



2018 Annual Report

LEADERSHIP IN EDUCATION:
ENCOURAGING INTEGRITY AND
ACCOUNTABILITY



Office Of the
Integrity Commissioner



Office of the Integrity Commissioner
5050 Yonge Street
Toronto, ON M2N 5N8

DATE: June 14, 2019

TO: Chair Robin ~~Pilkey~~ and Members of Toronto District School Board

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

This Report covers the period April 4, 2018 to April 4, 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "Suzanne Craig".

Suzanne Craig
Integrity Commissioner
Toronto District School Board



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or a New Set of Rules?

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FOREWARD

This Annual Report covers the 2018 reporting year. During this period, there were several events and developments that impacted the activities of this Office. First, this reporting period included the 2018 Ontario municipal elections. In accordance with the Board Member Code of Conduct (the “Code”), no Code complaint was received or investigated after Nomination Day for the municipal election and was held in abeyance until the new Board was deemed organized under section 6 of the Municipal Elections Act. Second, at the municipal council level in Ontario, the Municipal Act that was proclaimed in 2017 through the Modernizing Ontario’s Municipal Legislation Act, came into effect, expanding the role of municipal integrity commissioners to provide advice and receive complaints about compliance with the Municipal Conflict of Interest Act (“MCIA”).

However, this legislative reform did not include changes to the Ontario Education Act. As a result, my role as Integrity Commissioner for the Board was not expanded to include the receipt of complaints about Trustee compliance with the rules of the MCIA. While the governance model that ushered in the Office of the Integrity Commissioner at the TDSB clearly envisioned having the Integrity Commissioner be the ethics advisor for the Board and provide advice to Trustees on their obligations under the MCIA, the Board policy cannot invest enhanced powers in the Integrity Commissioner that are not enshrined in the Education Act.

“
 As a result, my role as Integrity Commissioner was not expanded to include the receipt of complaints about Trustee compliance with the rules of the MCIA.
 ”



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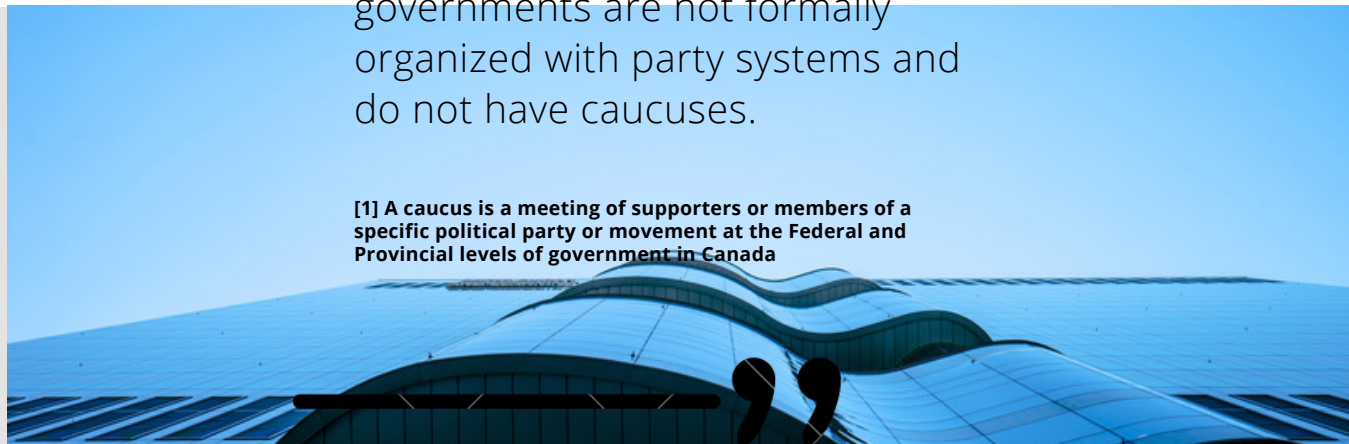
General Elections: Business as Usual or a New Set of Rules?

Elections are a fundamental part of democratic governance. Various iterations of direct democracy are forms of government in which political decisions are made directly by the eligible body of qualified citizens. Elections enable voters to select leaders and hold them accountable for their performance in office. In between the scheduled dates at which times the public gives its ultimate say on how they view the actions of their elected representatives, codes of conduct are intended to hold accountable the elected members of a level of government through the application of rules around ethical conduct.

This is done with a view to politicians carrying out their duties with impartiality and quality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behaviour and conduct. The intent of elections, when the electoral process is competitive, is to enable candidates or parties to expose their records and future intentions to popular scrutiny and to provide fora for the discussion of public issues and facilitate the expression of public opinion. In respect of election-related activities, in this reporting year, my Office received questions such as whether attending political fundraisers and including pictures and links in Trustee newsletters are permitted activities under the Code. The unique organizational structure of municipal government does not always create clear lines to demarcate what is a permissible activity under the Code. There are anomalies at the municipal level of government, which are often manifested in uncertainty for Board Trustees regarding actions that constitute election-related activities prohibited by the Code and activities that are a part of the official duties of a Board Trustee. Most notable, municipal governments are not formally organized with party systems and do not have caucuses.

“ Most notable, municipal governments are not formally organized with party systems and do not have caucuses.

