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REPORT TO

REGULAR BOARD

TRUSTEE CODE OF CONDUCT ALLEGATIONS MATTER #1

For you say, 'My conduct is pure, and I am clean in God's sight'
Job 11:4

Created, Draft	First Tabling	Review
August 20, 2020	August 20, 2020	Click here to enter a date.

P. Matthews, General Legal Counsel
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INFORMATION REPORT

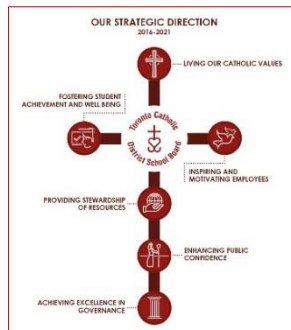
Vision:

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 deals with alleged breaches of the TCDSB Trustee Code of Conduct filed in September 2019. The Board made inquiries into the matter, and it is now before the Board to make a determination of whether the respondent Trustee breached the Code of Conduct. In the event a breach has been determined, it is the responsibility of the Board to impose sanctions, as per the policy T.04 Trustee Code of Conduct, and aligned with the Education Act.

The cumulative staff time required to prepare this report was 2 hours.

B. PURPOSE

1. The Board will make a determination of whether a Trustee has breached the Code of Conduct.
2. In the event the Board does resolve that a Trustee has breached the Code of Conduct, Trustees will determine any sanctions that will be applied.
3. The required vote on any resolutions of determination or sanctions will be made by a 2/3 majority of all Trustees on the Board not including the accused Trustee. This equates to 8 Trustees.

C. BACKGROUND

1. The alleged breach of the Trustee Code of Conduct complaint was filed in September 2019.

D. EVIDENCE/RESEARCH/ANALYSIS

1. In accordance with the provisions of section 218.3 of the Education Act, a breach of this Code of Conduct by a Trustee may be dealt by the following procedures:
 - i. A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board.

- ii. If an alleged breach is brought to the attention of the Board, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether there has been a breach.
2. Under Board policy T.04, a breach of the Code of Conduct alternatively a Roman Catholic Elector and Eastern Right Catholics may petition to the Board of Trustees directly.
3. The Trustee Code of Conduct Policy T.04, provides that if the Board of Trustees determines that a Trustee has breached the Code of Conduct, the Board may impose one or more of the following sanctions:
 - a. Censure of the Trustee
 - b. Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board
 - c. Barring the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board
 - d. Removal of the Chair or Vice Chair of the Board or Committee.
 - e. Request the Trustee to apologize; and
 - f. The Board may pass a resolution to disassociate the Board from any action or statement of a Trustee.
 - g. Both Board Policy T.04 and the Education Act permit “other sanctions as per board motion” which are not expressly described in Policy T.04.
4. Subsection 218.3(11) and 218.3(12) of the *Education Act* provide that a determination that a Trustee has breached the Trustee Code of Conduct may be made “ by resolution at a meeting of the board”, with the member who is alleged to have committed the breach not being permitted to vote on such a resolution.
5. The TCDSB’s Code of Conduct provides that any such resolutions of determination will be made by a 2/3 majority of all Trustees on the Board not including the accused Trustee.
6. The following table provides information about the alleged breach of the Trustee Code of Conduct in Matter #1:

TRUSTEE CODE OF CONDUCT MATTER #1

Complainant:	Trustee Kennedy, Ward 11
Respondent:	Trustee Rizzo, Ward 5
Nature of the Allegation:	Complaint filed by a Trustee alleging the (former) Chair of the Board violated the Municipal Conflict of Interest Act by voting on the budget in June 2019 even though her daughter was/is a teacher at the TCDSB.

E. METRICS AND ACCOUNTABILITY

1. In the event that the Board determines that a Trustee has breached this Code of Conduct, the Board shall give the Trustee written notice of the determination and of any sanction imposed by the Board. The notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least 14 days after the notice is received by the Trustee.
2. The Board shall consider any submissions made by the Trustee and shall confirm or revoke the determination within 14 days after the Trustee's submissions are received.

F. CONCLUDING STATEMENT

This report is for the consideration of the Board.