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CHAMBERS

Integrity Commissioner Office
for the Toronto District School Board

MICHAEL L. MAYNARD
Integrity Commissioner
Toronto District School Board
E-mail: integrity@adr.ca

July 4, 2024

SENT VIA EMAIL TO:

Toronto District School Board
5050 Yonge Street, Fifth Floor
Toronto, ON
M2N 5N8

Re: Toronto District School Board Annual Report (File No. IC-30897-0424) for the Operating Period of February 14, 2023 to February 13, 2024

Thank you for the opportunity to act as the Integrity Commissioner (or “IC”) for the Toronto District School Board over the past year. We are providing our Annual Report for the second operating period of February 14, 2023 to February 13, 2024.

The IC’s role is to help Trustees ensure that they are performing their functions in accordance with the School Board Member (Trustee) Code of Conduct (“Code”) and the *Municipal Conflict of Interest Act* (“Act”). The IC is available to educate and provide advice to Trustees on matters governing their ethical behaviour and compliance with the Code and Act, as well as consult with Board staff regarding policies which intersect with the ethical obligations of Trustees. The IC is also responsible for receiving, assessing, and investigating appropriate complaints respecting alleged breaches of the Code by Trustees.

Requests for Advice

Thirteen requests for advice from Trustees were received and responded to in writing during this operating period.

Due to the nature of such requests, the Integrity Commissioner always receives requests for advice in writing. In many cases, he may also have a telephone or videoconference discussion with the Trustee seeking the advice to better understand the nature of the question being asked and to ascertain all relevant facts prior to responding with a letter of advice.

All requests for advice are considered confidential, with the Trustee retaining privilege over the matters raised and advice given. Accordingly, a Trustee may share the advice of the Integrity Commissioner, but the IC is bound to maintain confidentiality unless and until some or all of the advice is shared by the Trustee, or with their written consent – at which point the letter of advice is no longer confidential. While there is nothing in the Education Act or in any Board policies requiring this, it is in keeping with the rules under the Municipal Act concerning requests for advice to Integrity Commissioners from municipal council members and is considered by our office to be a best practice. For reference, the relevant portion of the Municipal Act states, in part, as follows:

Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.

Exception

[...]

(2.1) Advice provided by the Commissioner to a member under paragraph 4, 5 or 6 of subsection 223.3 (1) may be released with the member's written consent.

Partial release by member

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 223.3 (1), the Commissioner may release part or all of the advice without obtaining the member's consent.

Our office appreciates that sometimes requests for advice may be related to urgent matters with very little lead time before the advice is required. We do our best to triage such requests. However, we ask and strongly urge all Trustees to read agenda materials early and thoroughly in order to identify potential issues and make their requests for advice in a timely manner. This will ensure that we have enough time to gather all relevant facts, conduct any necessary research, and respond with the best, most comprehensive advice possible in advance of any meeting(s) or other circumstances for which the advice may be applicable.

Code of Conduct Complaints

Twelve formal complaints were received, processed for investigation, and reported upon or otherwise concluded during this operating period. Five of these complaints were abandoned or withdrawn.

Informal and Formal Complaint Processes

Trustees ought to be aware that the Complaint Protocol provides for two complaints handling processes – an informal procedure and a formal procedure. Under the Informal Complaint Process, complainants may attempt to address their Code of Conduct concerns directly with the respondent Trustee. The Integrity Commissioner may be involved in the informal process, on consent of both parties, by acting as an impartial facilitator or mediator. In this instance, the IC (or delegate) will conduct a mediation either in person, or by telephone or videoconference, and assist the parties to arrive at an early resolution to the issue(s) in question on mutually agreeable terms. The Integrity Commissioner encourages the use of this process as often as possible.

