

YORK REGION DISTRICT SCHOOL BOARD

OFFICE OF THE INTEGRITY COMMISSIONER—Annual Report, July 30, 2018

Please accept the Annual Report of the Integrity Commissioner (“IC”) for York Region District School Board (“YRDSB”) dated July 30, 2018 for your information.

BACKGROUND

On January 27, 2017, the Minister of Education, the Honourable Mitzie Hunter, appointed investigators to undertake an expedited review of the YRDSB in light of serious concerns regarding the overall governance of the school board. One of the recommendations that emerged out of this investigation, and was included in the Ministry directives in April 2017 was the Board establish an office of an Integrity Commissioner that does the following:

1. Establish a Trustee Code of Conduct anchored in good governance, ethical and equity principles;
2. address complaints by trustees against one another as related to non-compliance with the Code;
3. address complaints by the public & Board staff against trustees;
4. provide confidential advice to trustees on ethical matters whether arising with the board or with their dealings in the community;
5. embed education about ethics into trustee orientation and continuing education.

I am pleased to report that along with the drafting of a Trustee Code of Conduct, I was appointed Integrity Commissioner for the Board, starting January 1, 2018 for a 5-year non-renewable term. My duties include broad advisory and educational assistance to the Trustees of the YRDSB, as well as conducting inquiries as to whether there is compliance with the Trustee Code of Conduct (the “Code”).

This report will cover the period from my appointment to the date of this report, as well as the preceding term of Interim Integrity Commissioner (the IIC), John Mascarin, appointed July 19, 2017 to Dec 31, 2017.

During his station as IIC, Mr. Mascarin received one formal complaint, and one request for advice related to a potential conflict of interest.

During my term thus far I have received the following:

1. Two queries on interpretation and advice on:
 - a. Gifts, Benefits & Hospitality
 - b. Improper Use of Influence
2. One informal complaint from inside the YRDSB related to non-compliance with the Code's Undue Influence provisions;
3. One informal complaint from inside the YRDSB related to breach of the Code's Election Campaign provisions;
4. One informal complaint by correspondence from a parent about a Trustee related to a matter outside the jurisdiction of the IC Office.

Report during term of John Mascarin, IIC, July to December 2017

CONFLICT OF INTEREST ADVICE

On September 4, 2017, the IIC was contacted by a Trustee requesting advice with respect to a potential conflict of interest matter relating to the selection of a new Director of Education for the Board. On September 7, 2017 the IIC provided formal correspondence to said Trustee advising they did not have a conflict of interest nor did they have an indirect pecuniary interest under the *Municipal Conflict of Interest Act*.

ATTENDANCE AT A MEETING OF THE SELECTION COMMITTEE

The IIC received a formal complaint filed on November 22, 2017 (the "Complaint") alleging a breach of the YRDSB *Trustee Code of Conduct* (the "Code"), being Appendix E to the YRDSB's Operational By-law, by a named Trustee (the "Respondent").

The Complaint alleged that the Respondent breached the "Confidentiality" provisions in the Code by improperly disclosing confidential information pertaining to the selection of the YRDSB's new Director of Education.

CODE OF CONDUCT PROVISIONS AT ISSUE

The Complaint alleges that the Respondent contravened the "Confidentiality" provisions of the Code, being Sections 1 through 6.

BACKGROUND

The Complaint was filed on November 22, 2017 by a Trustee (the “Complainant”) pursuant to the *Complaint Protocol for the Trustee Code of Conduct* (the “Complaint Protocol”), being Appendix F to the YRDSB’s Operational By-law.

The Complaint alleged that the Respondent contravened the “Confidentiality” provisions of the Code.

The IIC accordingly conducted a formal investigation on the matter pursuant to Section 17 of the Complaint Protocol.

CONCLUSIONS

The IIC found no evidence to sustain the allegations contained in the Complaint. Accordingly, it was concluded that the Respondent did not contravene the “Confidentiality” sections of the Code. The Complaint was dismissed.

