



REPORT TO

REGULAR BOARD

REVISED CONFLICT OF INTEREST ACT AND INTEGRITY COMMISSION

“A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples if you love one another.” John 13:34-35 NIV

Created, Draft	First Tabling	Review
April 17, 2019	April 24, 2019	Click here to enter a date.

Paul Matthews, General Legal Counsel

INFORMATION 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

This report confirms advice given at the Corporate Services, Strategic Planning and Property Committee meeting on March 21, 2019 that school board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.

The cumulative staff time required to prepare this report was 1.5 hours

B. PURPOSE

1. The purpose of this report is to clarify and correct advice previously given to the Board with respect to Bill 68 and changes to the *Municipal Conflict of Interest Act* (“MCIA)

C. EVIDENCE/RESEARCH/ANALYSIS

1. At the February 21, 2019 Regular Board meeting, the Board of Trustees received a report (attached at APPENDIX A) on changes to the MCIA, effective March 1, 2019.
2. The report and the advice with respect to changes in the MCIA considered at that meeting was that trustees would have access to an Integrity Commissioner appointed by the city of Toronto. That advice has been determined to be inaccurate. School board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.
3. After discussion with the Ontario Ombudsman, and various municipal Integrity Commissioners in the Greater Toronto Area, it has been determined that school board trustees do not have access to the Integrity Commissioner appointed by the city of Toronto.
4. In a report to the Corporate Services, Strategic Planning and Property Committee on March 21, 2019 (APPENDIX B) it was confirmed that school board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.

5. So what can a judge consider when she has determined that a trustee has violated the MCIA? The judge can consider sections 9(2)(a) and 9(2)(c) of the MCIA. Those sections provide:

(2) Same – in exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member
(a) took reasonable measures to prevent the contravention
(c) committed the contravention through inadvertence or by reasons of an error in judgment made in good faith

6. In determining whether a trustee took “reasonable measures” (s.9(2)(a)) or acted in “good faith” (s.9(2)(c)) a court would likely give some consideration to a trustee who did consult with an Integrity Commissioner.
7. As has already been stated. Trustees do not have access to the Integrity Commissioner appointed by the City of Toronto, but the Board of Trustees has instructed staff to retain, if necessary, an Integrity Commissioner, after the Ontario Catholic School Trustees’ Association Annual General Meeting which concludes on April 27, 2019.

D. CONCLUDING STATEMENT

This report is for the consideration of the Board and.