronto District School Board

OFFICE OF THE INTEGRITY COMMISSIONER

Suzanne Craig, Integrity Commissioner

5050 Yonge Street, 5th Floor, M2N 5N8

8

Finance, Budget and Enrolment Committee

Report No. 12

FBEC:013A
Wednesday, September 13, 2021
4:30 p.m.
Electronic Meeting

Members Present	Trustees Parthi Kandavel, Shelley Laskin, Zakir Patel, Robin Pilkey, David Smith, and Jennifer Story
Also Present	Trustees Michelle Aarts, Alexander Brown, Rachel Chernos Lin, Stephanie Donaldson, Trixie Doyle, Dan MacLean, Christopher Mammoliti, Chris Moise and Yalini Rajakulasingam
Regrets	Trustee Manna Wong
	All trustees participated by electronic means in accordance with amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings.

Part A: Committee Recommendations

1. Contract Award: Architectural Services for McKee Public School [4140]

The Committee considered a report from staff (see FBEC:013A, page 27) presenting information on a contract award for architectural services for additions at McKee Public School.

Moved by: Trustee Mammoliti
Seconded by: Trustee Laskin

The Finance, Budget and Enrolment Committee **RECOMMENDS that a contract for architectural services for the design of a three-classroom addition to McKee Public School, in the amount of $126,300, be awarded to Weiss Architecture and Urbanism Limited.**

Carried

2. 2022-2023 Budget Schedule [4150]

The Committee considered a report from staff (see FBEC:013A, page 31) presenting proposed timelines for the development of the 2022-2023 operating and capital budgets.

Moved by: Trustee Brown
Seconded by: Trustee Mammoliti

The Finance, Budget and Enrolment Committee **RECOMMENDS the budget meeting schedule for the development of the 2022-2023 operating and capital budget, as presented in the report, be approved.**

Carried

Part B: For Information Only

3. Call to Order and Acknowledgement of Traditional Lands

The meeting was called to order at 4:31 p.m. with Trustee Zakir Patel chairing.

4. Approval of the Agenda

On motion of Trustee Laskin, seconded by Trustee Story, the agenda was approved.

5. Declarations of Possible Conflict of Interest

No matters to report

6. Delegations

No matters to report

7. Contract Awards, Facilities [4148]

The Committee considered a report from staff (see FBEC:013A, page 1) presenting contract awards.

On motion of Trustee Pilkey, seconded by Trustee Laskin, the Finance, Budget and Enrolment Committee received the contracts on Chart A.

8. Contract Awards, Operations [4149]

The Committee considered a report from staff (see FBEC:013A, page 11) presenting contract awards.

On motion of Trustee Laskin, seconded by Trustee Mammoliti, the Finance, Budget and Enrolment Committee received the contracts on Chart A and approved the contract on Chart B.

9. Adjournment

On motion of Trustee Laskin, seconded by Trustee Kandavel, the meeting adjourned at 5:13 p.m.

Part C: Ongoing Matters

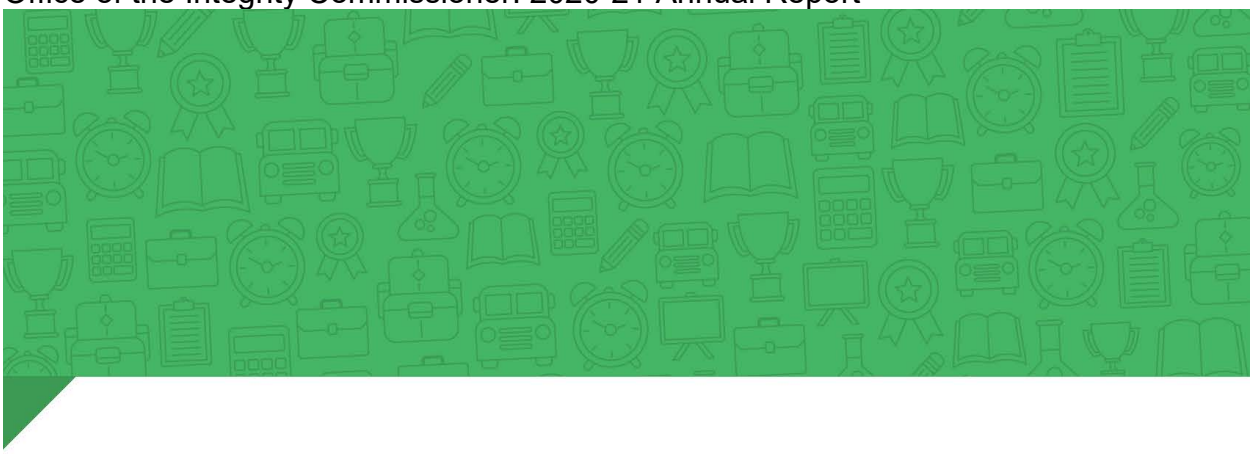
No matters to report

Submitted by: Zakir Patel, Chair pro tem

tdsb

Toronto District School Board

OFFICE OF THE INTEGRITY COMMISSIONER'S 2020-21 ANNUAL REPORT



September 22, 2021

TO: Chair Alexander Brown and Members of the Toronto District School Board

I submit this Annual Report to the Toronto District School Board for their consideration and receipt, in fulfillment of my role as the Board's Integrity Commissioner.

This Report covers the period October 1, 2020 to September 1, 2021

Sincerely,

Suzanne Craig
Integrity Commissioner

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Office of the Integrity Commissioner: 2020-21 Annual Report

OVERVIEW

This is the Annual Report for the Office of the Integrity Commissioner, which covers the period from October 1, 2020 to September 30, 2021. The Integrity Commissioner is tasked with the application of the rules of the Board Member Code of Conduct (the "Code"). In addition, the duties of the Office include providing comments on Board governance policies that intersect with the Code provisions and responding to queries from the public, Board staff and Members of the Board.

This Annual Report sets out the activities of this Office against the backdrop of a global pandemic. In my role in overseeing the application of the rules of the Code to the conduct of Trustees, my Office has reviewed significant issues at the Board, particularly those involving staff/Trustee and Trustee/Trustee interaction. In my investigator role, I have probed complex and systemic issues and, upon request by the Board, I have been consulted on such initiatives as the development of the Board's Self Assessment(BSA) tool, the creation of the Board's Information Flow Protocol and the Board's Bylaw Review Ad Hoc Committee. Early in January 2021, the Government of Ontario announced new measures to help slow the spread of COVID-19 in the Province. The issuance of the government stay-at-home order, requiring everyone to remain at home with exceptions for essential purposes until at least February, required schools to pivot to at-home learning with in-person supports for the students with special education needs who cannot be accommodated through remote learning. Many parents wrote to this Office sharing that their children were experiencing a heightened level of anxiety because of the COVID-19 Pandemic and that the "classroom disruption", in compliance with the government restrictions risked further emotional distress. As the mandate of this Office does not include response to inquiries and complaints on Board policy or actions of the administration, I was unable to provide response to these emails, except for acknowledgement of receipt and an invitation to the writers to consult with their school Superintendent or area representative.

Throughout this reporting year, the work of this Office demonstrated that independent oversight of the conduct of Trustees in the largest school board in Canada is essential, in particular during a time of crisis. As the Board's ethics officer, I provided guidance to senior staff and flagged issues of note, particularly during my consultation with the governance expert engaged by the Board, Charles Ungerleider, Director of Research & Managing Partner, Directions Evidence and Policy Research Group, LLP (the "Governance Expert") . During my consultations with the Governance Expert, my Office provided input around how the adherence to Code rules forms the foundation of a Trustee's duty to responsible governance, fiduciary accountability and strategic planning for the Board. The activities of this Office monitored the transparency, accountability and fairness of the actions of individual Trustees. The processes under the Code Complaint Protocol ensured that concerns of staff and the public were heard and addressed, and that investigative action was taken when necessary. Examples of the results achieved in respect of these concerns can be found throughout this report.

HOW THIS OFFICE WORKS

As the Integrity Commissioner for the TDSB, my Office acts as an independent and impartial officer who receives concerns of staff, the public and Trustees with respect to the conduct of individual Trustees. The Board Member Code of Conduct stipulates that the names of complainants are confidential and investigations are conducted in private, while the investigation report is submitted to the Board in public session.

What this Office can do:

- Review and investigate complaints about individual Trustee's actions, conduct at meetings, interaction with one another, use of language that is disrespectful, harassing or meant to bully. Anyone who has knowledge of Trustee behaviour that is contrary to the Code rules, may attempt to resolve the complaint through the informal complaint process. If efforts to resolve the matter are not successful, and if the matter is within the jurisdiction of this Office, an individual (Trustee, staff or public) may pursue the complaint through the formal complaint process.

- Determine whether the Trustee's actions or behaviour were in contravention of the Code rules. Flag to the Board of Trustees and Board senior staff, trends in complaints that suggest systemic issues and or gaps in policy and recommend best practices and/or ways to improve clarity in obligations to enhance Code compliance.

- Assist Board staff and the public with general questions about the Office's complaint processes. Conduct formal investigations, if after an initial classification the Office determines it is warranted, and make recommendations on sanctions or remedial action.

While it has been the policy of this Office to have an open door policy such that any question, concern or complaint will be received at the intake stage, matters not within the jurisdiction of this Office will not be investigated by the Integrity Commissioner's Office and the complainant will be advised to pursue the matter through another process.

The Complaint Protocol for the Code sets out the scope of the Integrity Commissioner's authority over matters addressed by the Code . Under the Complaint Protocol an allegation that may involve a contravention of the Criminal Code of Canada is a police matter, and would not be investigated by the Integrity Commissioner. Also, the Integrity Commissioner does not investigate a complaint of alleged conflict of interest involving a Trustee. Complaints involving allegations under the *Municipal Conflict of Interest Act* are enforced through the courts.

The Complaint Protocol makes no provision for anonymous complaints or for withholding the complainant's name from the Trustee against whom the complaint is made. However, an individual who brings forward an informal complaint may request that their name not be disclosed to the Trustee.

What this Office cannot do:

- Overturn decisions of Board staff or the administration, the Board of Trustees or Committees.
- Set TDSB policy (although this Office is consulted on important initiatives).
- Review or investigate the actions, decisions or omissions of the Board administration, principals, teachers or school support staff.
- Provide legal advice or representation or act as an advocate for a complainant or staff person.

1.1 WORKING THROUGH CHANGE

I was appointed as Integrity Commissioner for the TDSB in April 2016 for a 5-year appointment with a 1-year renewal. In the Spring of 2021, the Board passed a resolution extending my appointment for 1-year past the 5-year mandate. My appointment will run until April 2022. The work and achievements of this Office were possible in large part, due to the collaboration and professional commitments of countless staff, all of whom have demonstrated to me that professionalism is alive and well at the TDSB. Though I am grateful to the professional collaboration of all TDSB staff with whom I have worked, I extend a special thank you to Ms. Denise Joseph-Dowers, the Senior Manager of Governance and Board Services and her staff at Board Services, Ms. Ciara Behan, the Executive Assistant, Office of the Chair and Trustee Services, the Trustee Liaison staff, Mr. Wassif Hussain, the Manager of Internal Audit, Ms. Leola Pon, Executive Officer, Legal Services, and Mr. Ryan Bird, Executive Officer (A), Government, Public and Community Relations. It is because of a 5-year long working relationship across the administration, that this Office has been able to provide guidance, information and professional development sessions to Trustees, propose best practices, recommend amendments to policy, and resolve problems behind the scenes, as well as fulfilling the public facing duties of my mandate through publishing Code Complaint Investigation Reports, Annual Reports and policy Memoranda.

During the period covered by this Annual Report, there were several changes in the senior organizational structure of the Board. In October 2020, Dr. Kathy Witherow was appointed TDSB's Interim Director of Education, replacing Interim Director Carlene Jackson who began her appointment as Ontario's Comptroller General. In December 2020, Ms. Karen Falcolner was appointed the next Interim Director of Education and fulfilled this role until the appointment to the permanent Director of Education, Colleen Russell-Rawlins, was announced in June 2021. Against the backdrop of these senior management changes, several policy initiatives began with a view to enhancing governance, accountability and fairness at the Board; the most significant being the Trustees' work on the development of the Board Self-Assessment Tool, the work of the Bylaws Review Ad Hoc Committee and the work on the Information Flow Protocol. This Office was consulted on these three important governance initiatives and I set out the highlights and my reflections below.

1.2 TORONTO DISTRICT SCHOOL BOARD: SELF-ASSESSMENT TOOL

In October, the TDSB Board began working on the development of a self-assessment tool. The commitment to develop this tool was undertaken by the TDSB Board elected in 2018. Amidst the unique challenges of an ongoing COVID-19 Pandemic and at a time when the TDSB was conducting a search for a Director of Education, the fact that Board Trustees wholeheartedly participated in this significant task demonstrates a willingness to achieve accountability that is relevant and meaningful. The development of the TDSB Board Self-Assessment Tool "is instrumental to effective governance that, in turn, should have a material impact on student achievement and well-being, the elimination of educational inequality, and citizen confidence in public schooling"[1].

The Governance Expert paid particular attention to the comments and recommendations of the [Hall] Toronto District School Board: Results of the Self-Assessment Tool Governance Advisory Panel Report (including "Positive Change That's Working: Submission of TDSB Trustees to the Governance Advisory Panel"[2]) The Governance Expert underscored that in her report, Hall described "governance dysfunction" arising in part from lack of role clarity, accountability, and leadership that, in turn, were sources of the "erosion of public confidence". Hall noted that the tension in the role of school trustee was a contributing factor to role confusion on the part of Trustees:

> . . . trustees are elected by their local communities and are expected to bring the voice of their communities to the board table, but at the same time they are expected to act as a unified body in the best interests of all students of the board (Hall, 2015)

The purpose of the TDSB developing a Board Self-Assessment Tool is to clearly delineate the understanding that the Director of Education is the only employee directly responsible for translating the Board's policies, values, and goals into action; that Boards should not give direction to or evaluate any district employees reporting to the Director; a working agreement on equity; the role of the Board of Trustees and the Board's policies and code of conduct which set the boundaries for the agreed upon standards while acting in the best interests of the TDSB. The Board seeking the input of this Office during the development of the self-assessment tool afforded this Office with the opportunity to have the standards of the Code operationalized and included in the values, goals and policies of this important TDSB governance tool.

[1] *Charles Ungerleider, Managing Partner & Director of Research, Directions Evidence and Policy Research Group Le Groupe Directions: Recherche et analyse des politiques*

[2] *Toronto District School Board Governance Advisory Panel Report*

1.3 TORONTO DISTRICT SCHOOL BOARD BYLAWS REVIEW AD HOC COMMITTEE

In January of 2021, under the leadership of Trustee Shelley Laskin, at the Organizational Board, the TDSB established a Bylaws Review Ad Hoc Committee (the "Bylaws Committee"). In the words of Chair Laskin, the Bylaws Committee was created,

> "with a mandate to review the Board's bylaws and present recommendations regarding revisions to the Governance and Policy Committee in the spring 2021[…]The Committee is supported by [the] Senior Manager, Governance and Board Services and General Counsel […] and is led by [the Board's] Policy Coordinator and staff in Policy Services.
>
> For context and background, the previous bylaws review was formally initiated at the GPC's predecessor, Governance Review Committee, on August 31, 2016. […] The current Bylaws Review Ad Hoc Committee is committed to ensuring the process for identifying edits is inclusive of all trustees' voices – and in addition to policy and governance expertise, we discussed involving staff in Human Rights and Indigenous Education and/or outside expertise to ensure the bylaws are also reviewed through an equity lens."

To be an effective governance tool, the Bylaws should:

- Have defined terms with consistent meaning and application.
- Be clear so they can be easily understood by Board members.
- Include sufficient clarity and detail so that multiple interpretations are avoided – or the creation of commentary to set out the adopted interpretation, to create clear, fair decision-making processes without bias.

During my review of the current Bylaws, I have identified that, in large part, the Bylaw provisions are clearly articulated in its existing form, however, the rules are not well understood by Trustees. At the time of writing this Annual Report, the work of the Bylaws Committee has made significant progress in identifying and addressing some of the gaps in Trustees' understanding of the current format.

In particular, during my mandate as the 1st Integrity Commissioner of the Board, I have seen that there has been little opportunity to impart first principles regarding "how to's" to incoming new Trustees. Further, I have identified that there may be practices, that have come to be viewed as bylaw rules, that are not listed in the Bylaws and this has led to confusion, during meetings and beyond.

This is an opportune time to provide clarification about the meaning and application of the Bylaws so that Trustees of the Ad Hoc Committee can make recommendations to the Board to clarify what has been open to too many interpretations. I commend the work of the Ad Hoc Committee as the substantive rules of meeting management supplement and confirm the governing rules set out in the *Education Act* and the TDSB Governance Policy. It is clear that Trustees do not fully understand the Bylaws provisions, when and how to use them, the purpose for them or why they are not consistently applied in each situation. There is an important role to be played by expert staff in Governance and Board Services in advising Trustees on the interpretation of the Bylaws in various circumstances. I look forward to the completion of the work of the Ad Hoc Committee.

1.4 TORONTO DISTRICT SCHOOL BOARD INFORMATION FLOW PROTOCOL

In all of the past Annual Reports, this Office has recommended to the Board that an Access to Information policy be developed to provide clear guidance to Trustees and staff on the process to be followed by individual Trustees when seeking Board-held information.

Rule 6.2 (b) of the Code entitled Confidential Information, makes specific reference to the responsibility of Trustees to not seek access to confidential information of the Board, including personal information. In particular, Rule 6.2(b) states:

> Members of the Board should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and not prohibited by Board policy.

However, outside of the specific requirement regarding personal information, Trustees require a clear understanding of access to information processes in relation to the duties, roles and responsibilities.