[1] A caucus is a meeting of supporters or members of a specific political party or movement at the Federal and Provincial levels of government in Canada



1.1

Generally, for MPPs, certain activities are organized and paid for by caucus funds. This is not the case for municipal elected officials, who may have a particular party affiliation but are not allowed to self-identify with any one political party, in the exercise of their official duties. Federal and Provincial elected officials are officially elected along party lines. Municipal politicians are not. My Office received several queries from the public regarding whether City councillors and/or Provincial politicians' endorsement of a Trustee's election campaign was a permitted activity. I referred all questions regarding provincial elected officials to the Office of the Integrity Commissioner of Ontario and invited individuals who had concerns regarding actions of City councillors to contact the Integrity Commissioner of the City of Toronto who has jurisdiction in respect of City councillor's actions under the City of Toronto Council Code of Conduct.

During this reporting year, there were two significant elections: the Ontario Provincial Election was held on June 7, 2018 and the Ontario Municipal Election (which included the general election for officials for municipalities, regions and school boards) was held on October 22, 2018. With the increasing presence of social media in government communications, new situations have arisen that require careful attention in respect of ethics and accountability rules and beyond. From a Code perspective, the presence of two general elections during this reporting year, underscored the importance of recognizing that while Members of municipal Council are political representatives, they are also private citizens. Accordingly, in response to questions about what Trustee actions are governed by Code rules, I clarified that Trustees may, in their capacity as private citizens, choose to belong to and endorse political parties. However, in their official capacity no Trustee can use Board facilities or other resources, including websites, for activities other than the business of the TDSB.



1.1

In addition, concerns were raised by the public about Trustees' use of newsletters during an election period. In response to concerns raised with my Office, I explained that the Code prohibits a Trustee from using Board resources, including newsletters, social media sites and contact information obtained as a result of the Board member's performance of their duties, for any election campaign or campaign-related activities. As Integrity Commissioner, I had several opportunities to remind Trustees that they are required to clarify when they are speaking as a private individual endorsing political positions, and when they are representing the Board so as not to be seen as using their office to endorse political candidates for election. Campaign funding, attending fundraising events and the use of Board resources stood out as issues most relevant to Board members who sought clarification and direction from my Office. Some of these questions fell within my jurisdiction as Integrity Commissioner and touched on the application and enforcement of Code rules. Other questions were outside of my jurisdiction to receive or investigate and underscored the existence of a governance gap, insofar as individuals who brought forward legitimate matters of concern did not have a department with jurisdictional authority to investigate these complaints. As the ethics officer at the Board, while I am not authorized to receive matters not falling within the jurisdictional parameters of the Code, in the exercise of my reporting function to the Board, I am nonetheless required to advise on all activities of my Office, including matters for which I am not statutorily authorized to receive or investigate.

Finally, in discussions with staff of Governance and Board Services, I also recommended that the updated PR533 include clarification on the cut-off date in an election year for the distribution of office expense account-funded newsletters as well as clear guidance on Trustee visits to schools so that Trustees could continue to serve out their term in fulfillment of their elected official duties, while ensuring compliance with Code rules. I urged the Board to clarify the rules regarding restrictions for Community Advisory Committee members and institute a ban on using their positions to endorse candidates in elections.



a) TDSB Complaint Investigation Report #0618

In July 2018, I received a Code complaint alleging that a Trustee’s use of the email address of a Board constituent to communicate City of Toronto campaign matters, was a breach of the Code. At issue in the Complaint was whether a Board Trustee’s use of a resident’s email address for municipal election purposes was permitted by the Code. Rules 6.4 and 6.5 of the Code are in place to ensure that Board Trustees do not use any resources of, or information obtained by virtue of being an elected official of the TDSB in a way that is not consistent with their duties as a Trustee. The section of the Code entitled Election Campaign Work, is in place to establish a clear prohibition for the use of Board resources by Trustees during election campaigns. These rules underscore the commitment to treat the public with respect, including the protection of personal information of individuals and refraining from disclosure of such information without the expressed consent of the individual who has provided the information to the Trustee.

Trustees, including those intending to move on to another level of government, until such time as their mandate expires, must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community as a whole. In the Code Investigation Report, I acknowledged that the Code rules are not in place to impede a Trustee from communicating with the public. However, the unique opportunity provided to Trustees to obtain email addresses from individuals in the exercise of their official duties, affords them broad access to personal information that should only be used for the purpose for which it was gathered.

Trustees, including those intending to move on to another level of government, until such time as their mandate expires, must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community as a whole.



The complaint raised the issue that when the Integrity Commissioner receives a complaint in a year in which a regular election is held, the matter is suspended to ensure the integrity of the democratic process of the election. In fact, Rule 6.2(a) of the Code Complaint Protocol states that the Integrity Commissioner cannot receive a complaint on or after Nomination Day in an election year and any open complaint investigation shall be suspended. The Complaint investigation was held in abeyance as of July 27, 2018 and recommenced after the October 22nd municipal election.

In the Report, I stated that it was not reasonable for an individual sending an email communication to a Trustee in respect of a service of the TDSB, to expect to receive an email from an agent of the Board for a purpose unrelated to the subject of the original email. I relied on the comments of the Office of the Information and Privacy Commissioner of Ontario (the "IPC") outlined in a 2011 Privacy Complaint Investigation Report:

When a government institution receives correspondence from a member of the public, it is reasonable for the individual to expect that the personal information contained in that correspondence will only be used in order to address the issues raised in the correspondence in question. Other uses of personal information that are unrelated to the purpose of the correspondence would not be reasonably expected, and would therefore not qualify as a "consistent purpose" under section 31.

(...)

MC10-75 and MC11-18, City of Toronto and the Toronto Transit Commissioner, Information and Privacy Commissioner of Ontario, August 31, 2011.