REPORTING REQUIREMENTS

In accordance with Section 20 of the Complaint Protocol, the Integrity Commissioner is to report findings to the Complainant and to the Respondent in the case of an investigation where it is determined that there has been no breach. The IIC did so by formal correspondence delivered to each of them on January 22, 2018.

Furthermore, Section 22 of the Complaint Protocol provides:

Where the complaint is dismissed, the Integrity Commissioner shall not report to the Board of Trustees other than in an annual or periodic report or in exceptional circumstances.

The IIC made a determination that there were no exceptional circumstances that required the IIC to report this matter to the Board of Trustees.

Report for Sandhya Kohli, IC

MARCH 27, 2018: An Overview and Training on Ethical Leadership, the Trustee Code of Conduct, Complaint Protocol and best practices during Election Campaign Periods

On March 27, 2018 I was invited to meet with YRDSB senior staff and the Board to provide training on ethical leadership (problem-solving), as well as a comprehensive overview and interpretation of the Code, the Protocol, and the relevant provisions during election campaign periods. The Trustees were receptive to this training, and benefitted from this time spent going over the Code.

February 21, 2018: Advice—GIFTS, BENEFITS, HOSPITALITY

On February 21, 2018 a Trustee reached out to me by way of correspondence for advice on interpretation of the above-noted provision under the Code. Indeed, the question was a fair one, the situation a bit confusing for the Trustee to navigate, but it was readily addressed. An explanation on application of this section and how to interpret it by way of correspondence to the Trustee was provided. Once again, the Trustee pre-empted a potential non-compliance with the Code by reaching out well in advance.

February 22, 2018: Advice—IMPROPER USE OF INFLUENCE

I was contacted by correspondence on February 22, 2018 by a Trustee to offer advice on a potential situation where this Trustee thought they might find themselves in a compromised position where a risk of an appearance of improper use of influence might manifest. The issue was a small one, and by way of conversation I confirmed there was no contravention under this section. I applauded the Trustee for reaching out before moving forward in their situation.

May 30, 2018: Complaint—IMPROPER USE OF INFLUENCE

On or about May 30, 2018, I received an informal complaint by correspondence about a potential situation of improper use of influence by a Trustee. After some investigation, and by way of telephone conversation with the Trustee, I concluded there was a breach of this particular provision; however, I am pleased to confirm that after a conversation with the Trustee, appropriate steps were promptly taken to amend their actions, and this was confirmed by way of correspondence. Although this Trustee did contravene the section, the mistake was an error in judgment made in good faith further to Section 24 of Appendix F, Complaint Protocol.

June 7, 2018: Complaint—ELECTION CAMPAIGN WORK

On or about June 7, 2018 I received an informal complaint by correspondence with respect to



the use of the Board website during campaigning. This matter was readily resolved after a telephone conversation followed by correspondence to the Trustee. The contravention was present; however, the Trustee made an error in judgment in good faith further to Section 24 of Appendix F, Complaint Protocol, and promptly took the recommended corrective action.

June 15, 2018: Complaint by Parent, and Outside Jurisdiction of the Office of the Integrity Commissioner

On or about June 15, 2018 I received an informal complaint by way of correspondence from a parent about a Trustee who it is alleged neglected this parent's many requests for a meeting related to some serious matters about that parent's child.

Notwithstanding that this issue was outside my jurisdiction as Integrity Commissioner, as it was UNRELATED to compliance with the Trustee Code, I needed to explain and reiterate this many times to the parent. By way of correspondence pursuant to section 11(d) of Appendix F, Complaint Protocol, I advised the parent-complainant that this issue was not within the jurisdiction of the Integrity Commissioner to consider, and applicable resources and referrals to assist this parent were provided.

CONCLUSION

It has been a pleasure serving the YRDSB as Integrity Commissioner. I thank the members of the Board and senior staff members for your cooperation and assistance in carrying out my mandate as IC.

Prepared by:

Sandhya Kohli, LLB, MA, LLM

Integrity Commissioner, YRDSB