In previous Annual Reports, this Office has set out that it is important for staff to understand that while Board Trustees carry out their duties as defined within section 218.1 of the *Education Act,* it is the Board as a whole that approves budget, policy, Committee processes and other such matters, requests from Trustees for information that is not covered by confidentiality is an allowable action under the Code. There should be an expectation and understanding on the part of Board staff that all information that does not fall within an exemption provision of MFIPPA or confidentiality requirements of the Board, can be disclosed to Trustees upon request and in accordance with an approved process.

Whether a requester is a member of the public or an individual Trustees, the right of access to information directly corresponds to a desire to shed light on the operations of the Board. The principle of open government is one that allows citizens to scrutinize the activities of elected officials and public servants to ensure that they are acting in the public interest. One pillar that supports open government is freedom of information legislation, which gives people the right to access government-held information. This legislation also provides a recognizable threshold against which general access guidelines may be measured.

Over the past 5 years, I had encouraged the Board to work to enhance its access to information regime and build upon existing routine disclosure and active dissemination of information that is not personal, corporate confidential or information required by MFIPPA to be withheld under an access request. With an identification of the groups or categories of Board records and information that are deemed routine and non-confidential, the Board can identify which records may be provided to the public and individual Trustees outside of the FOI process or through an approved access protocol.

I was pleased to have been consulted by staff of the Information Flow Protocol Committee with a view to having the access to information for Trustees include recommendations from the previous Annual Reports of this Office. I am pleased to have seen the Information Flow Protocol approved at the April 28, 2021, Governance Policy Committee meeting.

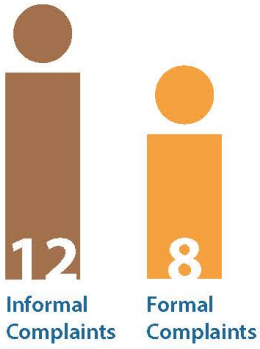
2.1 ACTIVITIES OF THE OFFICE OF THE INTEGRITY COMMISSIONER

The Office received 12 informal complaints in relation to the Code. There were 8 formal complaints filed against Trustees under the Code in the reporting period of this Annual Report.

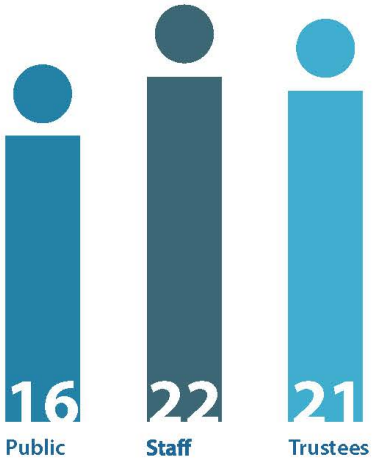
INTEGRITY COMMISSIONER ACTIVITIES CODE COMPLAINTS AND INQUIRIES

CODE COMPLAINTS

Of the 8 formal complaints received against Trustees in relation to the Code, 5 were resolved through negotiated mediation and 3 were dismissed at the intake stage after the completion of a preliminary review.



CODE APPLICATION INQUIRIES



BOARD TRUSTEE CODE ADVICE REQUESTED

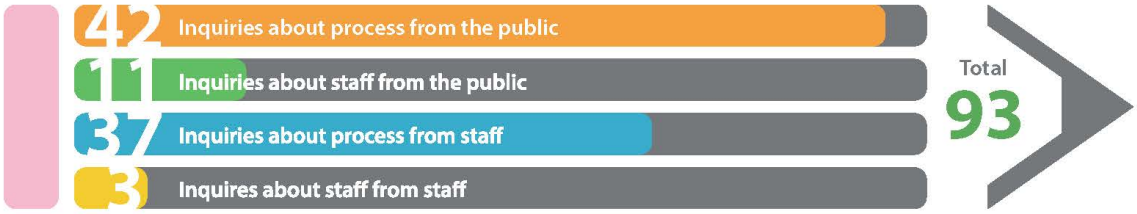
ADVICE TO MEMBERS

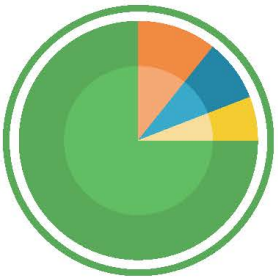
- Informal oprinions to Members
- Formal opinions to Members

2.2 ACTIVITIES OF THE TDSB OFFICE OF THE INTEGRITY COMMISSIONER

NON-CODE-RELATED INQUIRIES RECEIVED BY THE INTEGRITY COMMISSIONER

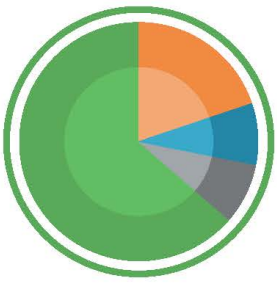
NON CODE-RELATED INQUIRIES





CLASSIFICATION OF INQUIRIES TO THE INTEGRITY COMMISSIONER FROM THE PUBLIC

- Integrity Commissioner Jurisdiction- 75%
- Complaints from parents - 5%
- Human Rights/Discrimination- 10%
- Harassment - 10%



CLASSIFICATION OF INQUIRIES TO THE INTEGRITY COMMISSIONER FROM TRUSTEES

- Requests for advice from Integrity Commissioner - 60%
- Allegations of systemic bias in Board Policy -10%
- Access to Board information -20%
- Other -10%
  Includes: school location/closure, diversity and accommodation issues, French language schools.

2.3 INFORMAL AND FORMAL COMPLAINTS

There were 8 Formal complaints filed with this Office and 12 Informal complaints brought forward to this Office in the 2020-21 reporting year.

Of the 8 formal complaints, 5 were resolved through facilitated mediation and 3 were dismissed at the intake stage after the completion of a preliminary review.

In several of the formal complaints that were resolved informally, the complaints alleged that the Trustees had contravened rule 6.10 with behaviour that was disrespectful and conduct that to the objective bystander would be taken as abusive or insulting towards another Trustee.

As I stated in previous Annual Reports, when proceeding through a mediated facilitation of a formal complaint, the default position for this Office is to take the comments made by the parties at face value with the presumption that both the Complainant and the Respondent seek Trustees' adherence to the Code rules. I compare any statements made by the parties during this process against statements of witnesses. I accept the Complainant's and the Respondent's verbal and written submissions provided during this process.

The objective of a Formal Code complaint process is to discover facts upon which to make a decision on whether a Trustee, on a balance of probabilities, has contravened the Code of Conduct rules. The purpose-driven function of the complaint process allows the Integrity Commissioner the discretion to conclude a matter with recommendations, as part of an informal resolution of a Formal Complaint.

In the 5 formal complaints that were concluded through facilitated mediation, Trustees named in the complaint were advised that a determination of compliance or contravention of the Code can only be made following an investigation of a Formal Complaint. In 2 of these complaints, I advised that, on the face of the complaint there was no Trustee conduct that would trigger a violation of Rule 6.10 of the Code. In the remaining 3 of the formal complaints, though the alleged conduct appeared on its face to be contrary to Code rules, through mediation, the Respondent confirmed that they understood their actions ran contrary to the Code and the parties agreed to an information resolution. In accordance with Rule 6.4 (c) of the Board Member Code Protocol, other than in exceptional circumstances, the Integrity Commissioner will not report to the Board of Trustees on any informal complaint or the informal resolution of a formal complaint, except as part of an annual report or other periodic report.

In addition, in one of the formal complaints that was dismissed, the Trustee named as the Respondent was alleged to have contravened Rules 6:10 (a) and (b) of the Code: the obligation to treat members of the public, one another, and staff members respectfully, without abuse, bullying or intimidation, and the obligation to adhere to the TDSB Workplace Harassment Prevention and Human Rights policies and the Ontario Human Rights Code. This Office concluded that the alleged conduct, in respect of the issues, did not constitute a violation of any provision of the Code. Further, this Office clarified that the substance of the complaint was not within my jurisdiction to address as there is a grievance process set up to be followed under the collective agreement. While the Office of the Integrity Commissioner does not act as an appeal body in respect of decisions made by a Grievance Panel, if a Board Trustee is the respondent named in a grievance and the panel or reviewer determines that a term of the collective agreement or the unionized employee's rights have been contravened, a copy of that determination can be forwarded to this Office and be reviewed in respect of the complaint allegations under section 6.11 of the Code – Failure To Adhere To the Board Policies and Procedures and determine if, in addition to the Grievance Panel's determination, the matter may be considered from the perspective of a Code breach.

3. ISSUES OF NOTE

3.1 The Board Member Code of Conduct and Human Rights

Generally, 'Harassment' is defined as: A course of conduct or comments which is unwelcome or offensive to an individual or group of individuals, thus creating an uncomfortable work atmosphere. The Ontario Human Rights Code defines harassment as '…engaging in a course of vexatious comment or conduct that is known or ought to reasonably be known to be unwelcome'. Under the Code, every employee has a right to be free from harassment in the workplace on the following grounds… Usually, harassment is offensive behaviour that is repeated after an employee knows it is unwelcome. However, harassment may also occur from a serious, single remark or action and need not be directed at a particular individual. A 'poisoned work environment' can result from degrading or humiliating comments, behaviour or displays of material not directed to a specific individual that creates an uncomfortable atmosphere. In addition, the Board's policy addresses cases of harassment outside of the Ontario Human Rights Code, such as personal harassment and abuse of authority that do not specifically relate to a prohibited ground in the Ontario Human Rights Code.

Where the Respondent to a complaint is a Trustee, the Board's policy has given the jurisdiction to receive and investigate the complaint with the Integrity Commissioner. The process set out in the Code provides that that if an employee or a member of the public brings forward a harassment or discrimination complaint against a Member of the Board to the TDSB Human Rights Office, it shall be immediately forwarded to the Integrity Commissioner. If a complaint is filed with the Integrity Commissioner, after an initial assessment, they shall consult with the TDSB Human Rights Office and then determine the appropriate next steps, including referral of the complaint to an independent investigator.

When looking at governance at the TDSB, there is not a clear approved process to determine jurisdiction on matters relating to workplace/sexual harassment or discrimination in complaints which involve a Trustee. The lack of clarity is compounded by the inconsistency of provisions set out under the Code and the Board Human Rights Office (HRO) procedures. Even with the rules clearly set out in the Board Member Code Protocol regarding the investigation process when a Trustee is named in a complaint involving allegations of discrimination, the Board has obligations of an employer and the requirement to ensure a workplace free from harassment and discrimination under Ontario Health and Safety legislation and the Ontario Human Rights Code.

Typically, a workplace policy gives the organization jurisdiction to receive and investigate workplace harassment and discrimination complaints, make findings of contravention of the policies and decide on penalties, up to an including termination of employment. However, a Board Trustee is not an employee under the *Education Act* and enforcement of a breach of discrimination policy rules by a Trustee is within the jurisdiction of the Integrity Commissioner. But what role does the Board have as an employer, separate and apart from the Integrity Commissioner's role set out in the Code Protocol?

Most of the municipal Workplace Policies follow accepted employment and workplace law principles, which do not limit application to interaction as among employees and only at the "office" or at the main workplace. Section 6.10(a) of the Board Member Code contains a general provision on decorum that imposes an obligation on Trustees to avoid acts of abuse, bullying or intimidation, that may not rise to the level of workplace harassment and as such, arguably there may be a situation in which the Human Rights Office may make a finding that there has not been a contravention of the TDSB Workplace Harassment Prevention and Human Rights policies and the Ontario Human Rights Code, but in the Code investigation, the Integrity Commissioner could find the same conduct, contrary to ethical rules and make an adverse finding.

3. ISSUES OF NOTE (CONT.)

I look forward to working with the Board to clarify the roles and responsibilities of addressing human rights, harassment and discrimination complaints.

3.2 TDSB Communications

Throughout this reporting period, in reviewing an informal complaint, this Office needed to identify which TDSB policies or procedures governed the actions of the Trustee named in the complaint. One complaint related to a situation where a tweet was posted by the TDSB on its official Twitter feed. In discussions with staff, this Office was advised that upon request by the Trustee for an official acknowledgement related to a particular observance, the day had been acknowledged by the City of Toronto before and the request was flagged with senior Board executives who approved the tweet.

The Office of the Integrity Commissioner is not responsible for reviewing or investigating staff actions or omissions. However, the allegations were in respect to a Trustee instructing staff, hence the matter was deemed with the Office's jurisdiction. The actions of the Trustee were not reviewable by the Office of the Integrity Commissioner in respect of the rules of the Human Rights policies, however, this Office had to fulfill its role and ensure that the Trustee did not violate the Code by inserting themselves into the professional ambit of staff - in other words attempting to direct staff without going through the Board's approval process. This Office sought to identify the process involved in bringing forward a request to have a matter become subject of TDSB official social media communications. In addition, this Office reviewed the procedure, policy and guidelines that govern the determination of bringing forward a motion for a recognition day/week/month.

The matter was dismissed as there was no evidence that staff was compelled to act contrary to their professional decision-making authority. As I have identified that there is no approved Board policy that deals specifically with when to make a day or event recognized on the TDSB website, I recommend that this policy gap be addressed and if there is an approved process that this be communicated to all Trustees.

3.3 Roles and Responsibilities of Trustees: Disrespectful and Disruptive Conduct

Several informal and formal Code complaints, as well as general inquiries to this Office, raised substantive issues that deal with the roles and responsibilities of the Board of Trustee versus the role and responsibilities of individual Trustees.

Section 2.1.2 of the TDSB Board Bylaws sets out that, in broad terms, the Board of Trustees is required to:

(a) Promote student achievement and well-being;
(b) Ensure the effective stewardship of the Board's resources;
(c) Deliver effective and appropriate education programs to its pupils;
(d) Develop and maintain policies and organizational structures that promote the goals of the TDSB;
(e) Monitor and evaluate the effectiveness of policies developed by the Board in achieving its goals and the efficiency of the implementation of those policies;
(f) Develop and review annually a Multi-Year Strategic Plan in accordance with Section 169.1(1)(f) of the Education Act; and

3. ISSUES OF NOTE (CONT.)

(g) Monitor and evaluate the performance of the Director.

Section 2.2.1 of the TDSB Board Bylaws states that, Trustees are expected, but not limited, to:

(a) Recite the Declaration of the Office and Oath of Allegiance in accordance with section 209 of the Education Act;
(b) Attend and participate in meetings of the Board and Committees;
(c) Bring the concerns of parents, students and the TDSB's stakeholders to the Board;
(d) Uphold the implementation of any Board resolution after it is passed by the Board;
(e) Maintain a focus on student achievement and well-being;
(f) Consult with parents, students and the TDSB's stakeholders on the Board's Multi-Year Strategic Plan under section 169.1(1)(f) of the Education Act;
(g) Comply with the TDSB's Board Member Code of Conduct;
(h) Declare any pecuniary conflict of interest, whether direct or indirect, in accordance with the Municipal Conflict of Interest Act at the Board and Committee meetings;
(i) Must not be present at a closed session meeting for matters where they have declared a conflict of interest; and
(j) Maintain confidentiality by not disclosing to any member of the public confidential information acquired by virtue of their office or during closed sessions.

Of significance is the guidance developed for school boards and Trustees set out in the Ontario Public School Boards' Association (OPSBA) Good Governance Guide:2018-2022 (the "Guide"). In particular with respect to the roles and responsibilities of Trustees, the Guide states:

> In carrying out their role, trustees have the very real challenge of balancing their responsibilities and allegiances as representatives of their communities with their role as education leaders within the decision-making body of the board as a whole. This dual responsibility can mean that the ultimate decisions made are at variance with the specific interests of a particular geographical constituency, demographic population, or interest group. All trustees are expected to act in the best interest of the board and its students as a whole. Effective board governance is dependent on a clear understanding of, and respect for, roles and responsibilities. As trustees communicate with their communities and hear their concerns, they must at the same time convey that changes to existing board policy require consideration by the full board. Trustees, as individuals, do not have authority to make decisions or take action on behalf of the board.[3]

Over the course of the period covered in this Annual Report, there have been some Trustees that have stated in public Committee and Board meetings that any decision of the Committee or Board to not approve a particular motion was tantamount to a decision to uphold systemic discrimination and an example of how institutional bias effected through decisions not to change, produces outcomes that disproportionally disadvantages certain groups (low income, racialized, special needs).

Though I have observed that Board Trustees are committed to the principles of the anti-racism, anti-discrimination and

[3] *OPSBA Good Governance Guide: 2018-2022, p.36*

3. ISSUES OF NOTE (CONT.)

equity documents of the Board and that the TDSB has continued to identify ways to make a difference in the lives of racialized, low-income, special needs, First Nation, Indigenous, and new Canadians, it is clear from the behaviour that I have witnessed during Committee and Board meetings that individual Trustees' positions on a solution, differ vastly one from the other and some Trustees believe that a desire to eradicate systemic bias and discriminatory practices in Board policies justifies a position of non-adherence to approved and existing procedural rules. There are racialized Trustees that have expressed feeling alienated and there are non-racialized Trustees that have taken the position that my comments made in the 2019 Annual Report were used to weaponize my Office and the Integrity Commissioner's comments were distorted. The reality is that over the course of this reporting year, the Board has become divided along racial lines. So intense did the mistrust between Trustees become at times, that following providing notice of receipt of a Code complaint to one Trustee, they replied in the following way:

> I'm writing to you personally to express my complete bewilderment to why those allegations were actually considered particularly the absurdity of the complaint #2. [...]
>
> Today, I stumbled upon a quote by Voltaire which reads, "Those who can make you believe absurdities, can make you commit atrocities." I share this to not at all imply you believe their horrendous twisting of words or that you are committing an atrocity, but to bring to the surface what is really going on here. In my opinion, they are intentionally and purposefully trying to assassinate my character. My fear is that if these spurious allegations are accepted, even as an informal complaint, it will lead to arguably even more false allegations and slander.