WHEN A PUBLIC OFFICIAL OR EMPLOYEE ACQUIRES ACCESS TO ADDRESS OR OTHER CONTACT INFORMATION IN THE COURSE OF CARRYING OUT THEIR DUTIES, IT IS NOT APPROPRIATE TO USE THAT INFORMATION FOR A PURPOSE UNRELATED TO THE ORIGINAL PURPOSE FOR WHICH THE INFORMATION WAS PROVIDED.

"INFORMATION AND PRIVACY COMMISSIONER ONTARIO
- REPORT MC11-18"



It is important to recognize the value of email address information to business and individuals in this era of electronic communication. In addition, with the proliferation of electronic advertising, promotion and unsolicited email, (also known as 'spam'), the privacy of personal email addresses is of great importance.

b) Political Endorsements and Trustee Newsletters

During the 2018 Provincial and Municipal elections, this Office received several inquiries about the Code rules regulating Trustees endorsing election candidates and also the use of Trustees newsletters as an election tool. Examples of some of the specific incidents that gave rise to the inquiries to my Office were: a Trustee sending home more than one 'Fall newsletter'; and a Trustee sending newsletters home with students in many schools in the Trustee's ward. There were also concerns raised about the inclusion of multiple photos of some Trustees in their newsletters right in the middle of a municipal election campaign, as well as concerns raised that individuals were included in Trustees' newsletters without their consent (or the consent of their guardian in the case of the students under 18 years of age who were photographed).

Given the timing of the distribution of the newsletter which overlapped with a municipal election, the newsletter seemed to those who raised concerns with this Office, to be functioning as campaign material and the individuals did not appreciate being aligned with one candidate or another. Members of the public queried whether receiving campaign flyers promoting Trustees who were running for re-election and who were using photographs of students, TDSB buildings and the TDSB logo in their campaign promotional literature was permitted under the Board Member Code. Others asked whether it was permissible for a Trustee to include their contact information and links to their social media accounts in Trustee mailings and if this was a prohibited use of Board resources for election campaigned-related activities. After reviewing the materials submitted, this Office noted that some of this information contained partisan material and was therefore prohibited under the Code rules. While no complaints were received during the blackout period between Nomination Day and the beginning of the new Board term, the examples of inappropriate actions were brought to the attention of Trustees carrying out these activities.

“There were concerns raised about the inclusion of photos of Trustees in their newsletters right in the middle of a municipal election campaign.”



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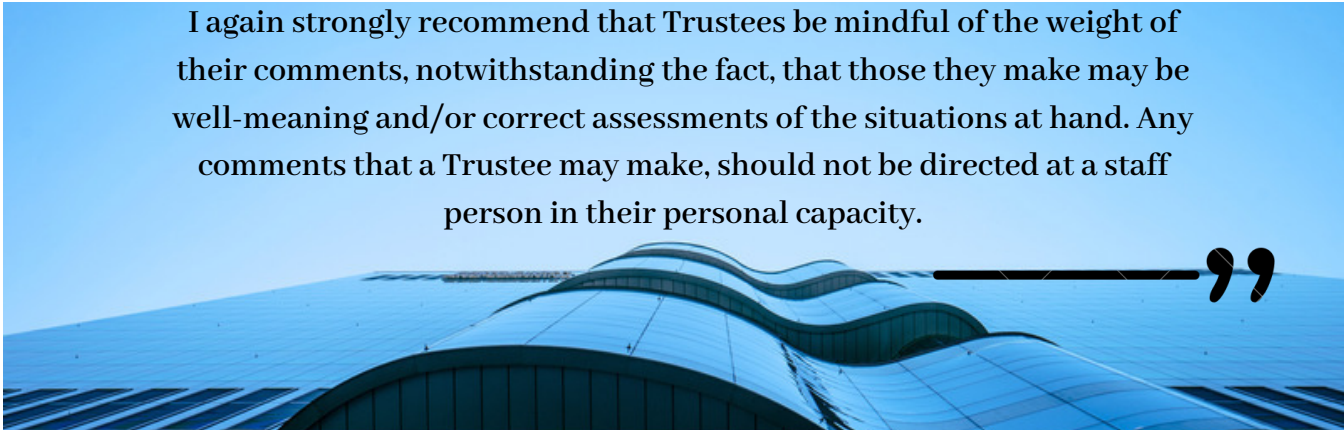
Issues of Note

a) Matters not within the jurisdiction of the Integrity Commissioner to receive or investigate

During this reporting year, and as I have stated in the past, I again strongly recommend that Trustees be mindful of the weight of their comments, notwithstanding the fact, that those they make may be well-meaning and/or correct assessments of the situations at hand. Any comments that a Trustee may make, should not be directed at a staff person in their personal capacity.

Despite the Integrity Commissioner’s lack of jurisdiction to investigate complaints that raise issues not covered by the Code, and even though efforts have been made to communicate on her TDSB web page, what the Integrity Commissioner does and does not do, the public and staff of the TDSB continue to seek open, transparent and reprisal-free processes for the investigation of complaints about matters outside of the Integrity Commissioner’s jurisdiction

The TDSB has a Whistleblower Policy which “ensures protection against reprisals related to the reporting of suspected wrongdoing”, that can be used by anyone to raise concerns about suspected wrongdoing by an employee of the TDSB.



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Issues of Note

In the last year’s Annual Report, I highlighted several matters that had come to my attention that required special attention as they intersected with the roles and responsibilities of Trustees and their interaction with Board staff. I noted, for example, that there was a need for clear communication about Trustee access to information under the custody and control of the TDSB. I recommended that the Board identify which records may be provided to the public and individual Trustees outside of the freedom of information process or through an approved access protocol. By identifying which Board records are often requested and may be routinely disclosed, staff will cease to be placed in the often difficult position of refusing to provide information to a Trustee in fulfilment of their official duties.

