



REPORT TO

REGULAR BOARD

TCDSB RESOLUTIONS FOR SUBMISSION TO OCSTA AGM

Ecclesiastes 9:7 – Go thy way, eat thy bread with joy, and drink thy wine with a merry heart; for God now accepteth thy works.

Created, Draft	First Tabling	Review
January 22, 2019	January 24, 2019	Click here to enter a date.
Paul Matthews, General Legal Counsel		
RECOMMENDATION REPORT		

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

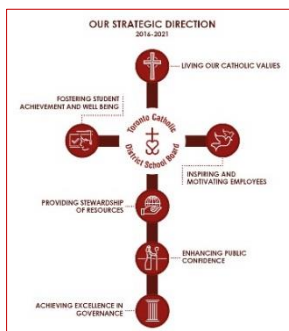
The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer



A. EXECUTIVE SUMMARY

During the year, the Ontario Catholic School Trustee's Association (OCSTA) invited Catholic School Boards across the province of Ontario to submit resolutions regarding important issues of a provincial nature that affect Trustees for consideration at the OCSTA Annual General Meeting (AGM).

B. PURPOSE

The purpose of this report is to approve the submission of the resolutions entitled:

- (1) Legal Defence Fund and Insurance for Individual Catholic School Trustees" and
 - (2) Weighted Voting for the Annual General Meeting of the Ontario Catholic School Trustees' Association,
- for the consideration of OCSTA's Board of Directors at their AGM in 2019.

C. BACKGROUND

1. According to the OCSTA guidelines for submission, resolutions that are submitted to the AGM are required to be approved by the submitting Catholic Board.
2. Currently, there is no established fund to protect Trustees where this is no coverage by the Ontario School Boards' Insurance Exchange (OSBIE) against liability when they are acting in the course of their duty. Legally, Trustees may be obligated to pay compensatory damages awarded by the court.
3. The current procedure for voting at the Annual General Meeting only permits one vote per board, regardless of the size of the particular Board. The attached resolution proposes that voting at the OCSTA AGM be based on an allocation of votes to a Board weighted to reflect the size of the Board.

D. STAFF RECOMMENDATION

Staff recommends that the board approve these resolutions, for submission to the OCSTA AGM by their deadline of January 31, 2019.

Toronto Catholic District School Board

Moved By: Michael Del Grande, Vice- Chair, Trustee Ward 7

Seconded By: Maria Rizzo, Chair, Trustee Ward 5

Topic: **Legal Defence Fund and Insurance for Individual Catholic School Trustees**

Whereas: Ontario Catholic School Trustees are protected by the Ontario School Boards' Insurance Exchange Insurance policy when they are acting in the course of their duties for all sums they are legally obligated to pay as compensatory damages for:

- i) Personal Injury Liability
- ii) Property Damage Liability
- iii) Incidental Professional and Malpractice Liability
- iv) Environmental Impairment Liability
- v) Errors and Omissions Liability; and

Whereas: Trustees are not protected by the Ontario School Boards' Insurance Exchange Insurance Policy when they are acting in the course of their duties for all sums they are legally obligated to pay as compensatory damage and legal fees incurred in defence of such claims, including for violations of:

- i) Municipal Conflict of Interest Act
- ii) Occupational Health and Safety Act
- iii) Environmental Protections Act
- iv) Unfair Hiring Practices and Wrongful Dismissal
- v) Breach of Contract; and

Whereas: Trustee are paid a very minimal honorarium for the services they provide; and

Whereas: Trustees engage with the media and the public daily, and may make commentary and be sued for such commentary, for which a Trustee has no insurance coverage;

Therefore be it Resolved that:

1. OCSTA create a legal fund and obtain insurance protection for all Ontario Catholic School Trustees by charging member boards for such protection; and
2. OCSTA establish and maintain a depository of legal opinions received from member Boards on legal issues that are likely to arise in other member Boards. Such legal opinions would be made available to other member Boards upon request.

Toronto Catholic District School Board

Moved By: Michael Del Grande, Vice- Chair, Trustee Ward 7

Seconded By: Maria Rizzo, Chair, Trustee Ward 5

Topic: **Weighted Voting for the Annual General Meeting of the Ontario Catholic School Trustee's Association (OCSTA)**

Whereas: There are 29 Catholic Board or Districts in Ontario of varying size, student population and number of ratepayers. There is a provincial election process that provides representation according to population. It would be beneficial for all members of OCSTA to participate in an open, transparent and representative process when making decisions which have a provincial impact on Catholic education; and

Whereas: the current Board of Directors structure for Ontario Catholic School Trustees' Association (OCSTA) provides for equal representation from each Ontario Catholic School Board; and

Whereas: the current voting procedure at the Annual General Meeting permits one vote per board regardless of size; and

Whereas: the current OCSTA vote allocation is not reflective of the population that trustees represent;

Therefore be it Resolved that: OCSTA investigate and develop a new method and policy for vote allocation for voting at Annual General Meetings which considers Trustee representation reflective of Catholic population by Board or District for implementation at the 2019 Annual General meeting.