In response to the Respondent's assertion that the Complaint is frivolous and their admonition that the Office of the Integrity Commissioner is being used for an inappropriate purpose, it is my position that the Board's Integrity Commissioner is the administrative decision-maker vested with the power to receive and evaluate a Code complaint and on its face, refuse to investigate, or dismiss a complaint where the complaint is frivolous, vexatious or not made in good faith. However importantly, if the Office determines that a complaint, while touching on matters that may be viewed by a Respondent as frivolous or motivated by racial bias, is properly addressed to matters within the Code, that does not by itself mean the complaint is frivolous or made in 'bad faith.' A valid complaint that addresses conduct caught by the Code will generally not be in bad faith, in the absence of actual or constructive fraud, design to mislead or deceive, or a dishonest purpose. The above-noted comments of one Trustee mirrored sentiments expressed by others. The lack of trust among Trustees, particularly drawn against lines of race, was evident in various circumstances throughout this reporting year. The comments of some Trustees suggest that certain Code complaints are motivated only by race or general animus and the Respondent should not be required to provide a response as the substance to the complaint seeks to have the Integrity Commissioner carry out an investigation that is politically or otherwise motivated and that the failure to "provide evidence" acceptable to the Trustee named in the complaint demonstrates a desire to cause an investigation to be made without any proper factual foundation. As a procedural safeguard, the Board Code contains a complaint process that sets out how the Integrity Commissioner will conduct her preliminary review prior to deciding whether or not to commence an investigation. During this reporting year, the process set out in the Code was carried out in evaluating complaints and the assertion made by some Trustees that this Office should immediately dismiss complaints, demonstrates a lack of understanding of the role of this Office, the process followed when a complaint is received and the roles and responsibilities of individual Trustees. To be very clear, this Office is entirely aware of the concerns raised by racialized Trustees and by other Trustees. This Office is aware of circumstances in which microaggressions have demonstrated behaviour that, if investigated, could lead to a finding

3. ISSUES OF NOTE (CONT.)

of discriminatory behaviour. This Office has also received calls and emails, the review of which demonstrated some evidence of discriminatory behavior, however in other instances, the review had no evidence of discriminatory behavior but rather only evidence of a Trustee that simply decided they would not adhere to the rules of procedure or decorum. This Office has communicated to the Board that personality clashes, microaggressions and outright rudeness by some Trustees is conduct captured and prohibited by the Code and if any Trustee witnesses such conduct, the appropriate course of action is to bring forward an informal or formal Code complaint to the Integrity Commissioner. That being said, in circumstances where a Code complaint has been brought forward and this Office has identified the substance of the complaint to be either non-adherence to procedural rules or rules of the Code, the fact that the Trustee named in the complaint is dissatisfied with this Office's handling of the matter and continues their inappropriate behaviour, has caused many other Trustees to feel defeated in the work of the Board's ability to overcome this impasse.

During the course of Committee and Board meetings, some Trustees have communicated to this Office that they feel personally attacked when they publicly take a particular position at Board meetings and that this fear of being verbally attacked has led to a reticence on the part of many Trustees to speak candidly at public meetings. During this reporting year as in the previous reporting year, many Trustees have shared with this Office that they are committed to anti-oppression and anti-black racism work, however they takes umbrage when their motivation for voting a particular way is attributed to being complicit to supporting systemic discrimination. The Code and the Board's procedural rules require Trustees to refrain from levelling personal attacks one to the other. The disrespectful and inappropriate behaviour that I have witnessed is limited to a handful of Trustees who have been advised by this Office that their conduct runs afoul of the Code rules. Attempts to hold some Trustees accountable has taken the form of disruptive behaviour during Committee and Board meetings, and general incivility. Through continued work on the Board's self-assessment tool, the work of the Bylaws Review Ad Hoc Committee and information and training sessions by this Office, while I am deeply concerned by the lack of understanding by some Trustees of the effect of their inappropriate behaviour on the morale of the Board and staff, I am confident that with enhanced governance guidelines and clarification of procedural rules, examples of disruptive and disrespectful behaviour will be identified and addressed through the formal Code complaint and investigation process.

3.4 Trustee -Staff Interaction

The OPSBA Governance Guide (the "Guide") sets out the general principles in respect of school boards, trustees, school board staff and their respective roles and responsibilities. The Guide states that:

> In carrying out their role trustees have the very real challenge of balancing their responsibilities and allegiances as representatives of their communities with their role as education leaders within the decision-making body of the board as a whole.[4]

With reference to an individual Trustee's role, the Guide states that:

> A clear understanding of a school board trustee's role and responsibilities is fundamental to good governance. A school board trustee is a member of a board, not a member of a parliament, and it is important for both trustees and the general public to understand that school board trustees hold no individual authority. The school board, as a corporate body, is the legislative source of all decisions, and individual trustees are granted no authority through the Education Act. [5]

[4] *Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities, 2014, OESC, p.24-25*

[5] *Ibid, p.32*

3. ISSUES OF NOTE (CONT.)

Several inquiries have been brought to this Office as informal code matters and simply telephone calls of concern from staff during this reporting period. Rather than attempt to communicate the concerns through my lens, I have decided to include the staff's comments verbatim below:

"Trustees ask [staff] questions and when they receive an answer and they are not happy with it, they kept coming back with the same questions"
"When [a particular Trustee's] motions are defeated, they become mean towards their colleagues and staff"
"There are personality issues…I mean…what remedy is there for a "problem"Trustee?"
"What happens when a Trustee is rude? I don't know if there is a rule against being a bad person… they are elected officials."
"Its not about growing a thicker skin to keep my job…I don't want to grow a thicker skin in order to grow in the TDSB"
"Fixing someone's personality is not my job"
"One day Trustees will understand that the way they treat staff at meetings impacts everyone…even staff not at the meeting…other staff hear what is said, even if a teacher hasn't spoken to that Trustee, their behaviour impacts what staff believe is the level of respect or lack thereof"
"I said to [a particular Trustee] "please let's communicate"…I just want the relationship to get better"
"There are just some problem Trustees…just a few…they push the envelope"
"[Trustees] have a right to bring forward any motion but when they have pre-conversations with staff as part of bringing forward a motion and the motion is defeated, [some named Trustees] get unreasonable, like they have to get their own way"

During this reporting period, here remains an unclear understanding of the appropriate relationship between an individual Trustee and TDSB staff. With respect to a small number of Trustees, staff who have consulted with my Office have communicated that they do not feel comfortable pursuing matters involving inappropriate Trustee conduct through the formal Code process because of concerns of reprisal against them. This Office has been steadfast in assuring staff that Rule 6.12 of the Board Code contains provisions that deem acts of reprisal as conduct prohibited and any contraventions enforceable under the Code. Rule 6.12 states:

Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited.

While I have found that the preponderance of concerns raised by staff to my Office involved the inappropriate conduct of a small number of Trustees, issues in respect of the relationship between a Trustee and Board staff, generally, the lack of a clear understanding of the role of a Trustee versus the role of the Board of Trustees often gives rise to the potential for Trustees to inadvertently cross the line and fall short of their Code obligations, in particular in respect to adherence to Rule 6.9 of the Code – Conduct Respecting Staff Members and 6.10 – Discreditable Conduct.

3. ISSUES OF NOTE (CONT.)

It is clear that many of the issues discussed at Committee and Board meetings are extremely important to the Trustees as they bring forward community concerns in respect of student achievement and performance. Make no mistake that this Office is proficient in governance best practices and the application of public sector regulatory schemes. Representing constituents is a legitimate function of a Trustee under the *Education Act*, however, the way in which concerns are brought forward must respect the boundaries that define the role of a Trustee from that of the administration, as well as understanding the distinction between policy development and implementation or operationalizing a policy. Trustee interaction with staff by email, on the phone, during in-person or virtual meetings must involve respect of the neutral role and professional expertise of staff. TDSB administration, principals, teachers and support staff are experiencing the challenges and stresses of this unprecedented time, as much as Trustees are. Maintaining a focus on student achievement and wellbeing does not give license to run roughshod over staff. Long meetings, competing priorities, limited financial resources often lead to spiked emotions and short tempers in meetings or in preparation for Board meetings. Staff at all levels of the TDSB administration are not in a position to "respond in kind" to pointed comments or microaggressions. While an occasional misplaced comment happens in all workplaces, it is incumbent upon Trustees in adherence to their Code obligations, to treat staff with respect and to ensure that their work environment is free from disparaging comments or actions.

4. EDUCATION AND OUTREACH

January and May 2021:

All trustees and student trustees were invited to Code interactive workshops, which focused on an information presentation covering Board Member Code of Conduct rules, Municipal Conflict of Interest provisions and workshop scenarios. The May session included co-presentation with Ms. Tina Lopes, Governance Consultant, Leading Change for Equity. These workshops were the first of three Trustee professional development sessions scheduled to be held in 2021.

February 2021:

Presentation to Ontario Public School Boards' Association, Policy Development Work Team meeting.

March 2021:

Consultation with Hamilton-Wentworth District School Board.

April 2021:

Meeting with Human Rights Office staff and Superintendent.

May 2021:

- Public Sector Ethics Conference – panelist.
- Osgoode Hall Law School Canadian Public Law and Governance Symposium - panelist.

June 2021:

-Virtual Municipal Integrity Commissioners of Ontario Spring meeting in June. The agenda topics included strengthening municipal codes of conduct, Municipal Conflict of Interest Act case law, the Collingwood Inquiry, Dhillon vs the City of Brampton, and public inquiries in Ontario. Moderator for panel discussion on disqualifying and non-disqualifying conflicts of interest under the MCIA and Codes of Conduct.

- Guest lecturer at Western University's Local Governance Program presenting recent updates to accountability and transparency in municipal government, harassment complaints under Codes of Conduct and the Provincial Consultation on changes to municipal Codes of Conduct.

5. EXAMPLES OF INTEGRITY COMMISSIONER ADVICE

Q. A Trustee requested advice on whether their proposed action would trigger rule 6.9 of the Code. The Trustee wanted clarification on an official communication that was sent out to teachers and parents at the beginning of the school year. The Trustee prefaced their question to me by clarifying that "Trustees are 100% with staff and support them. But there needs to be transparency so that Trustees can respond correctly to parent emails".

A. Based on the information provided to me, I did not believe that the Trustee's conduct had triggered the Board Member Code of Conduct. Rule 6.9 states in part:

(a) No member of the Board shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff members of the Board, and all members of the Board shall show respect for the professional capacities of staff members.

I advised that the Office cannot predetermine the outcome of a complaint. However, I advised that on its face, requesting staff clarification on information that had been forwarded through official channels to teachers and parents, was not conduct that contravened the Code.

Q. In preparation for an upcoming meeting, a Trustee wanted to know the procedure for when it is appropriate to raise a Point of Order or Point of Privilege.

A. I advised the Trustee that they should consult with the staff of Governance and Board Services. I advised that generally speaking, in public sector organizations, a Point of Order is when a Trustee believes that there has been a deviation from the rules or bylaw and they are seeking clarification and a ruling by the Chair on whether the bylaw rules are being correctly followed. In this situation, a Trustee may interrupt another to raise a point of order and why they believe the discussion should be interrupted to receive clarification on whether the rule is being followed or not. The Chair's ruling may be challenged and a majority vote taken.

A Point of Personal Privilege is different and often misused by Trustees. This is used only when a Trustee feels they have been disrespected and either their reputation has been called into question by a statement made by another Trustee or the conduct at the Board/Committee has gotten out of hand. The Chair rules or recesses to consider or consults staff. The Chair's ruling may be challenged on a majority vote.

The 2 important points to remember are:

1. Point of Order -anyone can move it and it must be about following the rules or process, the reason can't be obscure - the mover must say what rule they believe is being breached.

2. Point of Personal Privilege - is a decorum point and is raised when the Trustee has been offended or believes someone else has been offended by the comments or actions of a Trustee or the meeting has descended into disrepute. The mover cannot simply say Point of Privilege because they are upset. It must be a clearly defined offense, reason for calling it and what the mover wants to achieve (i.e. I would like an apology or I would like the Chair to ask the Trustee to retract their previous statement).

5. EXAMPLES OF INTEGRITY COMMISSIONER ADVICE

Q. A Trustee requested clarification on what complaint processes were in force at the TDSB in addition to complaints to the Integrity Commissioner:

A. I advised that there were Non-Union Employee complaint processes, Unionized Employee Grievances, Internal Human Rights Complaints Processes, Ontario Student Records Appeals, Parent Concern Protocol and many more. I advised that I did not know if there was one repository for all complaints and complaint processes, however, staff of Governance and Board Services and the Legal Services staff would be in a position to advise further.

6. STATEMENT OF EXPENDITURES

October 2020- September 2021
$25,000 – Annual Stipend for Integrity Commissioner Services (including remuneration for Integrity Commissioner services, seminar and workshops, mileage, office supplies) $22,203.90 – Remuneration for Formal Complaint investigations

CLOSING REMARKS

This is the final year of my mandate as Integrity Commissioner for the Toronto District School Board. During this 5-year appointment (currently, the Board has invoked the option to extend the appointment for 1 year), I have had the honour of working with a slate of elected officials that have worked tirelessly to represent students and parents, make decisions to support student achievement and well-being and create improved governance practices to enhance through public education, the lives of students, staff, parents, and the broader community.

Social Media:

Over the past 5 years, there has been a growing trend in government generally regarding elected and appointed officials use of social media to communicate with constituents, as well as to engage in discussions regarding issues that are at the forefront of political events. At the TDSB, these discussions have often centered around controversial matters that relate to class sizes, special education, the budget and allocation of limited resources, and more recently, equity, anti-oppression and implementation of processes related to Covid-19 mandated health decisions. Often, Trustees have communicated to this Office that their comments on social media or during Board meetings reflect their opinion on an important issue that affects their community. Some Trustees have taken issue with this Office's decision to pursue Code complaints insisting that their comments were strongly worded but not discourteous, offensive or aggressive, and should not be subject of a Code investigation. In fact, some Trustees have suggested that the complaints filed against them are frivolous and politically motivated or the complainant is using the Office of the Integrity Commissioner to move forward another Trustee's political or personal agenda. As I have pointed out above, it is the position of this Office that the Integrity Commissioner for the TDSB is an appointed third-party decision-maker vested with the power to refuse to investigate, or to dismiss a complaint where the complaint is frivolous, vexatious, or not made in good faith. While I concur that there have been instances in which Trustees have stated that their comments under investigation were made to support their community, to stand up against discrimination or simply simply state their opinion, Trustees must take care not to act as the spokesperson for the entire Board and this Office has gone forward with reviews or investigations of Code complaints only after determining that the complaint is properly addressed to matters within the Code.

Through an Equity Lens:

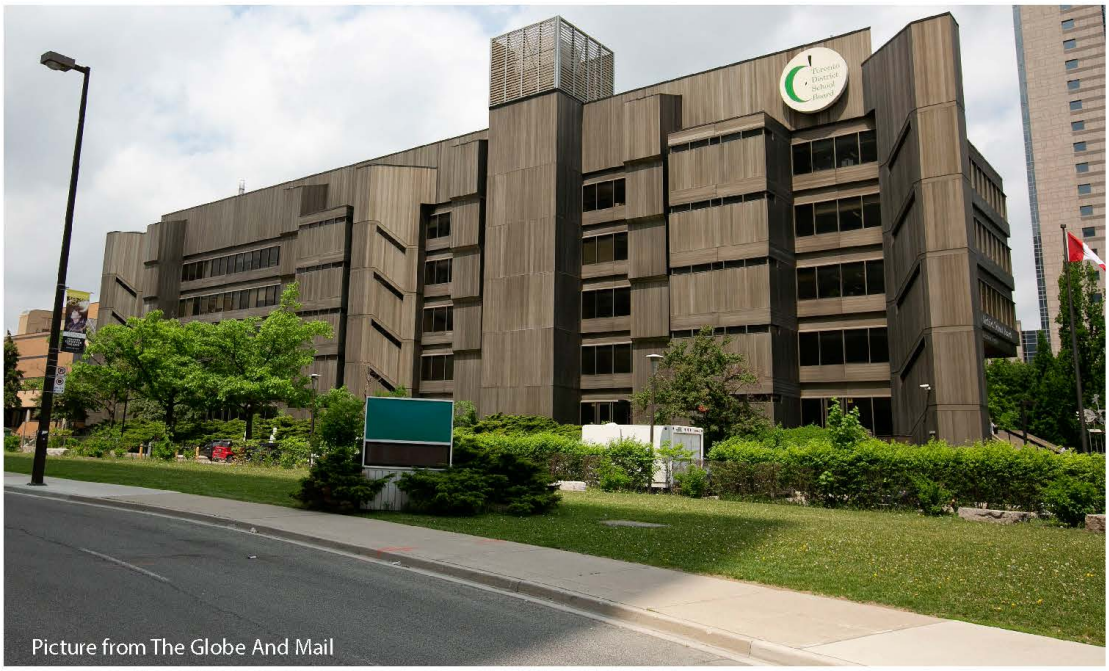
During the review of the myriad of matters and concerns that came to this Office, I have observed that there is a need for a deeper or different discussion when the policies and decision-making of the Board have outcomes that are not reflective of an equity context, and when the outcomes of Board decisions adversely impact certain communities disproportionately and more often than others.

As determined in several informal complaints brought forward during this reporting period, discussions about whether the Boards' organizational and policy structure perpetuate institutional bias against underrepresented groups and lead to an enshrined system that promotes or allows biased outcomes adverse to marginalized groups, is to be welcomed and the current Board has undertaken to have these discussions. "Institutional bias", "discrimination", and "isms" of oppression, should be called out and addressed. However, there must be a safe and respectful space where shared values and the consistent application of fair processes intersect, and these discussions should be about issues and not the individual personalities of Trustees.