I pointed out in my last Annual Report that by identifying which Board records are often requested, routine access processes may be developed. It may be important for Board staff to understand that requests from Trustees for information that is not covered by confidentiality is an allowable action under the Code and there is 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, shall be disclosed to Trustees upon request or in accordance with an approved process.

I reiterate these observations in this year’s Annual Report because many inquiries that were brought forward to this Office, had as the subject of the concern, a lack of clarity on the part of Trustees on how they could obtain information and what information they could obtain. To be very clear, this perceived or real communication gap is not to be confused with the instances where a Trustee has run afoul of the Code rules through the berating of staff for not providing the information requested by the Trustee. Expressing concern for an apparent lack of clarity on effective internal communications practices to facilitate information sharing with trustees, senior administrators, and school administrators on important issues impacting staff, schools and the community, is quite different from a Trustee being told that information is appropriately deemed confidential or otherwise cannot be shared by statute or Board policy and this being met with intimidating or threatening behavior towards the staff person. This has not been my experience with the majority of Trustees and only in limited and rare circumstances did this occur.

However, I have noted a level of frustration in Trustees who have sought to avoid actions that may constitute Code infractions by bringing their concern to me for discussion and guidance. In these instances, I have had to advise Trustees that I do not have jurisdiction to receive or investigate these types of queries.

Given the statutory limitations of the Education Act and the Board’s bylaws with respect to the powers of the Integrity Commissioner, there is currently no ability for the Integrity Commissioner to receive, review or disclose information about decisions or omissions of the administration or the TDSB. Only through summary activity reporting (See chart on page 16 of this Report), is this area of unresolved matters brought forward.



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Issues of Note

Notwithstanding the number of policies and procedures in place to enforce wrongdoing at the TDSB, as I have pointed out in previous Annual Reports, my Office continues to receive complaints that would be more appropriately addressed through existing complaint mechanisms, if available, or through an ombudsman process.

I recommend that the Board continue to communicate with staff and the public on what complaint processes are available at the Board to address various categories of complaints that do not relate to the application of the Board Member Code of Conduct. In my 2017-18 Annual Report I underscored the importance of keeping present the findings that the Toronto District School Board Governance Advisory Panel Report (the "Hall Report") submitted to the Minister of Education, on August 19, 2015, which set out that:

"Accountability and transparency would be enhanced at the TDSB with the existence of an integrity commissioner and an ombudsman."

[...]

"We are aware that the board of trustees recently considered establishing an ombudsman position but decided against doing so given that the Ontario Ombudsman's jurisdiction has been extended to school boards. The panel believes that for the community to have restored confidence in the TDSB, it is essential that a board-level ombudsman be established to provide responses to complaints and concerns from parents and the community that are independent from the board. In fact, we spoke with the Ontario Ombudsman, who told the panel that he fully supports the implementation of internal ombudsmen within school boards, noting that the public is best served when local issues can be addressed at the local level."

“—————

My office continues to receive complaints that would be more appropriately addressed through an Ombudsman process or the existing complaint mechanisms at the TDSB.

—————”



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Examples of Inquiries received and Advice given by the Office of the Integrity Commissioner:

- Q. May a Trustee use her or his TDSB Newsletter to convey expressions of support for a candidate for an upcoming municipal or provincial election?
- A. No, this constitutes the use of the Board resources for purposes other than TDSB business under rules 6.4 and 6.5 of the Code of Conduct.
- Q. May a Trustee become an office holder in a community organization?
- A. There is no impediment to a Trustee being involved in community organizations whether Ward-based or City, national or provincial in their scope and objectives. However, Trustees should exercise caution in accepting such positions if the organization's seeking a form of benefit or preferential treatment (i.e., a grant) from the Board is a principal part of the organization's activities. Such activities may also give rise to specific obligations under the Municipal Conflict of Interest Act. Nothing in the Code affects a Trustee's entitlement to support community events and advance the needs of a community organization or to play an advisory role in an organization that plays an advisory role in the Trustee's Ward or elsewhere in the City.
- Q. A Trustee attends an event in her or his Ward celebrating a significant property development. The property developer asks the member to pose for a photograph along with other dignitaries attending the event. Should the Trustee agree?
- A. Inquire as to the use that the developer intends to make of the photograph. If the answer is that it will be used for advertising or other promotional purposes, decline the invitation. However, the distribution of general photographs taken at an event by a third party cannot be controlled by a Trustee and should their image be found as part of advertising, it is unlikely that a Trustee will be held responsible for the use of the photograph.
- Q. A Trustee has been invited to speak at a student event at a private education institution based in York Region. In addition, the Trustee has been asked to send a congratulatory letter to the student who will receive an award at the event.
- A. Under the Trustee Expense Policy, section 6.5.2 is entitled Awards and Student Recognition. This allows Trustees to provide certificates or letters of recognition as awards for specific individual student achievement. Gift certificates are not acceptable student recognition awards. To ensure consistency, Trustees must obtain approval of the Board, before organizing any major student recognition events or award ceremonies. If the speaking invitation is not contemplated by the Trustee Expense Policy and the Trustee does not obtain approval to attend on behalf of the Board, she or he may attend the activity and speak advising that they are not attending or speaking on behalf of the TDSB and would not be allowed to write a congratulatory letter as a TDSB Trustee.