The Formal Complaint Process involves an investigation of the complaint by the IC (or a delegated investigator in our office). A request for a formal inquiry involves specific filing requirements which must be met for the complaint to be processed and accepted for inquiry. A formal inquiry follows the procedural rules set out in the Complaint Protocol which are designed to ensure fairness to both sides. The Integrity Commissioner retains the discretion to vary the procedural rules in order to maintain a fair process – an example of this might be the granting of a reasonable amount of additional time for a party to file submissions or to obtain necessary information.

It is important for Trustees to know that the power to determine a Code breach, as well as any resulting sanction, is one they retain as a self-governing Board. The Integrity Commissioner (or delegate) may present a report outlining an opinion that a Code breach has occurred, but the Board itself will have to consider and decide whether to adopt such a finding. The Board also decides on any sanction or remedial action that may be taken in the case of a Code breach. Available sanctions are set out in the s. 218.3 (3) of the Education Act, which states:

(3) If the board determines under subsection (2) that the member has breached the board's code of conduct, the board may impose one or more of the following sanctions:

1. Censure of the member.
2. Barring the member from attending all or part of a meeting of the board or a meeting of a committee of the board.

3. Barring the member from sitting on one or more committees of the board, for the period of time specified by the board.

Remedial actions, as already noted above, may include something like an apology or some other restorative act.

General Inquiries Received

Thirty-two general inquiries were received during this operating period. Fifteen of these inquiries were determined to be outside the scope of the IC's authority as the IC's jurisdiction is limited to Code complaints against Trustees and does not extend to staff or other members of the school administration. The remaining seventeen inquiries varied in nature, but none resulted in the filing of a formal or informal complaint.

Billing

In accordance with our agreement with the School Board, the billings for the operating period, commencing February 14, 2023 and ending February 13, 2024, totaled \$80,379.73.

Final Comments

It has been a pleasure assisting the TDSB and its Trustees during this operating period. We look forward to continuing to provide the services of Integrity Commissioner to the school board in the forthcoming year.

Yours very truly,



Michael L. Maynard
Office of the Integrity Commissioner

Summary of Billing

Billing for the year to date has totaled **\$80,379.73**, as detailed below.

Invoice Number	Date	Fees	HST	Total
8560	2023-03-09	\$2,190.00	\$284.70	\$2,474.70
8559	2023-03-09	\$1,000.00	\$130.00	\$1,130.00
8610	2023-04-06	\$1,000.00	\$130.00	\$1,130.00
8647	2023-05-09	\$9,337.50	\$1,213.88	\$10,551.38
8646	2023-05-09	\$1,000.00	\$130.00	\$1,130.00
8683	2023-06-08	\$7,205.00	\$936.65	\$8,141.65
8682	2023-06-08	\$1,000.00	\$130.00	\$1,130.00
8718	2023-07-10	\$1,770.00	\$230.10	\$2,000.00
8717	2023-07-10	\$1,000.00	\$130.00	\$1,130.00
8758	2023-08-09	\$475.00	\$61.75	\$536.75
8757	2023-08-09	\$1,000.00	\$130.00	\$1,130.00
8792	2023-09-08	\$1,000.00	\$1,200.55	\$1,130.00
8795	2023-09-08	\$9,235.00	\$366.60	\$10,435.55
8838	2023-10-06	\$2,820.00	\$130.00	\$3,186.60
8837	2023-10-06	\$1,000.00	\$130.00	\$1,130.00
8875	2023-11-09	\$1,000.00	\$130.00	\$1,130.00
8876	2023-11-09	\$9,475.00	\$1,231.75	\$10,706.75
8917	2023-12-11	\$1,000.00	\$130.00	\$1,130.00
8952	2024-01-10	\$1,560.00	\$202.80	\$1,762.80
8951	2024-01-10	\$1,000.00	\$130.00	\$1,130.00
8982	2024-02-09	\$1,000.00	\$130.00	\$1,130.00
8984	2024-02-09	\$15,065.00	\$1,958.45	\$17,023.45
TOTAL		\$71,132.50	\$9,247.23	\$80,379.73