CLOSING REMARKS

A Final Word:

The TDSB Board Member Code of Conduct is an ethics document containing approved rules upon which Trustees have agreed that their conduct will be measured. In order for this Office to fairly apply the Code rules to the actions and behaviour of individual Trustee and in order for this Office to remain relevant, the values, vision, processes and rules of the Board must be shared, understood and respected by all of Trustees. If what is in place needs to be changed, meaningful discussions should take place, as is occurring at this time with the updates to the TDSB Bylaws and work on the Board Self-Assessment Tool. Notwithstanding the issues of concern set out above that I am required to communicate as part of a transparent accountability reporting regime, I am proud to serve this Board that has Trustees who were part of the previous decision to create this Office to enhance accountability, as well as the group of Trustees elected in 2018 that hit the ground running with excitement, commitment and a strong desire to create effective policy direction and build public confidence by demonstrating accountability to the public and for pubic education. This Board has demonstrated a willingness to have difficult discussions and the work of Trustees, including in support of this Office, has set a high bar for accountability in the public sector for other school boards in Ontario to follow. As I write today, the future appears to be less uncertain than a year ago when I tabled my previous Annual Report. Although there have been some missteps, I applaud the efforts of Trustees of the Toronto District School Board who I have seen endeavour to live out and make relevant, integrity and accountability in the years of my appointment as the Board's Integrity Commissioner.



Picture from The Globe And Mail

Planning and Priorities Committee

Report No. 17

PPC:018A
Wednesday, September 14, 2021
4:30 pm
Electronic Meeting

Members Present	Trustees Alexander Brown (Chair), Michelle Aarts, Rachel Chernos Lin, Stephanie Donaldson, Trixie Doyle, Harpreet Gill, Parthi Kandavel, Shelley Laskin, Dan MacLean, Christopher Mammoliti, Chris Moise, Patrick Nunziata, Zakir Patel, Robin Pilkey, Yalini Rajakulasingam, Anu Sriskandarajah, Chris Tonks, Indigenous Student Trustee Isaiah Shafqat, and Student Trustee Evan Woo.
Regrets	James Li, Alexandra Lulka, David Smith, Jennifer Story and Manna Wong
	All trustees participated by electronic means in accordance with amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings.

PART A: Committee Recommendations

1. Indigenous Land-Based Learning [4135]

The Committee considered a report from staff (see PPC:018A, page 1) presenting information regarding the Boyne River Natural Science School site.

Moved by: Trustee Rajakulasingam
Seconded by: Trustee Mammoliti

The Planning and Priorities Committee **RECOMMENDS that the TDSB move towards ensuring that the Indigenous Land-based Learning Centre at the Boyne River Natural Science School site begin preparations to serve TDSB students and the wider Indigenous Community, supported through the TDSB Urban Indigenous Education Centre, guided by the Elders Council.**

Carried

2. Implementation of a Mandatory Vaccination Procedure [4151]

The Committee considered a report from staff (PPC:018A, page 13 and attached) presenting a procedure regarding mandatory vaccination.

Moved by: Trustee MacLean
Seconded by: Trustee Mammoliti

The Planning and Priorities Committee **RECOMMENDS that the report be received.**

Carried

PART B: Information Only

3. Call to Order and Acknowledgement of Traditional Lands

A meeting of the Planning and Priorities Committee was convened electronically on Tuesday, September 14, 2021 from 4:32 p.m. to 6:40 p.m. with Alexander Brown presiding.

4. Approval of the Agenda

On motion of Trustee Donaldson, seconded by Trustee Nunziata, the agenda was approved.

5. Declarations of Possible Conflict of Interest

No matters to report

6. Delegations

No matters to report

7. Report From Trustees Appointed to the Ontario Public School Boards' Association

The Committee heard an oral update from Trustees Donaldson and Laskin on the activities of the Ontario Public School Boards' Association, including the following:

- OPSBA sent an open letter to Premier Ford on August 13 calling for the Ontario Government to implement a policy and strategy for making vaccination mandatory in schools, and the Government's response requesting that school boards create Immunization Disclosure Policies
- OPSBA's attendance at Liberal Leader Steven Del Duca's vaccine summit on Monday, August 30, 2021
- An update on the Above and Beyond social media campaign which is meant to highlight the heroes/good news stories of public education.
- Reporting on the "Transitioning from the COVID-19 School Experience" discussion. Monthly meetings among invited partners will commence in October and continue through January to generate recommendations for the 2022-2023 GSN consultation process.
- OPSBA is working with CSBA on a Federal Election resource package for trustees and school boards and contains sections on Indigenous Education, mental health and well-being, and the COVID-19 response.
- Upcoming key dates include:
    - September 24-25, 2021 – Board of Directors Meeting
    - November 3, 2021 – Fall Regional Council Meeting

The report was circulated to trustees.

8. School Reopening: Update

The Committee heard a presentation from Dr. Vinita Dubey, Associate Medical Officer of Health and Nicole Welch, Director, Toronto Public Health providing an update on COVID-19 (see attached).

The Committee also heard a presentation from staff providing an update on enrolment, class size and reorganization (see attached).

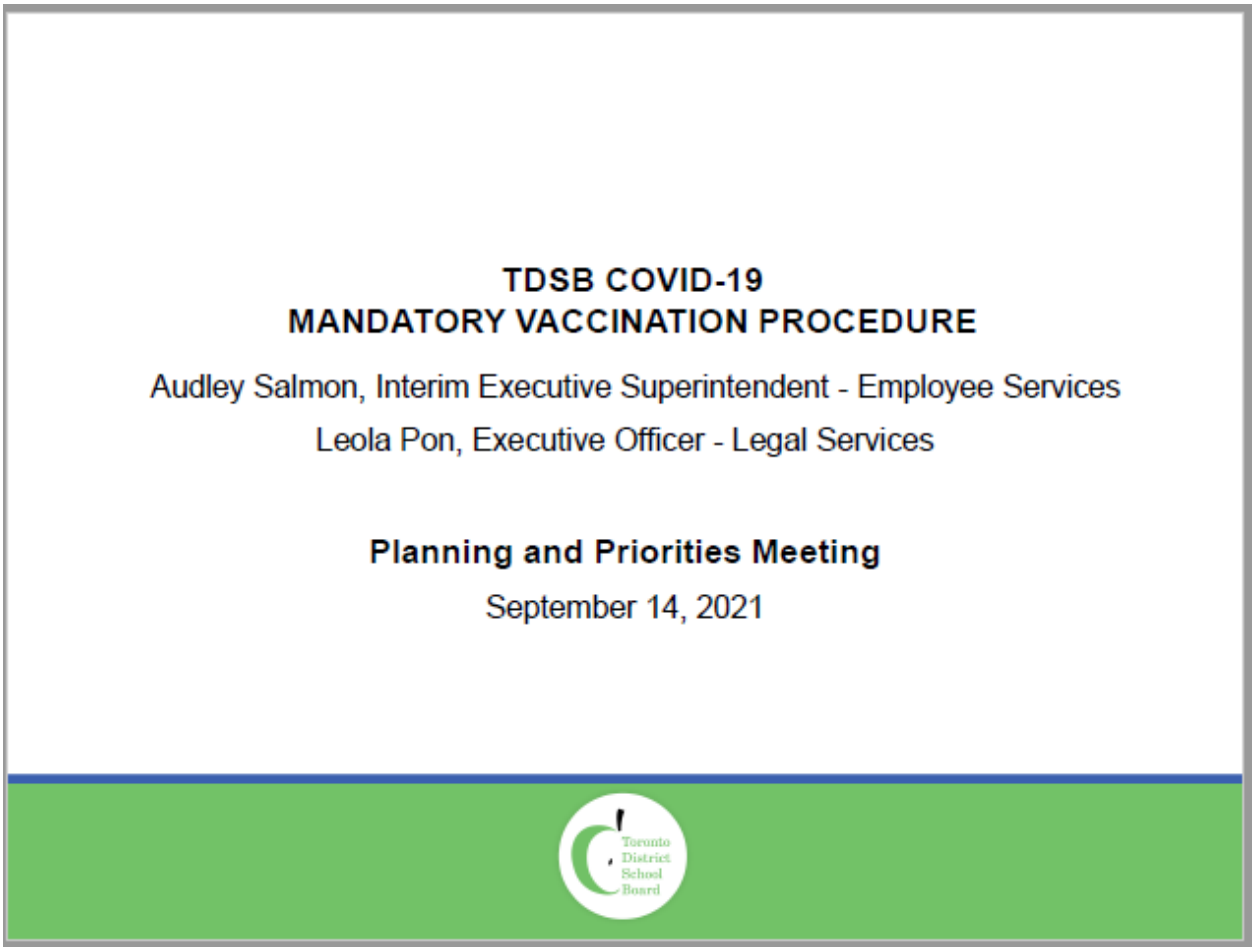
9. Adjournment

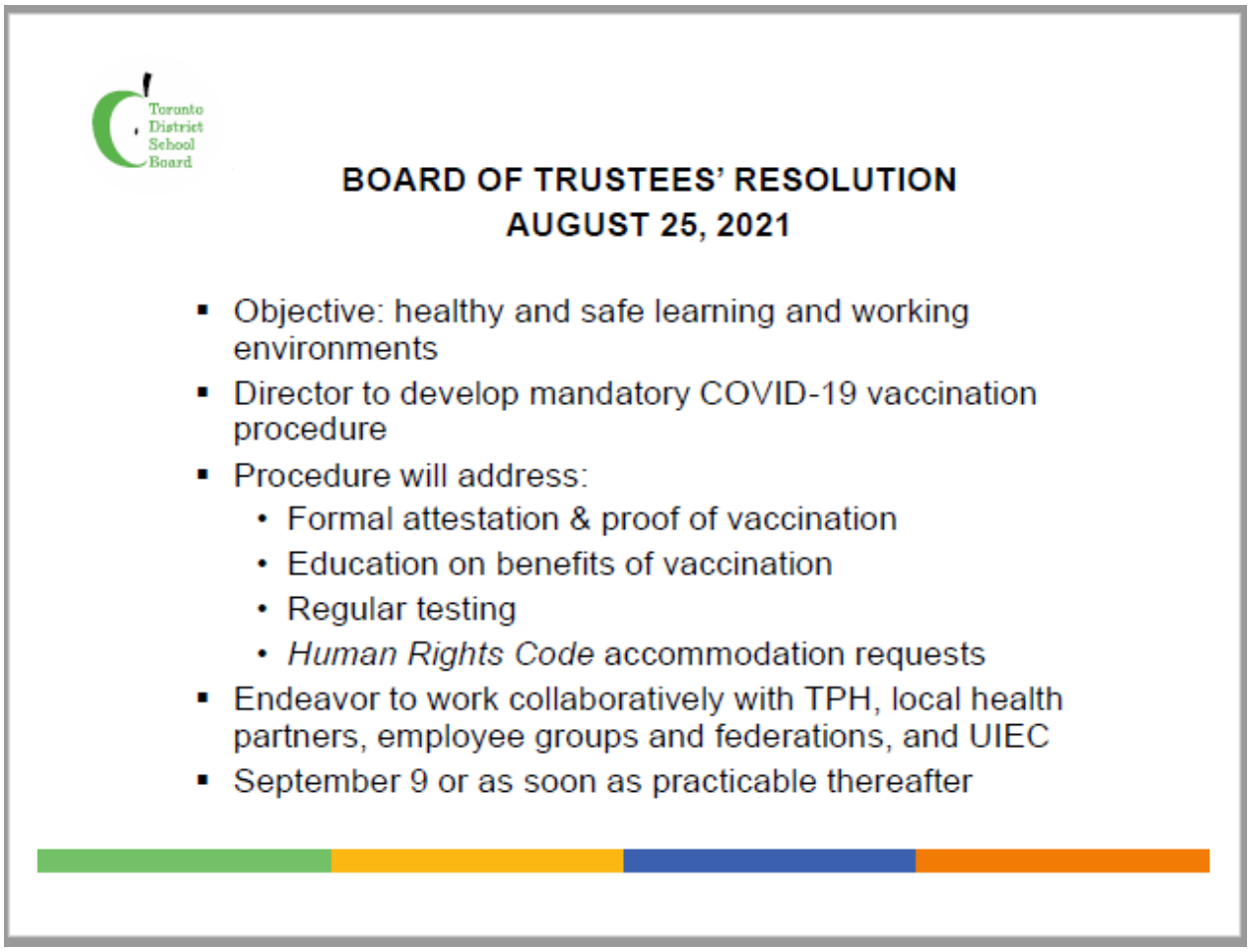
On motion of Trustee Kandavel, seconded by Trustee Laskin, the meeting adjourned at 6:40 p.m.

PART C: Ongoing Matters

No matters to report

Submitted by: Alexander Brown, Committee Chair


TDSB COVID-19
MANDATORY VACCINATION PROCEDURE
Audley Salmon, Interim Executive Superintendent - Employee Services
Leola Pon, Executive Officer - Legal Services
Planning and Priorities Meeting
September 14, 2021
Toronto District School Board

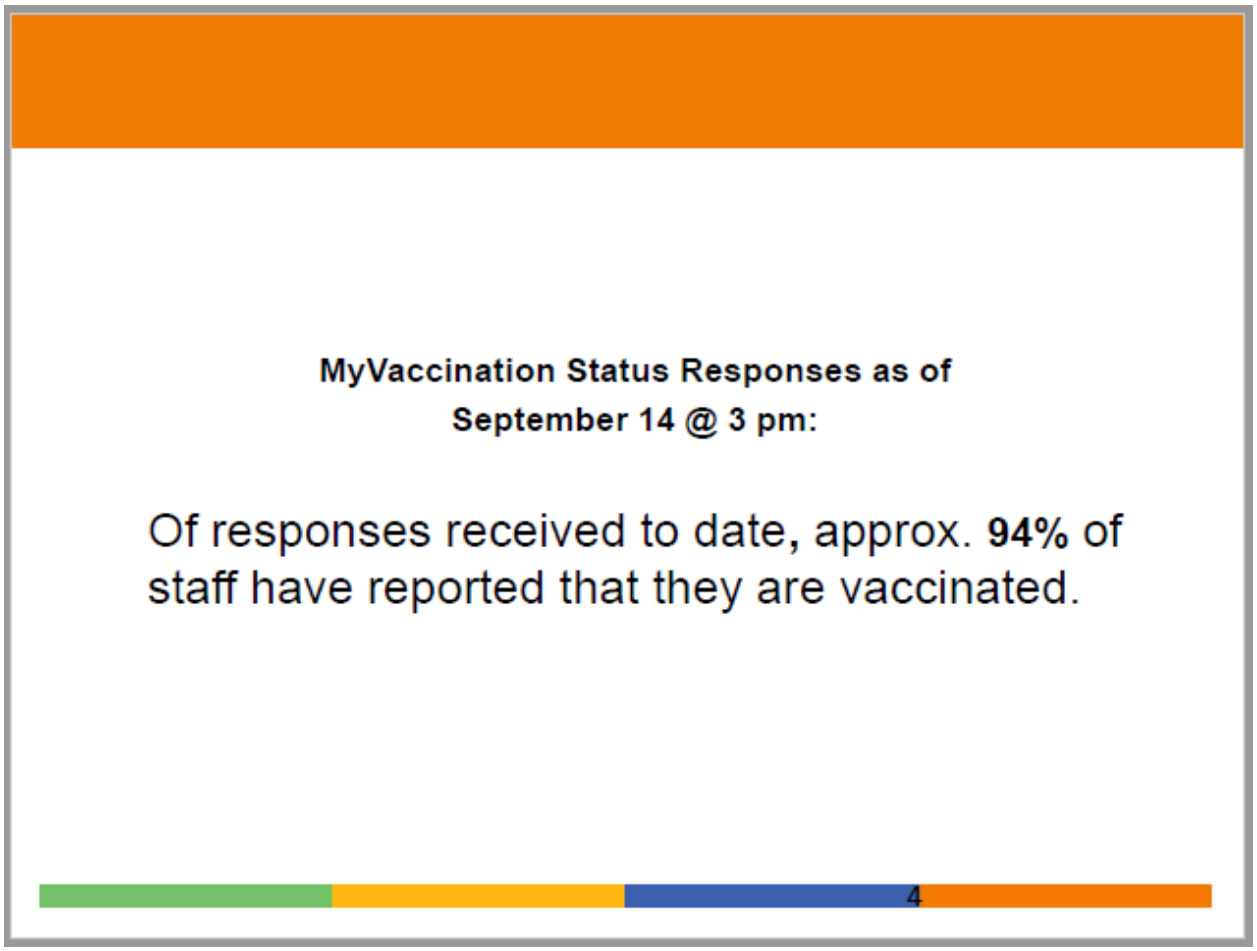

Toronto District School Board
BOARD OF TRUSTEES' RESOLUTION
AUGUST 25, 2021
Objective: healthy and safe learning and working environments
Director to develop mandatory COVID-19 vaccination procedure
Procedure will address:
Formal attestation & proof of vaccination
Education on benefits of vaccination
Regular testing
Human Rights Code accommodation requests
Endeavor to work collaboratively with TPH, local health partners, employee groups and federations, and UIEC
September 9 or as soon as practicable thereafter