1.2

Examples of Inquiries received and Advice given by the Office of the Integrity Commissioner:

- Q. A staff of the TDSB brought forward a complaint to the Office of the Integrity Commissioner about a staff matter. They indicated concern with being faced with reprisals and wanted the Integrity Commissioner to receive and investigate the complaint.
- A. The Executive Superintendent, Employee Services and Manager at Employee Services, oversee the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066) and Procedure (PR710). Under the Whistleblowing Policy, section 4.1, complaints related to Trustees are to be re-directed to the Integrity Commissioner: Information regarding suspected wrongdoing by a Trustee (including the Chair of the Board) should be provided, in writing, directly to the Integrity Commissioner in accordance with the Complaint Protocol for the Board Member Code of Conduct. Complaints related to staff are to be directed to the Executive Superintendent, Employee Services (complaints involving employees up to Senior Team level), the Director of Education (complaints involving a member of Senior Team), or the Chair of the Board (complaints involving the Director of Education).
- Q: There is a special event at a school in a Trustee's ward. During an election year, can the current Trustee attend?
- A: Yes – Principals and Superintendents are allowed to invite current municipal government officials to school events as long as it is for the benefit of the students, non-partisan in nature and serves an educational purpose. This could include events related to curriculum or government-based education programs. If invited, government officials may not distribute campaign materials at that time or engage in any election related activity. Also, please contact the Government, Public and Community Relations team when planning an event that includes government officials.
- Q. A parent brought forward a complaint about how a Parent Involvement Advisory Committee (“PIAC”) election was conducted and asked that a Code of Conduct investigation begin against the Trustee within whose ward the PIAC chapter was located.
- A.I was advised by Board staff that a Trustee has authority over the management of Ward meetings and that the election of PIAC members is covered in Regulation 612/00, School Councils and Parent Involvement Committees under section III.
- Q. A Member of the public asked if a Trustee distributing a newsletter after Nomination Day in an municipal election year was permitted under the Board Member Code of Conduct
- A.Board Procedure PR533 Election Activities and Use of Board Resources, states in section 6.2.1, entitled Trustee Newsletters that Trustees may continue to distribute newsletters to school communities as part of the Trustees’ official business, provided that the newsletters are not used for campaign purposes.
- Q. With reference to a LinkedIn account, given that it is meant to show all of an individual's achievements and professional accomplishments but also serves at times as a business tool(sourcing/networking etc.) for businesses, may a Trustee include their role as a TDSB elected official?
- A. Yes. A Trustee who has a Lindedin account in their personal capacity can list that she or he is a TDSB Trustee, why they chose to run and if there are any committees of the Board on which they sit. The key is to not use the office of a Trustee for personal gain. For example, a Trustee who has a business shall not use their Trustee webpage to list and promote their business or product. As an elected official, a Trustee has the right and there is the expectation that she or he will have professional accomplishments and career business endeavours outside of their important role as a Trustee. The pubic and private should be, as much as reasonably possible, kept separate. If a Trustee is approached through Lindedin...they are advised to direct such queries to the appropriate area of the TDSB and let the individual know.



1.2

c) Clarification of the role of the Integrity Commissioner

The stated objective of the Code is to ensure that the principles of transparency and accountability inform the conduct of individual Trustees such that the TDSB as a public body responsible to its communities, maintains the confidence of the public. The rules of the Code enshrine a shared commitment to adhere to a common basis for acceptable conduct while in office and apply to all Trustees.

The Code is a document that sets out the ethical standards agreed upon collectively by the Trustees. While the Code is to be considered in its entirety, the wording of each provision has been carefully crafted to encourage Trustees to conduct themselves at all times in such a way as to promote respect for the Board, all levels of government, and government administration including all TDSB staff.

The Office of the Integrity Commissioner:

- a) Provides confidential advice to Board Member Trustees about the day-to-day situations with respect to the application of the Board Member Code of Conduct (the “Code”) and other policies and procedures of the TDSB that are governed by the TDSB;
- b) Provides policy recommendations to Trustees and the Board Member staff;
- c) Receives and investigates Board Member Code Complaints that allege that a Trustee breached;
- d) Provides educational programs and information to Board Member Trustees, Board staff and the public.

The statutory regime of the Office of the Integrity Commissioner sets out the authority of the Integrity Commissioner: the Education Act, (Subsection 218.1) Board Policy PO75 – the Code of Conduct and Board Procedure 708, the Complaint Protocol. Comprehensively, the Statute, the Code of Conduct, the Complaint Protocol and the relevant TDSB bylaws, form the statutory regime and authority framework, which all Board Trustees must follow.