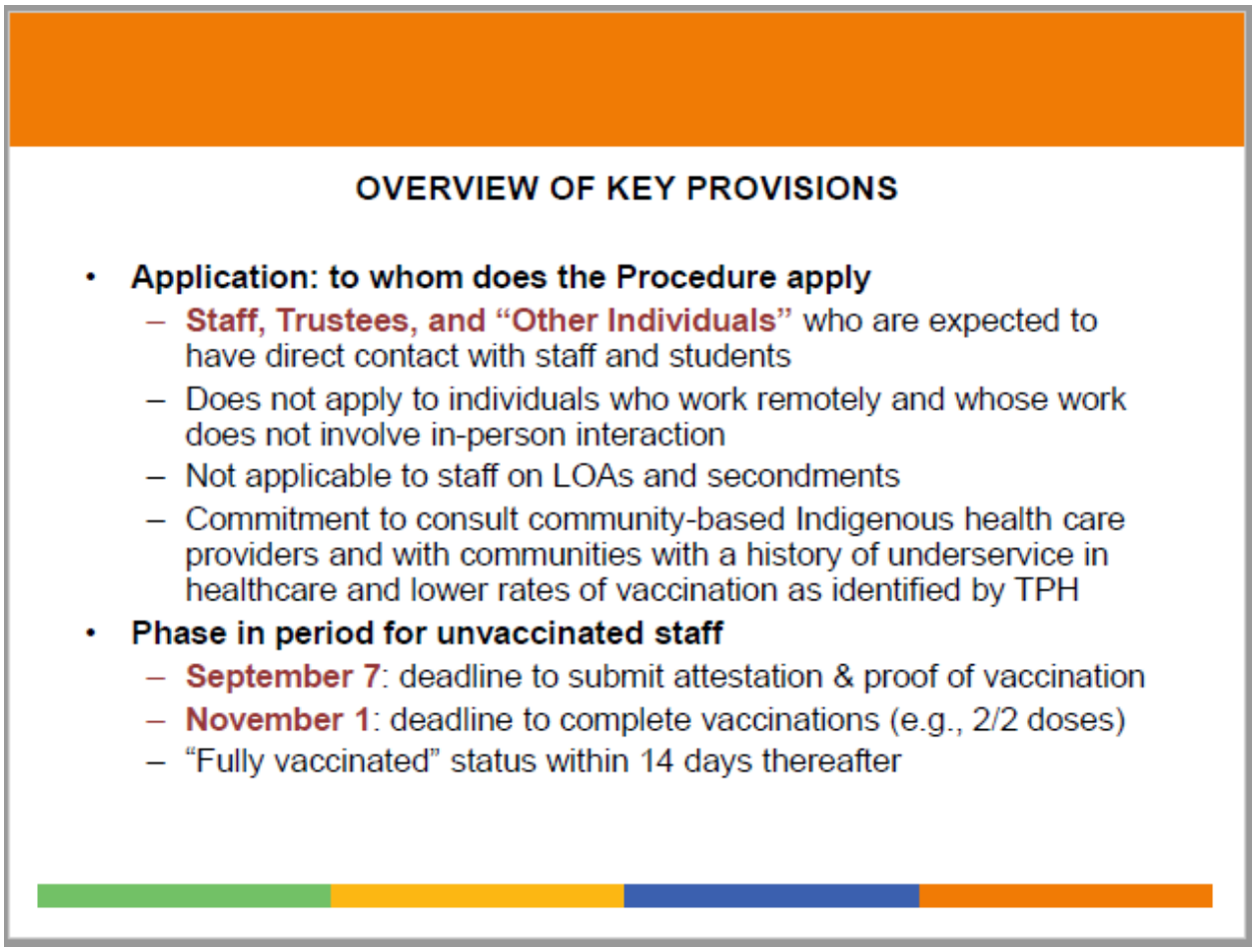
KEY DATES – PROCEDURE DEVELOPMENT

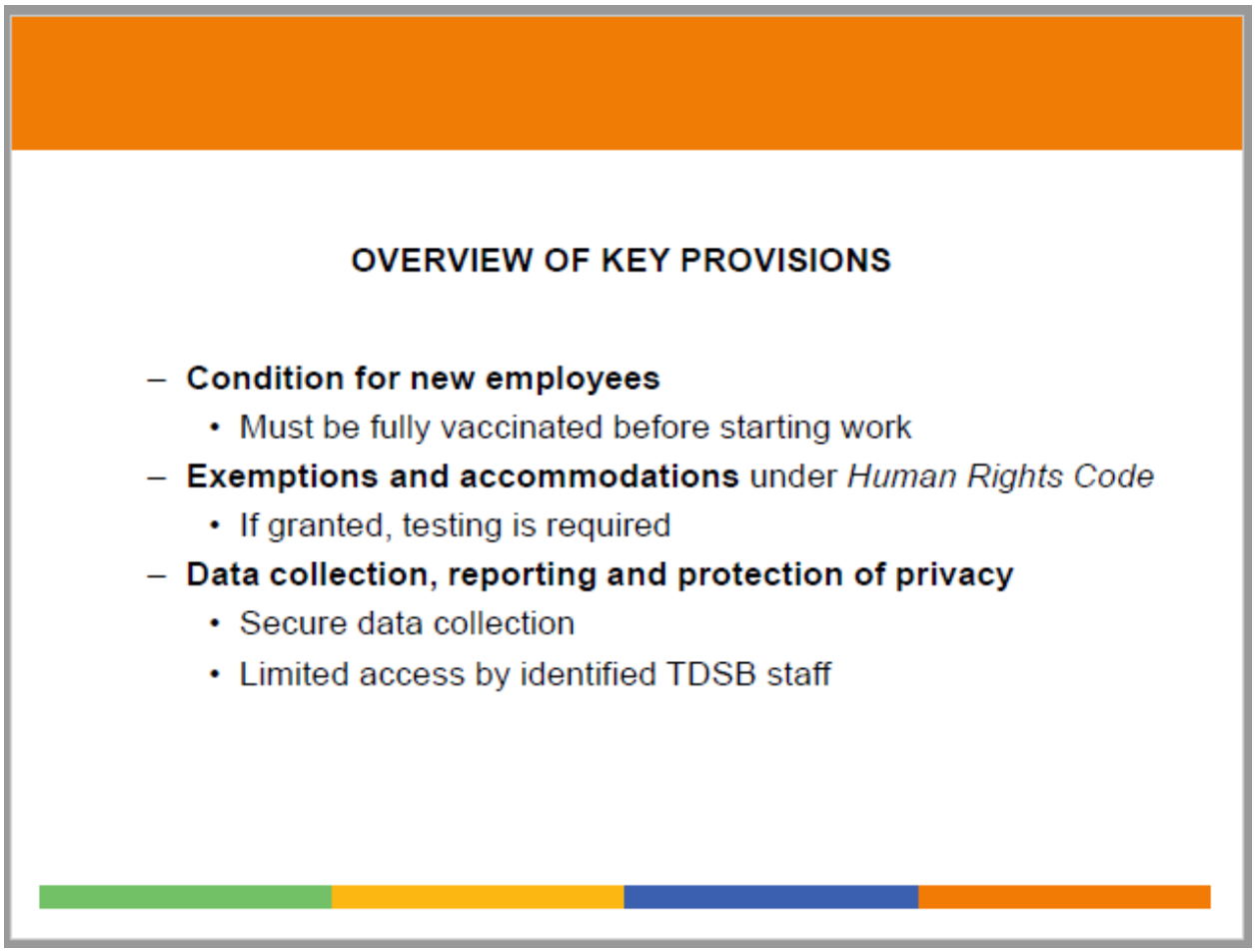
Key Dates	Description
August 25	Board of Trustees' motion re Mandatory Vaccination
September 1	Stakeholder consultation begins
September 7	Chief Medical Officer of Health Instruction under *Reopening Ontario Act* re mandatory vaccination policy
September 8	GPC meeting - Update
September 13	Ministry of Education memorandum on rapid antigen testing
September 14	PPC meeting – Finalized Procedure

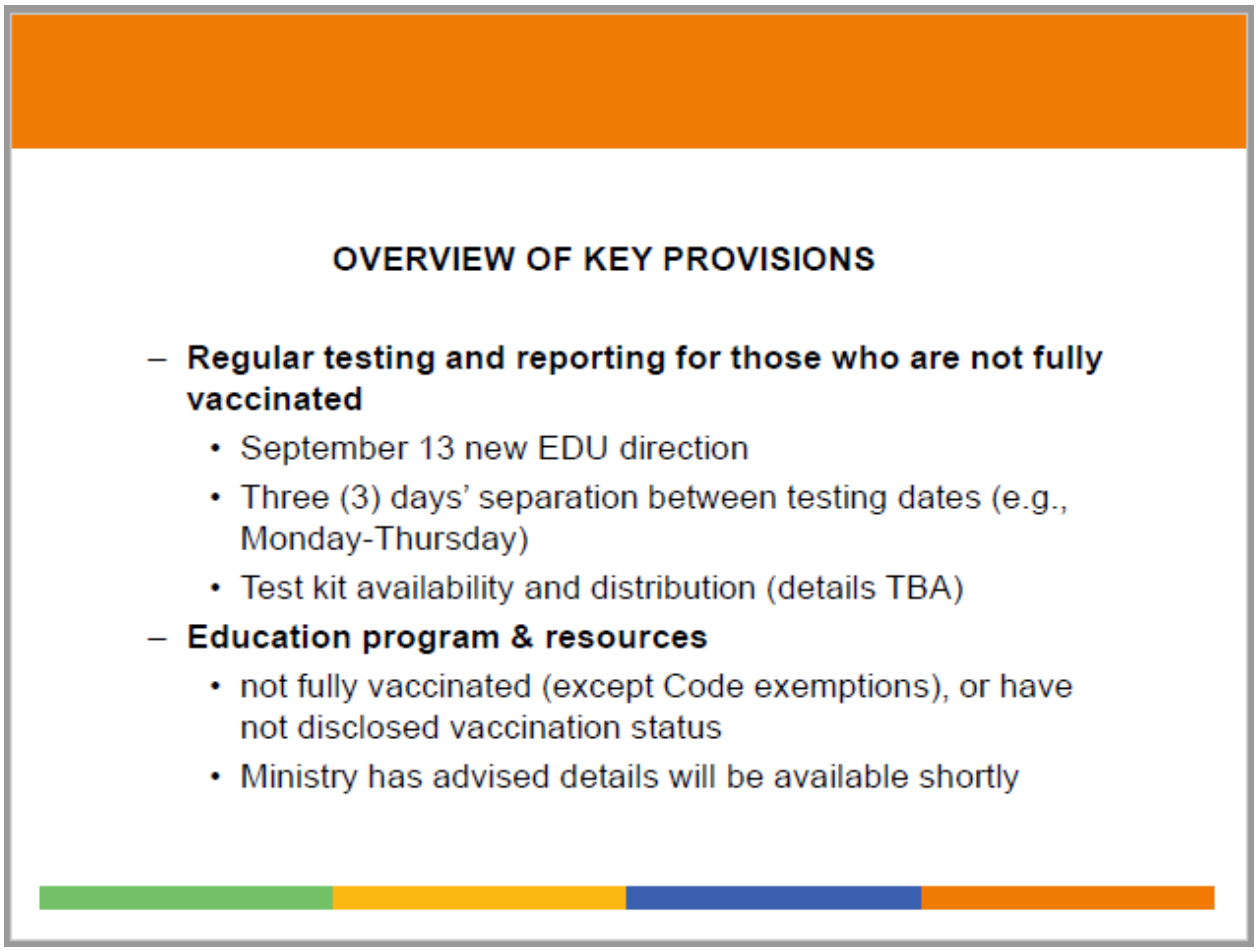
3

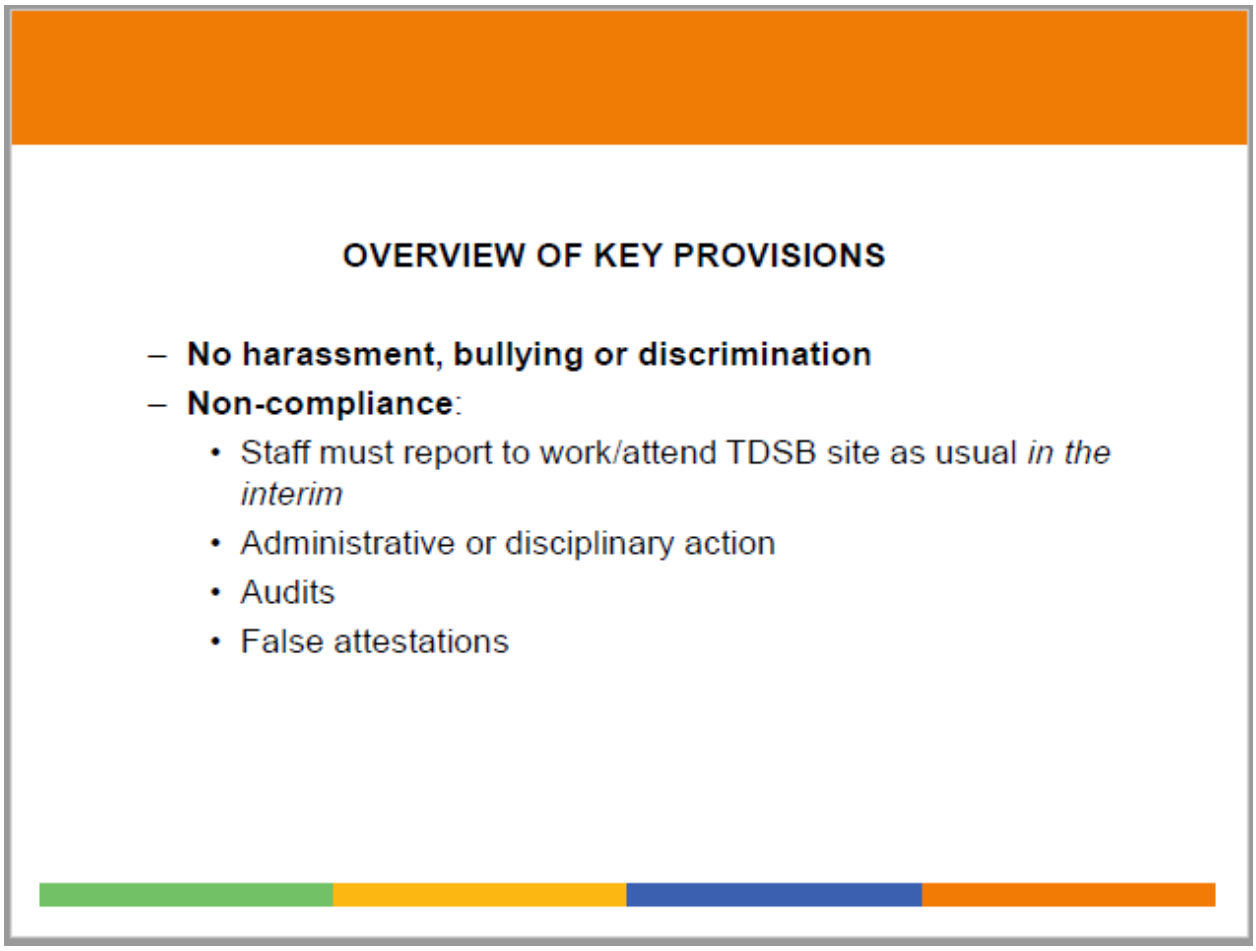
tdsb.on.ca


MyVaccination Status Responses as of
September 14 @ 3 pm:
Of responses received to date, approx. 94% of staff have reported that they are vaccinated.
4


OVERVIEW OF KEY PROVISIONS
• Application: to whom does the Procedure apply
– Staff, Trustees, and "Other Individuals" who are expected to have direct contact with staff and students
– Does not apply to individuals who work remotely and whose work does not involve in-person interaction
– Not applicable to staff on LOAs and secondments
– Commitment to consult community-based Indigenous health care providers and with communities with a history of underservice in healthcare and lower rates of vaccination as identified by TPH
• Phase in period for unvaccinated staff
– September 7: deadline to submit attestation & proof of vaccination
– November 1: deadline to complete vaccinations (e.g., 2/2 doses)
– "Fully vaccinated" status within 14 days thereafter

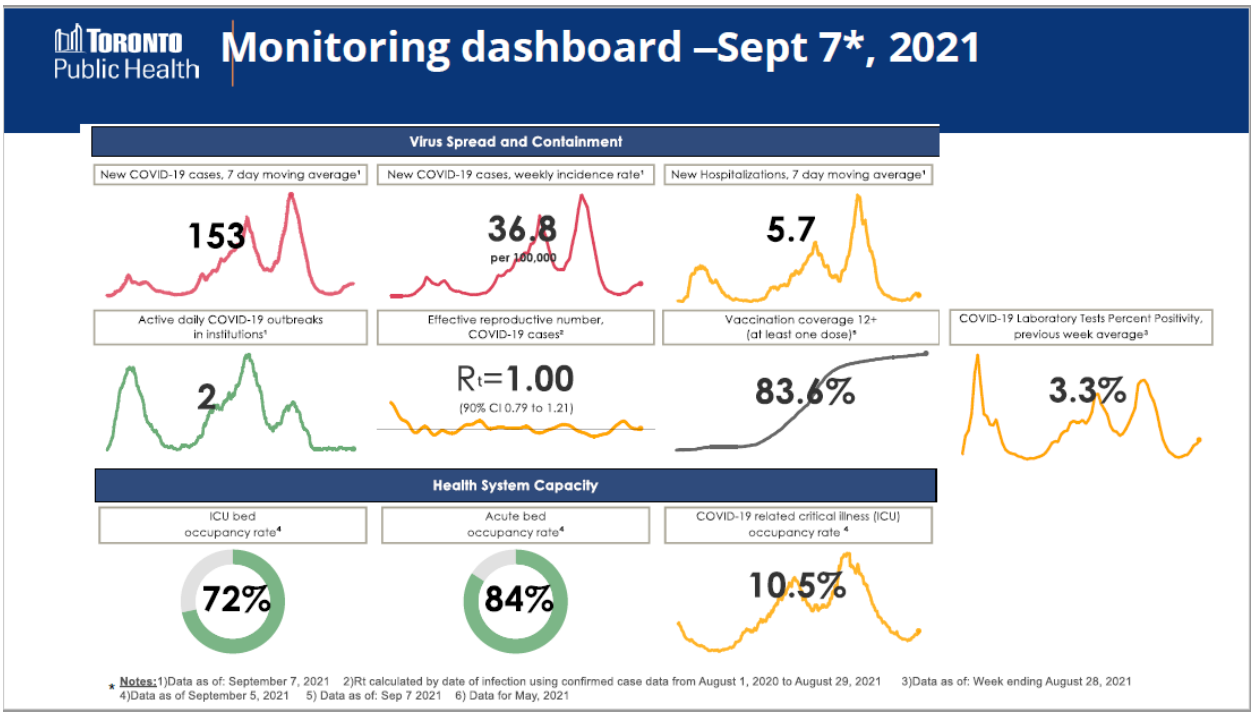

OVERVIEW OF KEY PROVISIONS
– Condition for new employees
• Must be fully vaccinated before starting work
– Exemptions and accommodations under Human Rights Code
• If granted, testing is required
– Data collection, reporting and protection of privacy
• Secure data collection
• Limited access by identified TDSB staff