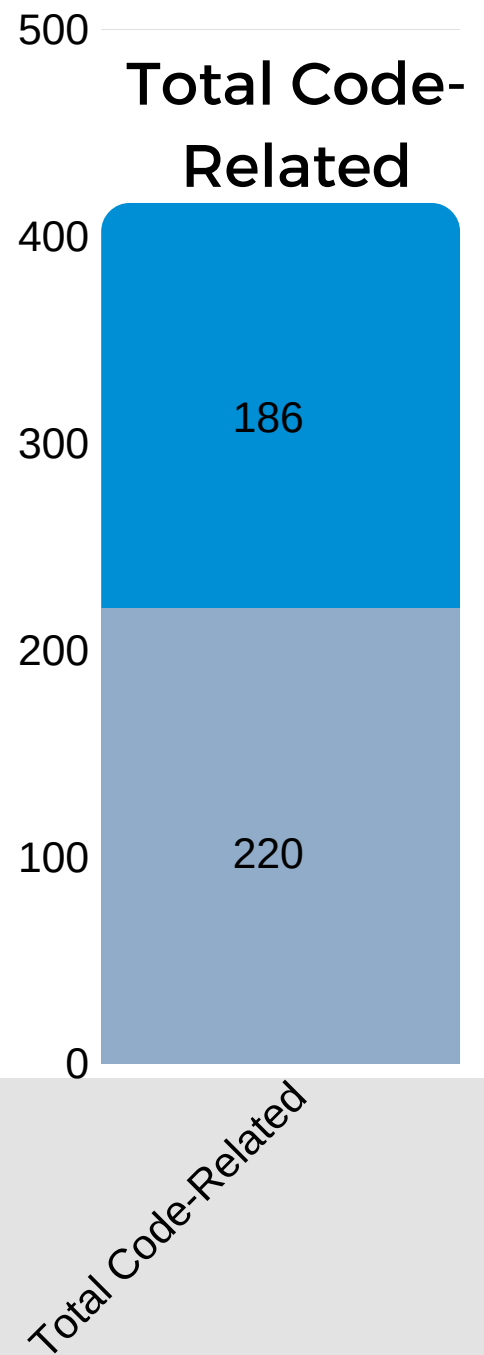
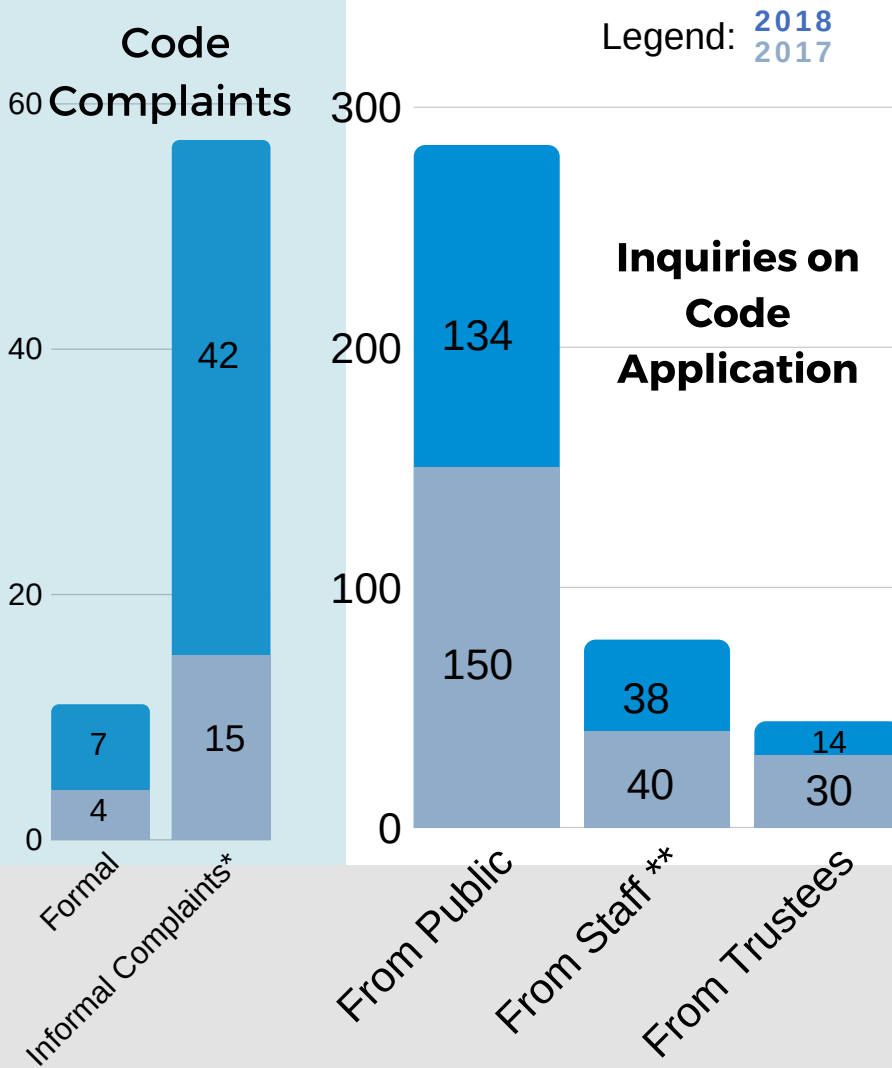
In addition to the above duties, the Integrity Commissioner responds to informal complaints and requests for information in relation to the Board Member Code of Conduct, from members of the public and staff, including receiving matters that do not fall within the jurisdiction of the Office and directing the complainants to the appropriate TDSB department, policy or other jurisdiction.