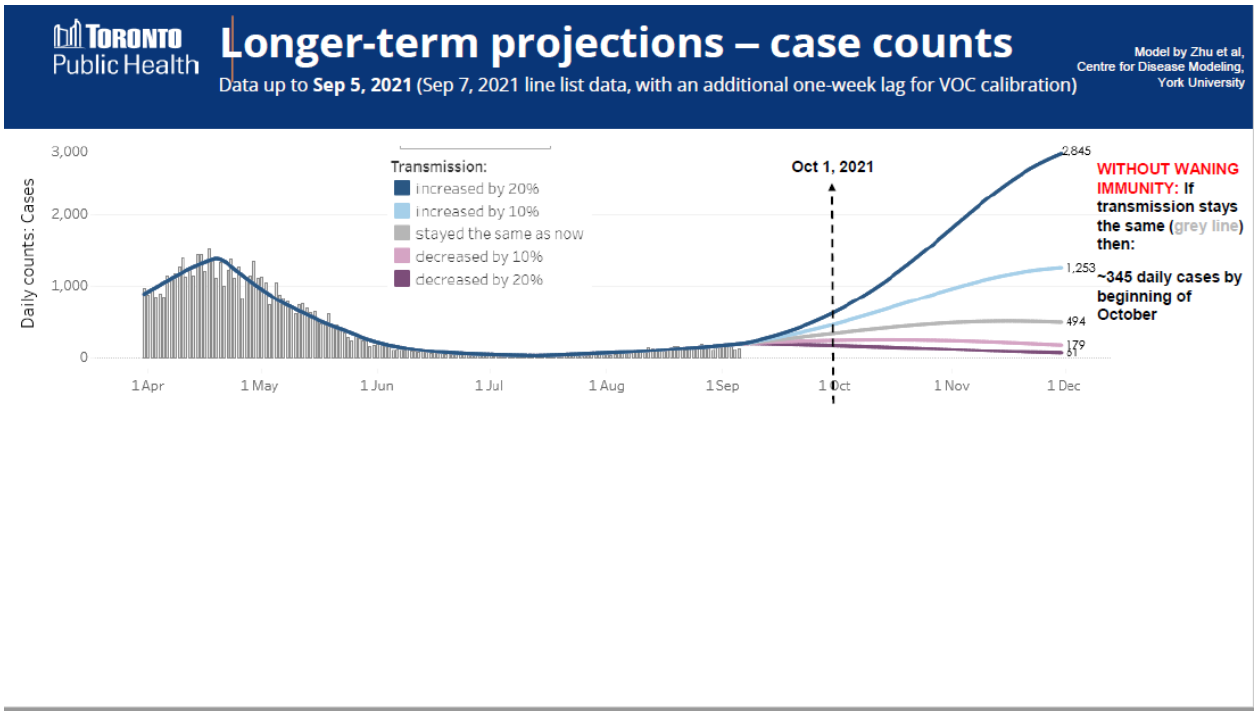

OVERVIEW OF KEY PROVISIONS
– Regular testing and reporting for those who are not fully vaccinated
• September 13 new EDU direction
• Three (3) days' separation between testing dates (e.g., Monday-Thursday)
• Test kit availability and distribution (details TBA)
– Education program & resources
• not fully vaccinated (except Code exemptions), or have not disclosed vaccination status
• Ministry has advised details will be available shortly

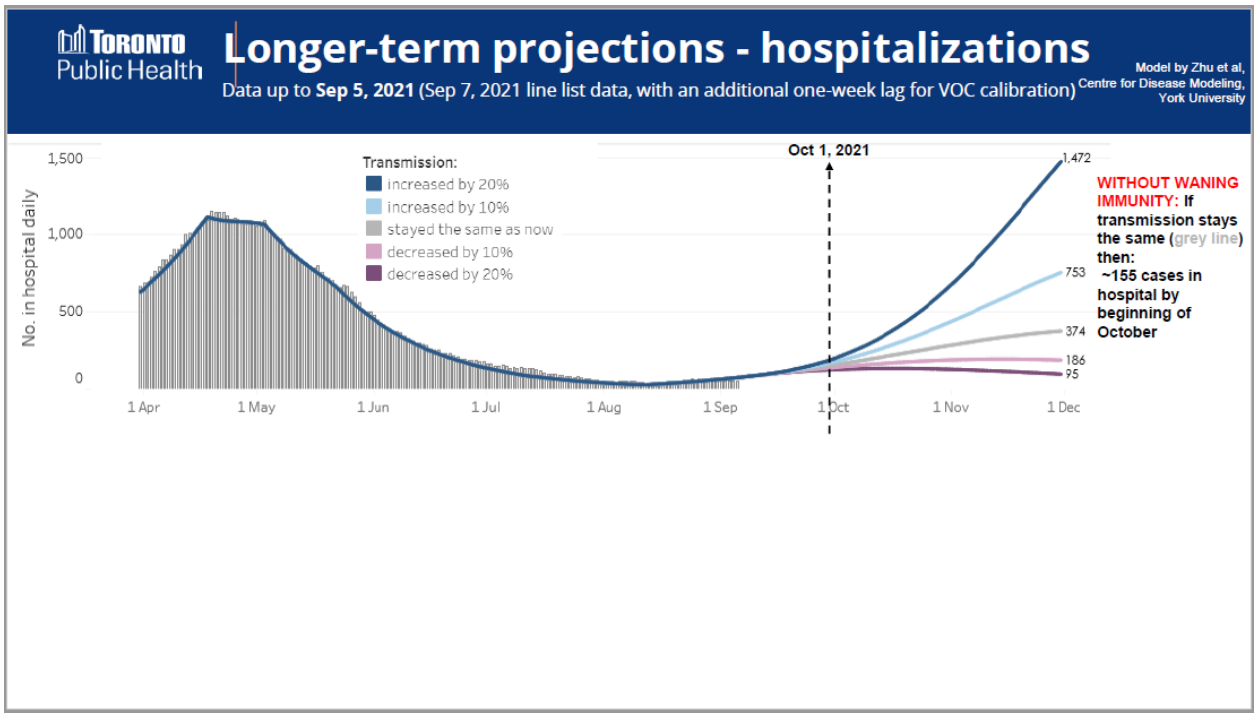

OVERVIEW OF KEY PROVISIONS
– No harassment, bullying or discrimination
– Non-compliance:
• Staff must report to work/attend TDSB site as usual in the interim
• Administrative or disciplinary action
• Audits
• False attestations

Toronto
District
School
Board

Toronto Public Health
COVID-19: Update
To TDSB trustees
September 14, 2021
Dr. Vinita Dubey
Associate Medical Officer of Health (AMOH)
Toronto Public Health
Nicole Welch
Director & Chief Nursing Officer
Toronto Public Health


Toronto Public Health
Monitoring dashboard –Sept 7*, 2021
Virus Spread and Containment
New COVID-19 cases, 7 day moving average¹
153
New COVID-19 cases, weekly incidence rate¹
36.8
per 100,000
New Hospitalizations, 7 day moving average¹
5.7
Active daily COVID-19 outbreaks in institutions¹
2
Effective reproductive number, COVID-19 cases²
Rt=1.00
(90% CI 0.79 to 1.21)
Vaccination coverage 12+ (at least one dose)⁵
83.6%
COVID-19 Laboratory Tests Percent Positivity, previous week average³
3.3%
Health System Capacity
ICU bed occupancy rate⁴
72%
Acute bed occupancy rate⁴
84%
COVID-19 related critical illness (ICU) occupancy rate ⁴
10.5%
* Notes: 1)Data as of: September 7, 2021 2)Rt calculated by date of infection using confirmed case data from August 1, 2020 to August 29, 2021 3)Data as of: Week ending August 28, 2021
4)Data as of September 5, 2021 5) Data as of: Sep 7 2021 6) Data for May, 2021


Toronto Public Health
Longer-term projections – case counts
Data up to Sep 5, 2021 (Sep 7, 2021 line list data, with an additional one-week lag for VOC calibration)
Model by Zhu et al, Centre for Disease Modeling, York University
Daily counts: Cases
3,000
2,000
1,000
0
Transmission:
increased by 20%
increased by 10%
stayed the same as now
decreased by 10%
decreased by 20%
Oct 1, 2021
2,845
1,253
494
179
51
WITHOUT WANING IMMUNITY: If transmission stays the same (grey line) then:
~345 daily cases by beginning of October
1 Apr
1 May
1 Jun
1 Jul
1 Aug
1 Sep
1 Oct
1 Nov
1 Dec


Toronto Public Health
Longer-term projections - hospitalizations
Data up to Sep 5, 2021 (Sep 7, 2021 line list data, with an additional one-week lag for VOC calibration)
Model by Zhu et al, Centre for Disease Modeling, York University
No. in hospital daily
1,500
1,000
500
0
Transmission:
increased by 20%
increased by 10%
stayed the same as now
decreased by 10%
decreased by 20%
Oct 1, 2021
1,472
753
374
186
95
WITHOUT WANING IMMUNITY: If transmission stays the same (grey line) then:
~155 cases in hospital by beginning of October
1 Apr
1 May
1 Jun
1 Jul
1 Aug
1 Sep
1 Oct
1 Nov
1 Dec

Toronto Public Health

School Data-Toronto COVID-19 Data- No outbreaks for 2021-22 School year

Active Outbreaks In Schools in 2021-2022 school year	Cumulative Outbreaks In schools in 2020-21 school year	Total Case Counts In Schools in 2020-21 school year
0	389	1815

- Average Cases per outbreak = 4.7
- Average Outbreak duration= 20.4 days
- For number of cases in schools, please go to the Ministry of Education website
- For Toronto COVID Data, see the TPH website: Status of Cases in Toronto

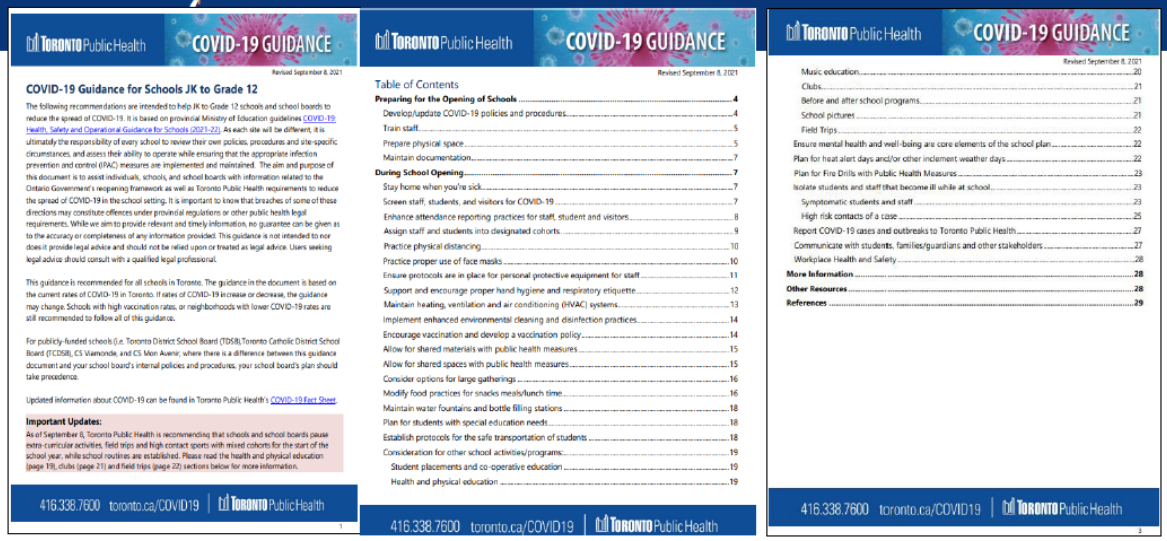
Data as of : Sept 14

Toronto Public Health

School Outbreak definition

- **Outbreak definition in a school:**
  - 2 or more lab-confirmed COVID-19 cases in students and/or staff or other visitors,
    - with an epidemiological link,
    - within a 14-day period,
    - where at least one case could have reasonably acquired their infection in the school, or before/after school program (including transportation, extracurricular).