1.3

Activities of the Office of the Integrity Commissioner

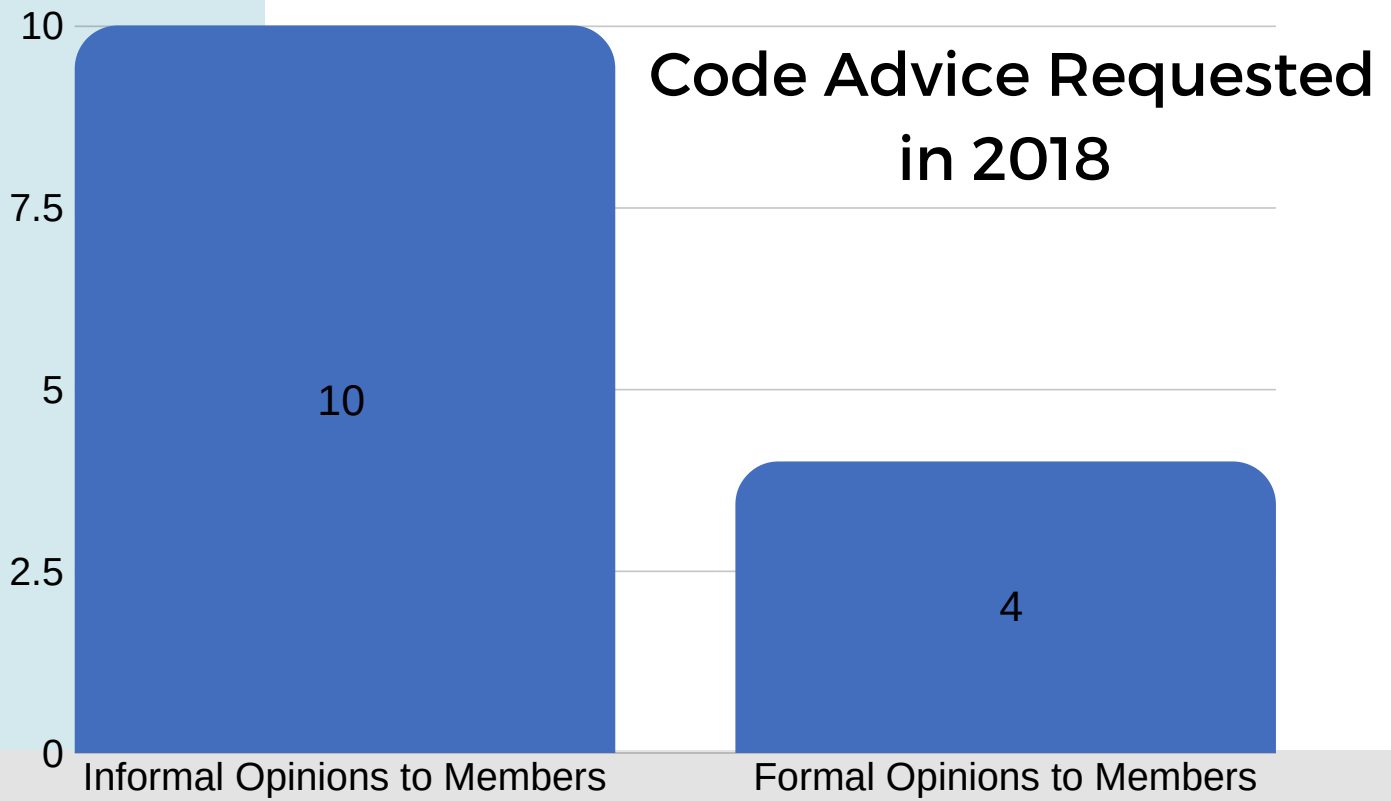
The Office received 42 informal complaints in relation to the Code of Conduct for Board Members. There were 7 formal complaints filed against Trustees under the Code in 2018.



*Most of these were with reference to use of Board resources during a municipal and Provincial election
 Emails, phone calls regarding questions on the application of Code rules
 **staff includes administrative and academic employees