UPDATED Sept 8 TPH COVID-19 School Guidance

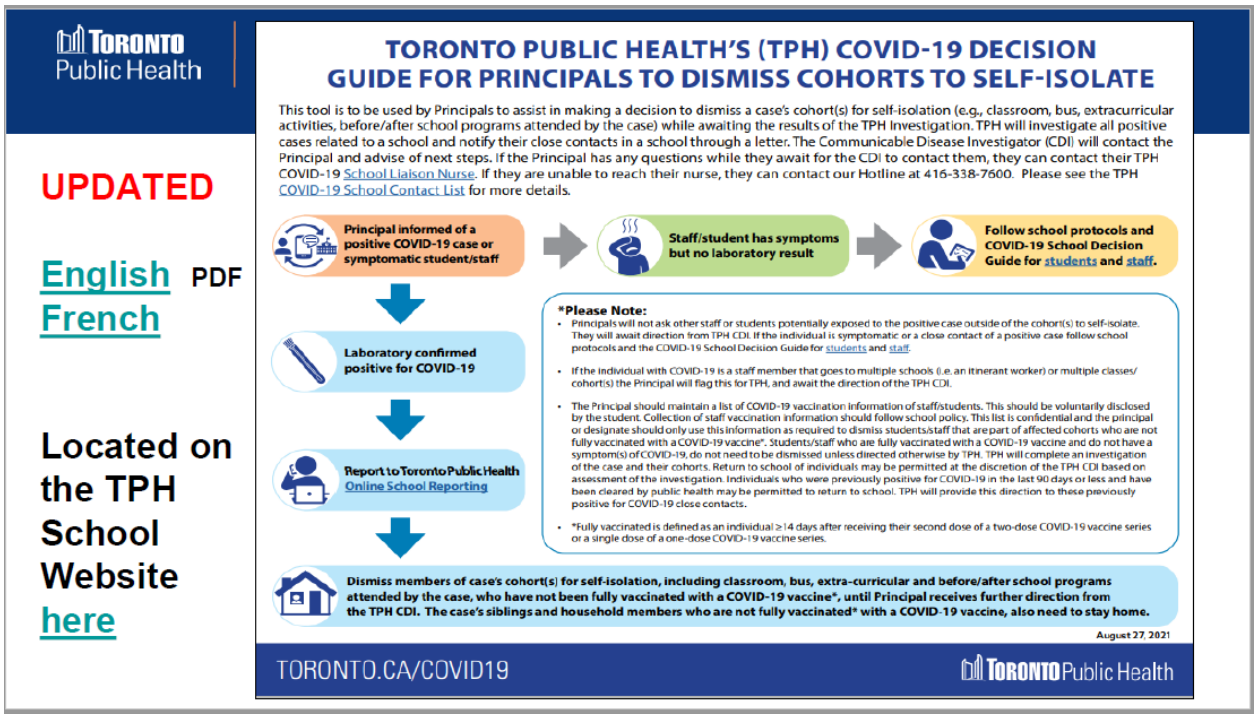


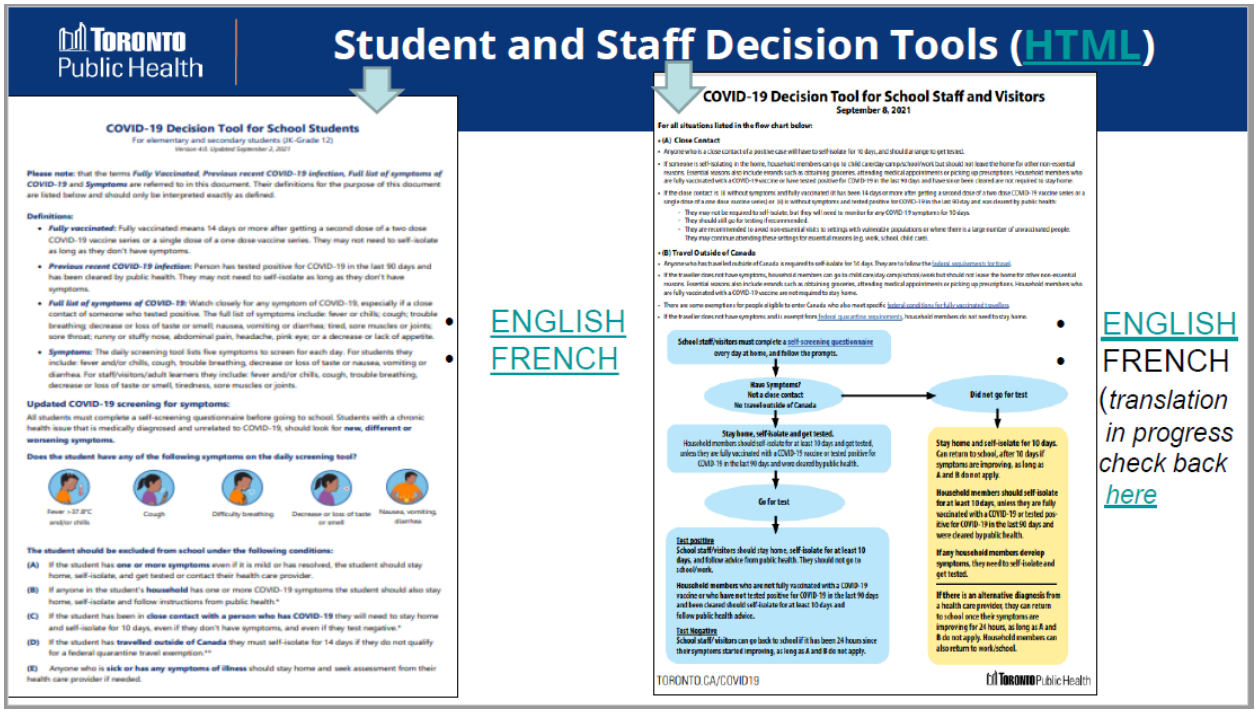
LINK: HTML PDF FRENCH PDF

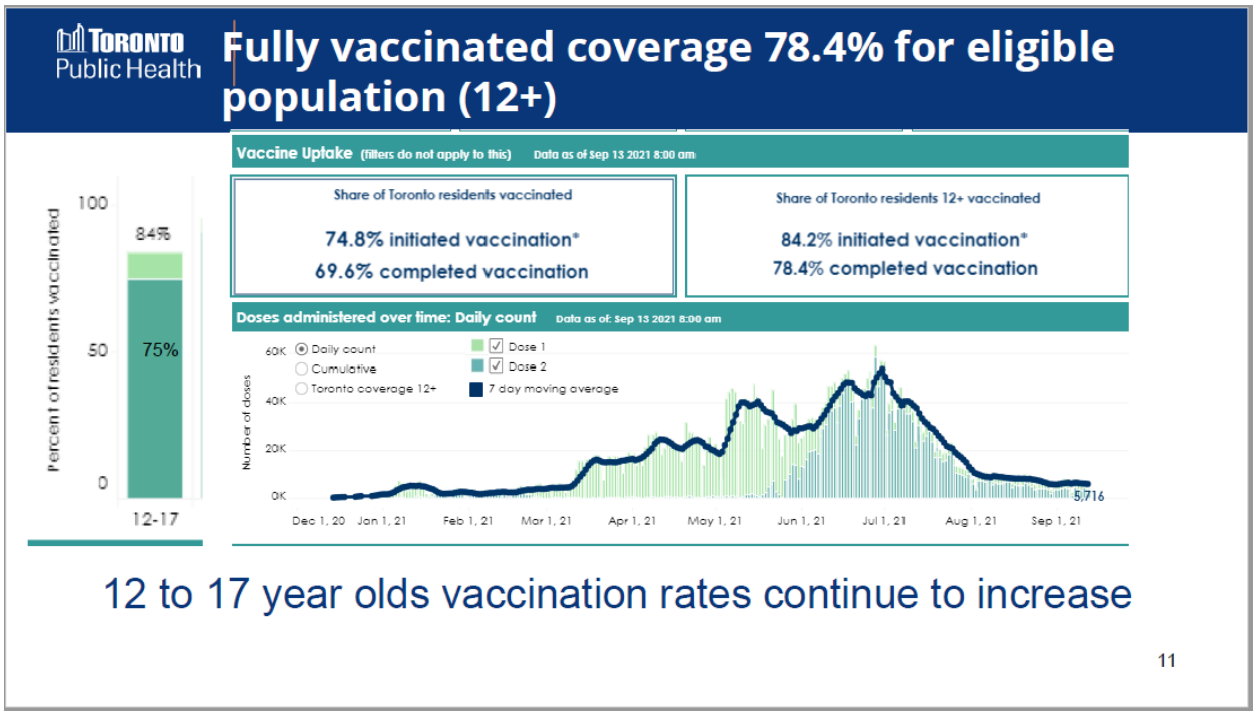
COVID-19 School Guidance Document

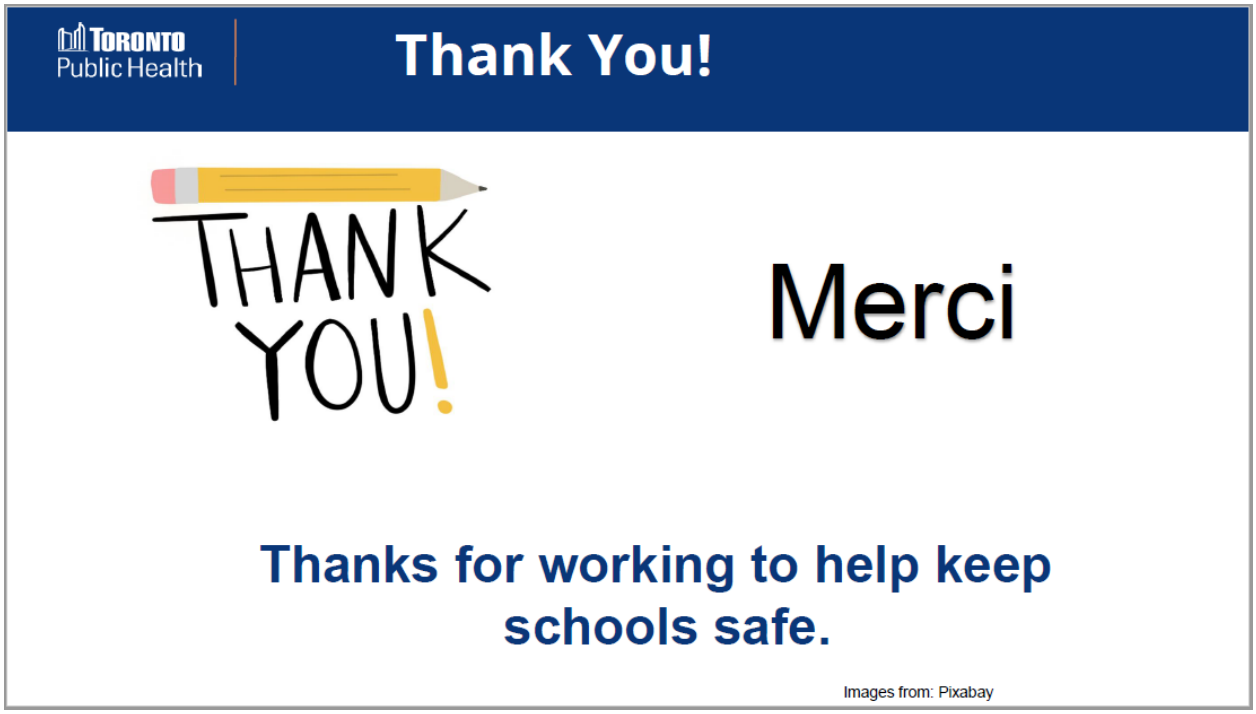
Goal – to preserve the in-school learning environment with as few interruptions as possible

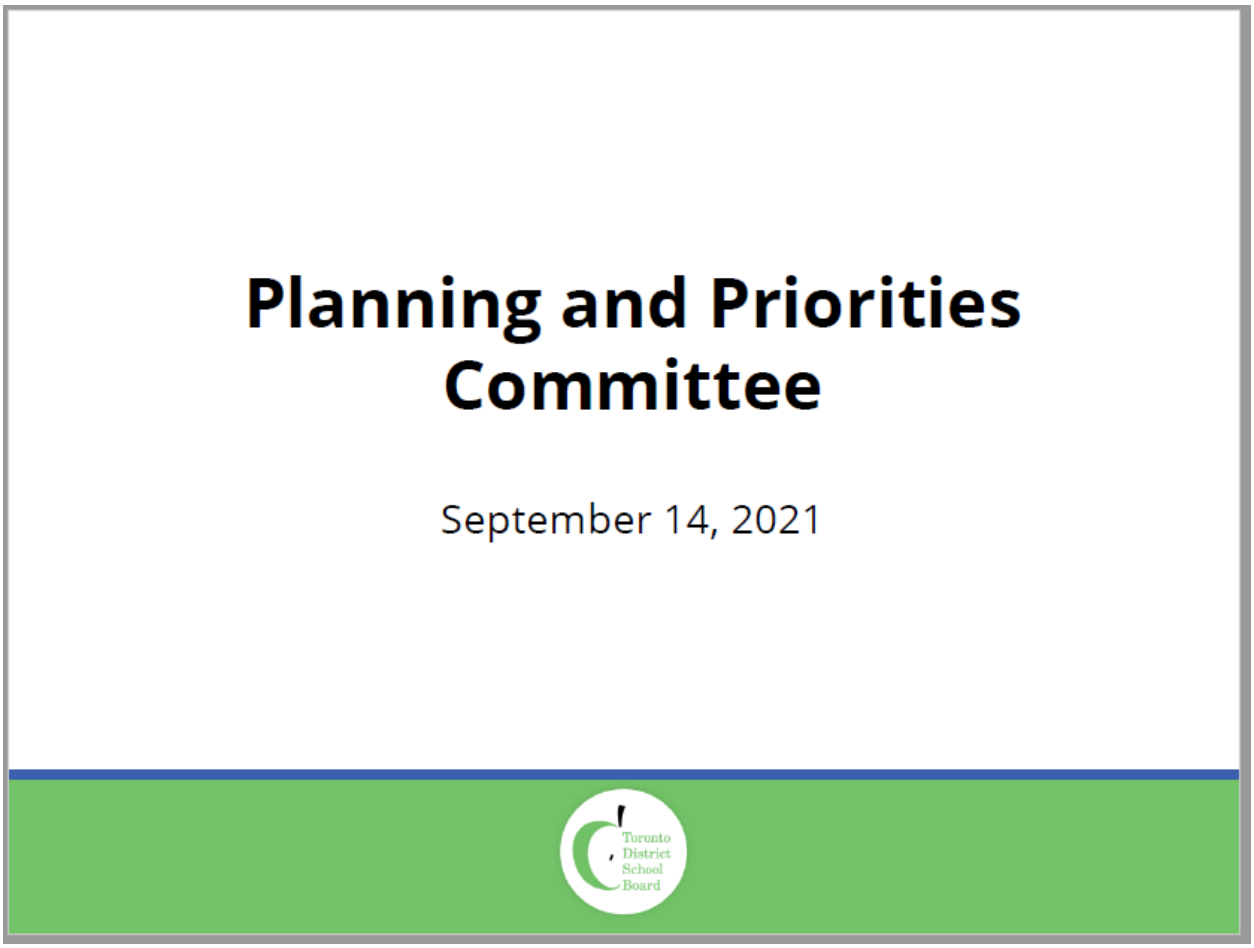
- Based on current local situation TPH recommended gradual reintroduction of extra-curricular activities, field trips and high contact sports with mixed cohorts until school health and safety protocols and procedures are well established and routine, and cohorts are established.
- This interval of gradual reintroduction is important, given that we know the Delta variant is circulating in the community and the Ontario Science Table recently recommended that residents reduce their contacts to limit COVID-19 spread.
- TPH will continue to work with School Board Directors of Education to update the guidance

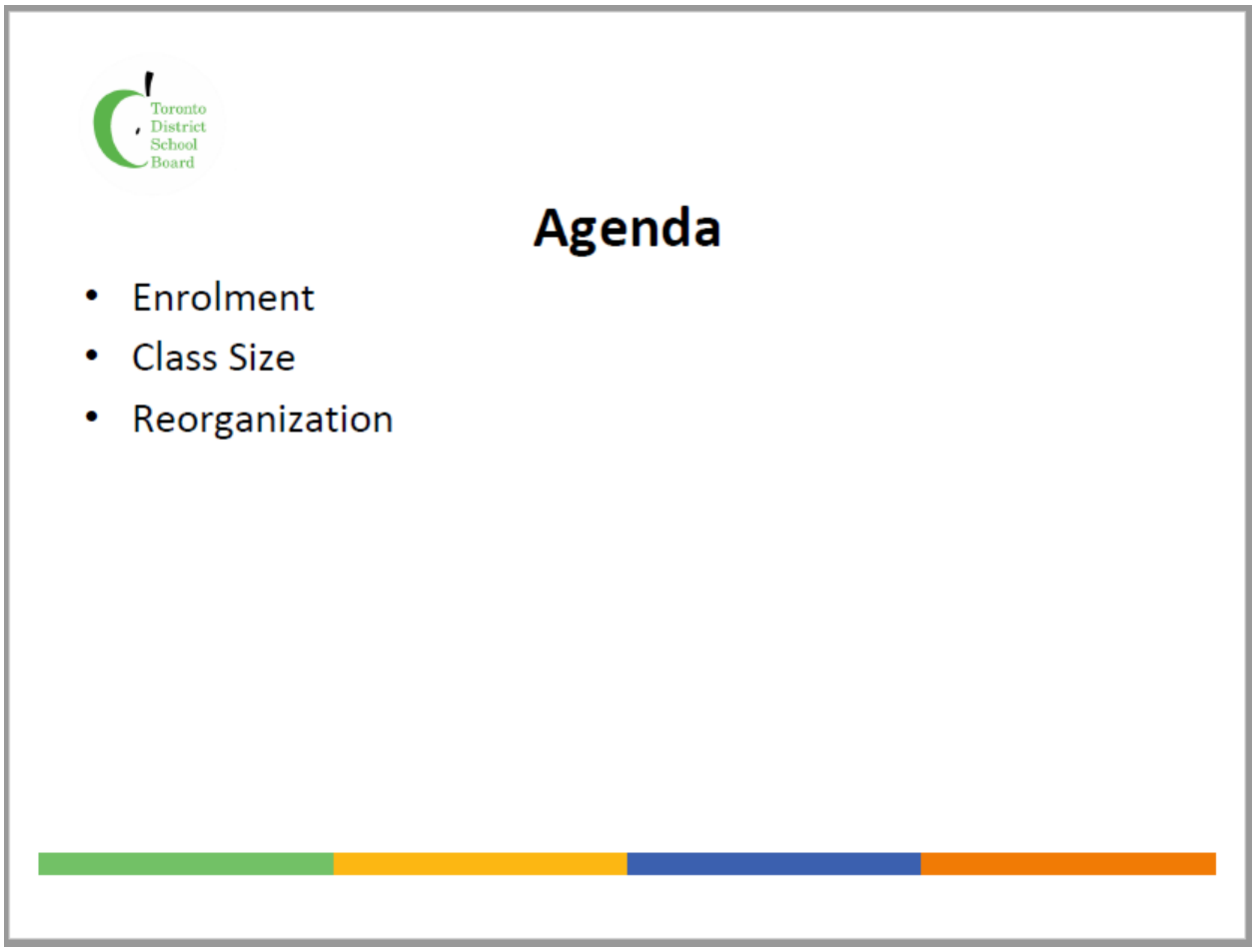

TORONTO Public Health
UPDATED
English PDF
French
Located on the TPH School Website here
TORONTO PUBLIC HEALTH'S (TPH) COVID-19 DECISION GUIDE FOR PRINCIPALS TO DISMISS COHORTS TO SELF-ISOLATE
This tool is to be used by Principals to assist in making a decision to dismiss a case's cohort(s) for self-isolation (e.g., classroom, bus, extracurricular activities, before/after school programs attended by the case) while awaiting the results of the TPH Investigation. TPH will investigate all positive cases related to a school and notify their close contacts in a school through a letter. The Communicable Disease Investigator (CDI) will contact the Principal and advise of next steps. If the Principal has any questions while they await for the CDI to contact them, they can contact their TPH COVID-19 School Liaison Nurse. If they are unable to reach their nurse, they can contact our Hotline at 416-338-7600. Please see the TPH COVID-19 School Contact List for more details.
Principal informed of a positive COVID-19 case or symptomatic student/staff
Staff/student has symptoms but no laboratory result
Follow school protocols and COVID-19 School Decision Guide for students and staff.
Laboratory confirmed positive for COVID-19
Report to Toronto Public Health Online School Reporting
*Please Note:
Principals will not ask other staff or students potentially exposed to the positive case outside of the cohort(s) to self-isolate. They will await direction from TPH CDI. If the individual is symptomatic or a close contact of a positive case follow school protocols and the COVID-19 School Decision Guide for students and staff.
If the individual with COVID-19 is a staff member that goes to multiple schools (i.e. an itinerant worker) or multiple classes/ cohort(s) the Principal will flag this for TPH, and await the direction of the TPH CDI.
The Principal should maintain a list of COVID-19 vaccination information of staff/students. This should be voluntarily disclosed by the student. Collection of staff vaccination information should follow school policy. This list is confidential and the principal or designate should only use this information as required to dismiss students/staff that are part of affected cohorts who are not fully vaccinated with a COVID-19 vaccine*. Students/staff who are fully vaccinated with a COVID-19 vaccine and do not have a symptom(s) of COVID-19, do not need to be dismissed unless directed otherwise by TPH. TPH will complete an investigation of the case and their cohorts. Return to school of individuals may be permitted at the discretion of the TPH CDI based on assessment of the investigation. Individuals who were previously positive for COVID-19 in the last 90 days or less and have been cleared by public health may be permitted to return to school. TPH will provide this direction to these previously positive for COVID-19 close contacts.
*Fully vaccinated is defined as an individual ≥ 14 days after receiving their second dose of a two-dose COVID-19 vaccine series or a single dose of a one-dose COVID-19 vaccine series.
Dismiss members of case's cohort(s) for self-isolation, including classroom, bus, extra-curricular and before/after school programs attended by the case, who have not been fully vaccinated with a COVID-19 vaccine*, until Principal receives further direction from the TPH CDI. The case's siblings and household members who are not fully vaccinated* with a COVID-19 vaccine, also need to stay home.
August 27, 2021
TORONTO.CA/COVID19
TORONTO Public Health

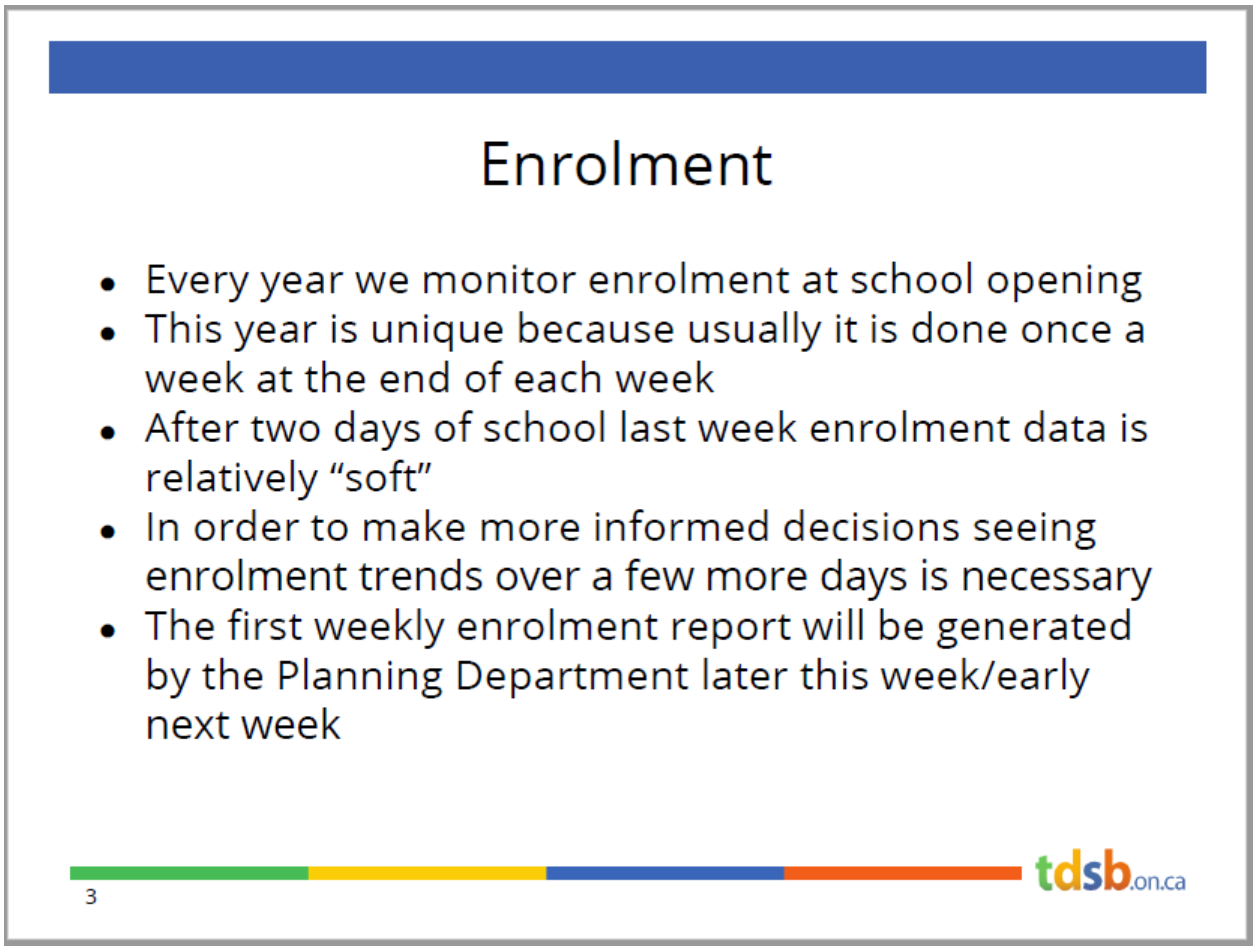

TORONTO Public Health
Student and Staff Decision Tools (HTML)
COVID-19 Decision Tool for School Students
For elementary and secondary students (JK-Grade 12)
ENGLISH
FRENCH
COVID-19 Decision Tool for School Staff and Visitors
September 8, 2021
ENGLISH
FRENCH
(translation in progress check back here)
TORONTO.CA/COVID19
TORONTO Public Health

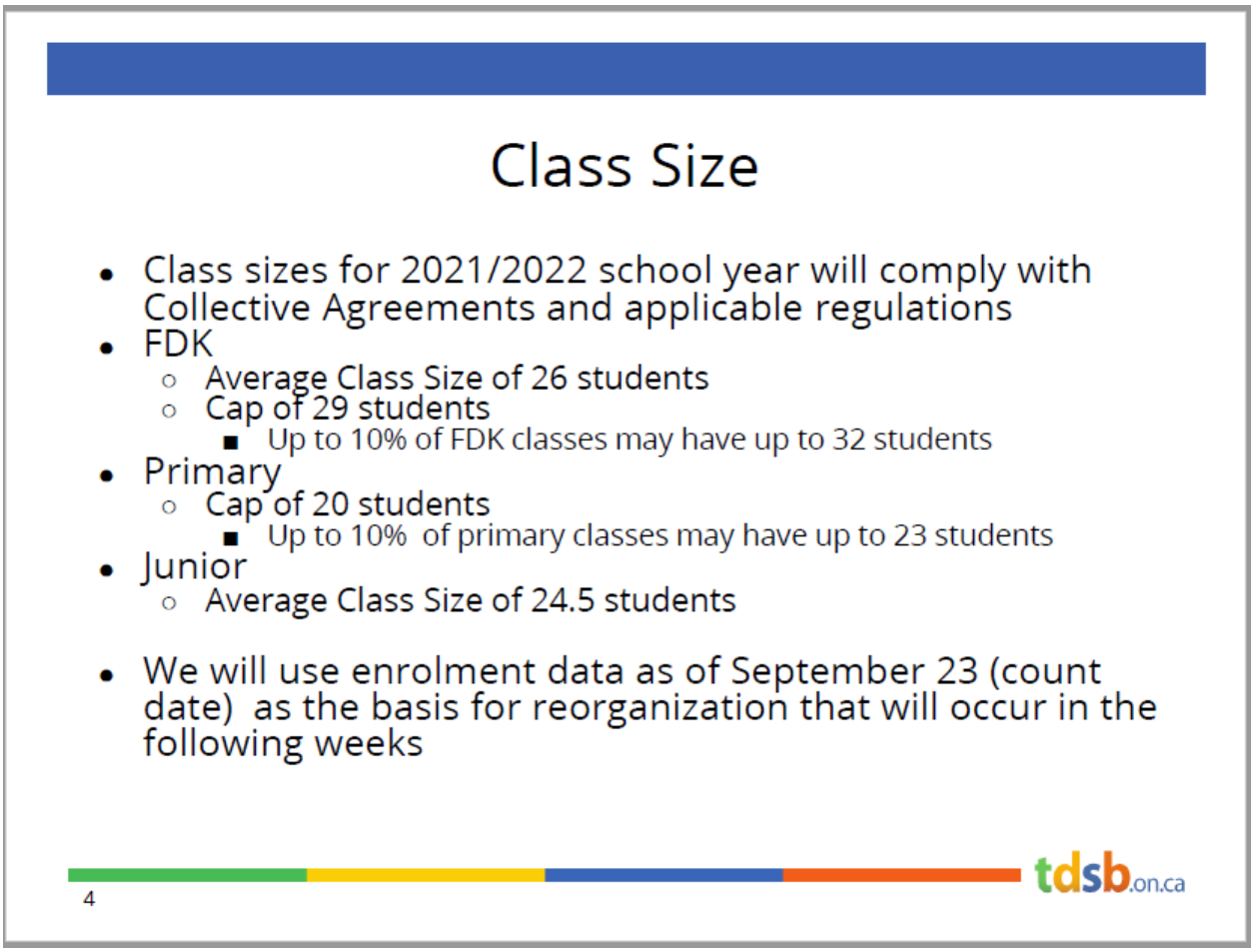

Toronto Public Health
Fully vaccinated coverage 78.4% for eligible population (12+)
Vaccine Uptake (filters do not apply to this) Data as of Sep 13 2021 8:00 am
Share of Toronto residents vaccinated
74.8% initiated vaccination*
69.6% completed vaccination
Share of Toronto residents 12+ vaccinated
84.2% initiated vaccination*
78.4% completed vaccination
Doses administered over time: Daily count Data as of: Sep 13 2021 8:00 am
Percent of residents vaccinated
100
50
0
84%
75%
12-17
Daily count
Cumulative
Toronto coverage 12+
Dose 1
Dose 2
7 day moving average
Number of doses
60K
40K
20K
0K
5,716
Dec 1, 20
Jan 1, 21
Feb 1, 21
Mar 1, 21
Apr 1, 21
May 1, 21
Jun 1, 21
Jul 1, 21
Aug 1, 21
Sep 1, 21
12 to 17 year olds vaccination rates continue to increase
11


Toronto Public Health
Thank You!
THANK YOU!
Merci
Thanks for working to help keep schools safe.
Images from: Pixabay


Planning and Priorities Committee
September 14, 2021
Toronto District School Board


Toronto District School Board
Agenda
• Enrolment
• Class Size
• Reorganization


Enrolment
Every year we monitor enrolment at school opening
This year is unique because usually it is done once a week at the end of each week
After two days of school last week enrolment data is relatively "soft"
In order to make more informed decisions seeing enrolment trends over a few more days is necessary
The first weekly enrolment report will be generated by the Planning Department later this week/early next week
3
tdsb.on.ca


Class Size
Class sizes for 2021/2022 school year will comply with Collective Agreements and applicable regulations
FDK
Average Class Size of 26 students
Cap of 29 students
Up to 10% of FDK classes may have up to 32 students
Primary
Cap of 20 students
Up to 10% of primary classes may have up to 23 students
Junior
Average Class Size of 24.5 students
We will use enrolment data as of September 23 (count date) as the basis for reorganization that will occur in the following weeks
4
tdsb.on.ca

Class Size Data

Count of FDK Classes by Class Size

46 FDK classes greater than 29 students out of 7,020 elementary classes.

Class of 1-9 Students	Class of 10-15 Students	Class of 16-29 Students	Class >29 Students
103	244	969	46

Count of Primary Classes by Class Size

52 Grade 1-3 classes greater than 23 students out of 7,020 elementary classes.

Class of 1-9 Students	Class of 10-20 Students	Class of 21-23 Students	Class >23 Students
84	2,143	397	52

5

tdsb.on.ca

Class Size Data

Count of Grade 4-6 Classes by Class Size

101 Grade 4-6 classes greater than 30 students out of 7,020 elementary classes.

Class =<24 Students	Class of 25-30 Students	Class >30 Students
1068	709	101

Count of Grade 7-8 Classes by Class Size

131 Grade 7-8 classes greater than 30 students out of 7,020 elementary classes.

Class =<24 Students	Class of 25-30 Students	Class >30 Students
459	514	131

6

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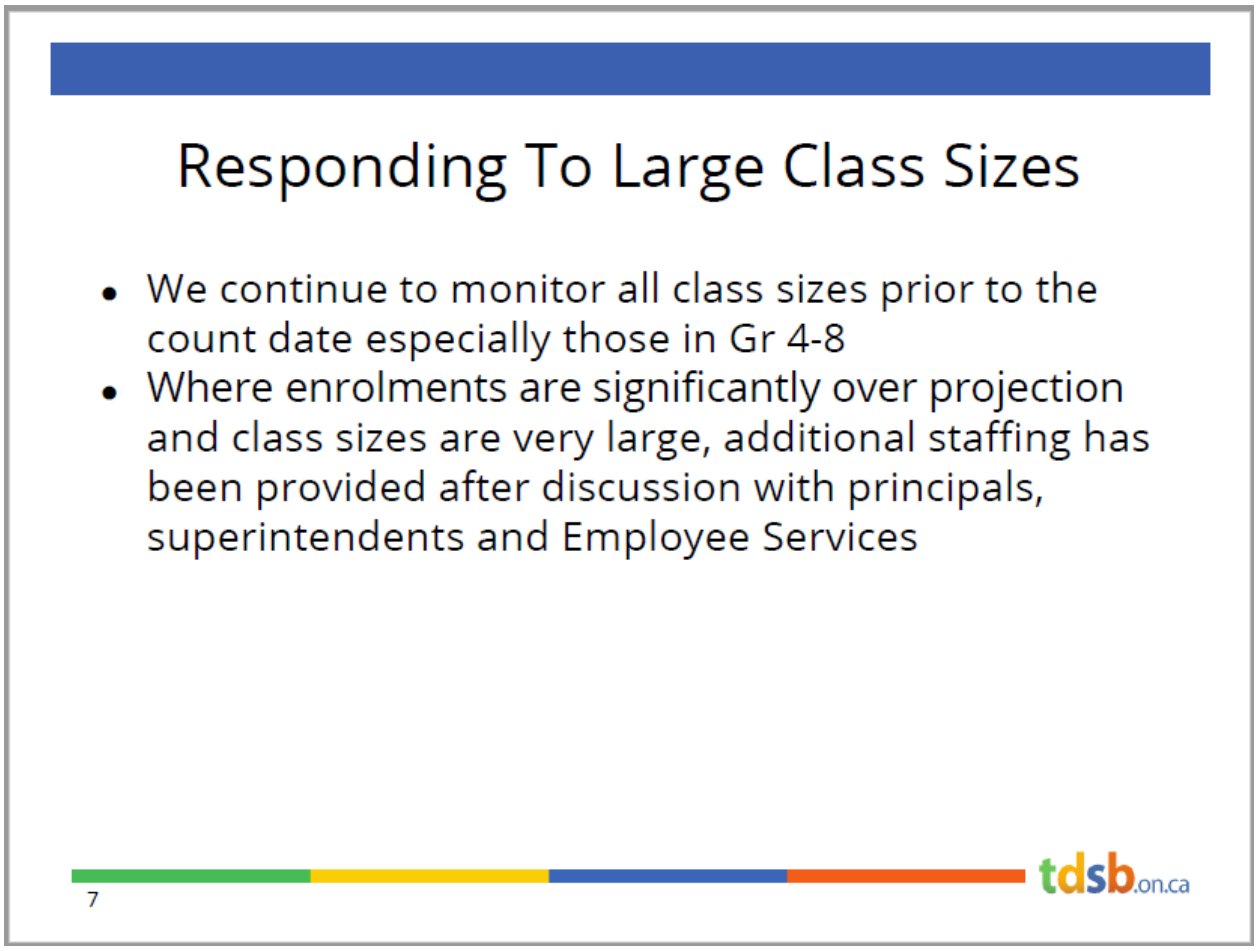
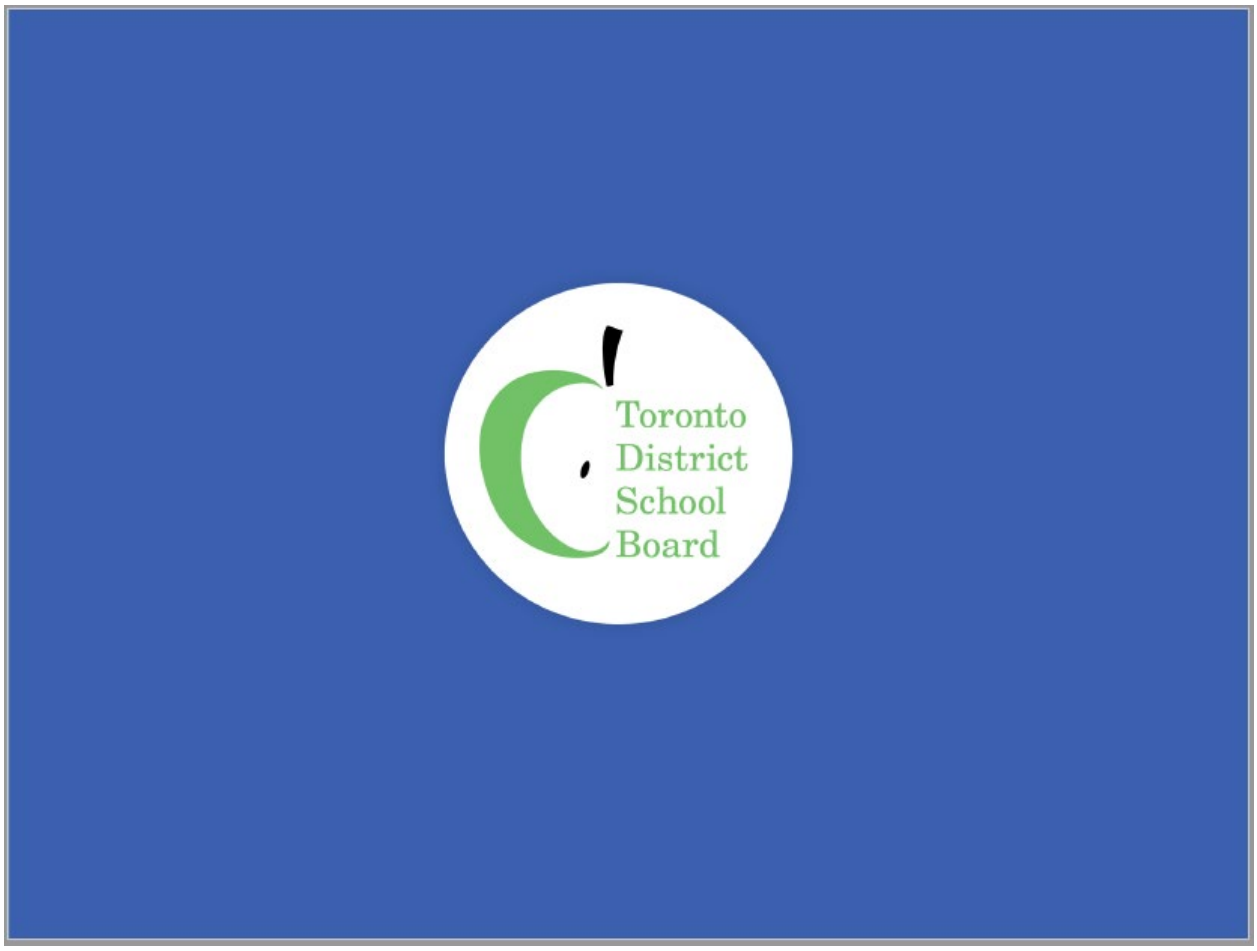

Responding To Large Class Sizes
We continue to monitor all class sizes prior to the count date especially those in Gr 4-8
Where enrolments are significantly over projection and class sizes are very large, additional staffing has been provided after discussion with principals, superintendents and Employee Services
7
tdsb.on.ca


Toronto
District
School
Board