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Board Trustee

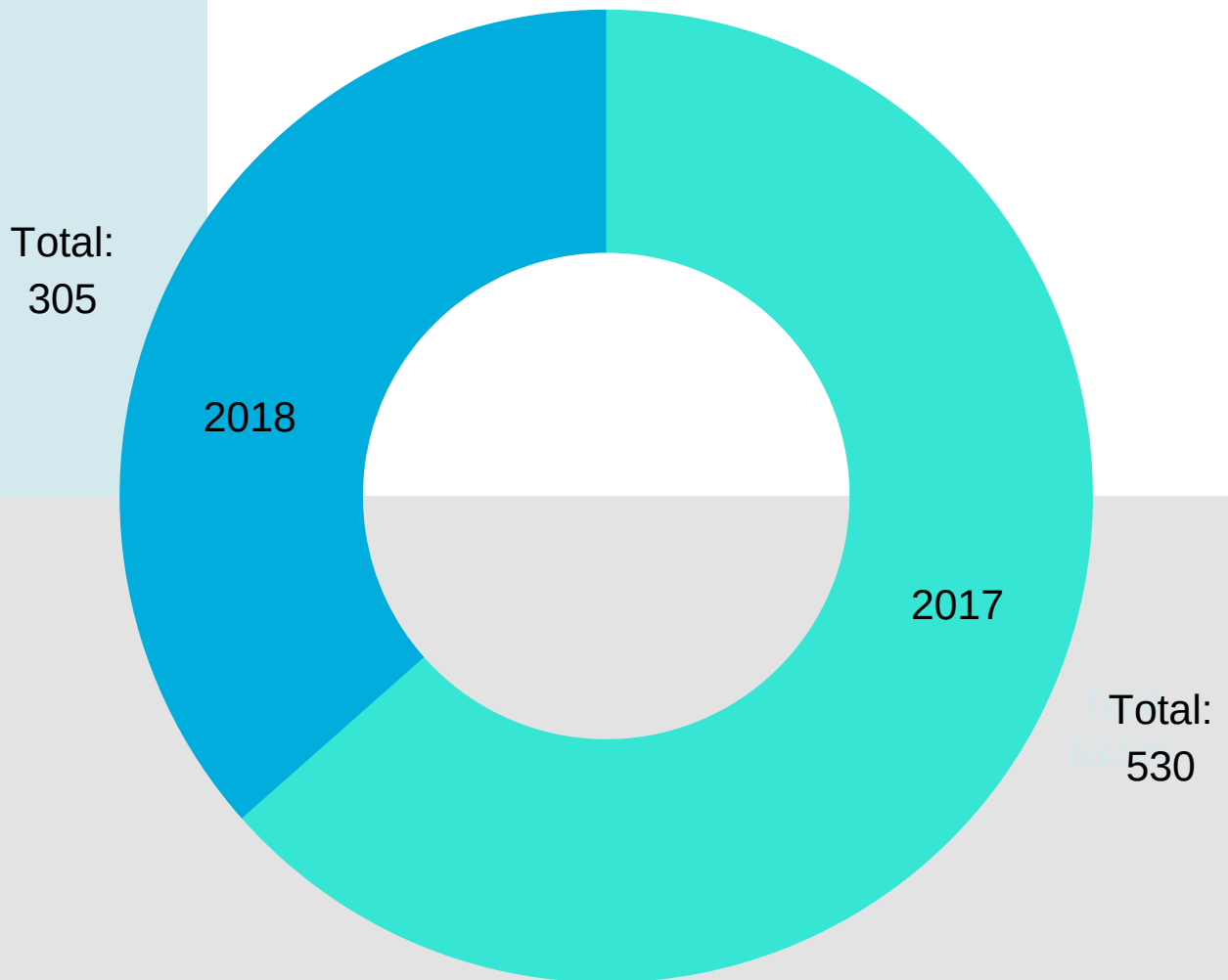


Total Inquiries to the Integrity Commissioner's Office

	2017	2018
Formal complaints	4	7
Informal complaints	15	42
Inquiries on Code applications		
From the public	150	134
From staff	40	38
From Trustees	30	14
Total Code related	220	186
Inquiries not Code related		
Inquiries about staff from staff	37	60
Inquiries about process from staff	16	32
Inquiries about staff from public	81	9
Inquiries about process from public	119	18
Total non-Code related	253	119
Total	530	305

1.3

Total Inquiries to the Integrity Commissioner's Office



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Statement of Expenditures

April 2018 - April 2019

<p>\$ 25,000 – Annual Stipend for Integrity Commissioner Services (including remuneration for Integrity Commissioner services, seminar and workshops, mileage, office supplies)</p> <p>\$6,822.80 – Remuneration for Formal Complaint investigations</p>
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1.4

Closing Remarks

In this reporting year, Trustees continued to demonstrate respect for the Office and its independence. This was so despite the fact that, from time to time during the year, I brought forward notices of informal or formal complaints or other matters that were Code related in their regard. While it can certainly be appreciated that no Trustee wants to become subject of an Integrity Commissioner review or investigation, I can state with certainty that I received full cooperation with my inquiries.

Generally, members of the public have questions about the reach of the Code of Conduct and how the informal Code complaint process differs from the formal Code complaint process. Elected officials, tenured and newly elected, generally come to my Office with a desire to understand how they may advocate for their constituents and community without their actions running afoul of the Code obligations.

The events of note mentioned above aside, the work of the Integrity Commissioner's Office did not change all that much in 2018. There was a slight increase in the number of formal complaints and a significant increase in the number of informal complaints. However, only one formal complaint was investigated to conclusion with a report submitted to the Board. One formal complaint was a complaint filed by a Trustee against another Trustee. After an initial classification, this complaint was dismissed for insufficient grounds. Three of the remaining formal complaints were with respect to allegations of improper use of Board resources for election campaign related activities. Of the seven formal Code complaints received in the 2018 reporting year, six were dismissed for insufficient grounds and one was investigated with recommendation to the Board.

While the number of inquiries that I received that were not relevant to my mandate went down from 253 in 2017 to 119 in 2018, the number still represents a significant proportion of the activities of this Office. Staff inquiries about the Code remained about the same, while non-Code related inquiries from staff doubled in 2018. The number of inquiries not related to the Code received from the public about staff went down significantly. As well, the number of non-Code inquiries from the public about Board process went down significantly from 119 in 2017 to 18 in 2018.

The work of this Office did not increase in large part due to conversations with Trustees about their roles and responsibilities and Information memoranda issued by this Office with a view to clarifying Trustees obligations under the MCIA and during an election period. The first Integrity Commissioner of the City of Toronto, Professor David Mullan indicated that in his view the Municipal Conflict of Interest Act is an outdated statute. The Province of Ontario agreed and in 2017 began consultations to update this expensive and cumbersome court-based process, which acts as a strong disincentive to those who might otherwise complain. In addition, Trustees are left exposed to significant potential liability and are required to personally defend themselves in court. The Education Act does not give school board Integrity Commissioners the authority given to Integrity Commissioners for municipal governments under the Municipal Act to receive and investigate MCIA complaints against elected officials

In none of the formal complaints did I invoke my discretion to commence a public inquiry under the Public Inquiries Act. For the most part, 2018 was a transitional year in which Trustees interacted with my office within the new realities of a changing municipal landscape. Trustees have not expressed any concerns about the extent to which the evolving transparency and accountability regime has increased their exposure to public and official scrutiny. Rather, a consistent comment from Trustees has been their uncertainty around what rules guide their interaction with Board staff, and how and when Trustees are consulted, notified and provided information on issue of mutual concerns.

I continue to enjoy a respectful collaboration with the staff of Governance and Board Services and my mandate has been significantly enhanced by the dedication and professionalism of the Executive Officer, Ms. Lori Barnes, the Manager of Governance and Board Services, Ms. Denise Joseph-Dowers and the Policy Coordinator, Mr. Vitaliy Plotnikov, in addition to the creative, professional and resilient members of the administration of the TDSB with whom I have worked on the development of ethics documents at the Board.





OFFICE OF THE INTEGRITY COMMISSIONER ANNUAL REPORT

2018

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www.tdsb.on.ca/boardroom/leadership/integritycommissioner

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