



REPORT TO

SPECIAL BOARD

## TRUSTEE CODE OF CONDUCT ALLEGATIONS

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

### Drafted

July 14, 2022

### Meeting Date

August 10, 2022

A. Ceddia, Executive General Legal Counsel  
C. Caldwell, Senior Legal Counsel, Employee Relations  
E. Roher, External Legal Counsel  
B. Browne, Director of Education

### INFORMATION REPORT

**Vision:** *IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope.*

**Mission:** *Nurturing the faith development and academic excellence of our Catholic learning community through the love of God, neighbour, and self.*



MULTI-YEAR STRATEGIC PLAN  
2022 - 2025

IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope



Brendan Browne  
Director of Education

Adrian Della Mora  
Associate Director of Academic  
Affairs & Chief Operating Officer

Derek Boyce  
Associate Director of Corporate  
Services and Chief Commercial Officer

Ryan Putnam  
Chief Financial Officer and Treasurer

## **A. EXECUTIVE SUMMARY**

This report is updated from the report that appeared on the May 16<sup>th</sup> Special Board Meeting agenda which deals with alleged breaches of the TCDSB Trustee Code of Conduct filed in December 2021 and January 2022. In accordance with the Trustee Code of Conduct, certain complaints were brought to the attention of the Board by sending them directly to the Integrity Commissioner by email. In accordance with the *TCDSB Code of Conduct Complaint Protocol*, the Integrity Commissioner conducted an investigation, which included interviewing relevant witnesses.

On April 23, 2022, the Integrity Commissioner released “Code of Conduct Complaint Against Trustee Daniel Di Giorgio Recommendation Report.” The report set out the details of four complaints, findings, and recommendations, and on April 25<sup>th</sup> released an addendum report to the April 23<sup>rd</sup> report. In accordance with section 9(2) of the TCDSB Code of Conduct Complaint Protocol, “Consideration of the Integrity Commissioner’s report by the Board satisfies the requirements of the Board to make inquiries into the matter pursuant to subsection 218.3(2) of the Education Act.”

It is before the Board to make a determination of whether the respondent Trustee breached the Trustee Code of Conduct. In the event that the Board determines there has been a breach of the Trustee Code of Conduct, it is the responsibility of the Board to impose one or more 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 1 hour.***

## **B. PURPOSE**

1. The Board will make a determination of whether a Trustee has breached the Trustee Code of Conduct.
2. In the event the Board does resolve that a Trustee has breached the Trustee 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 majority of all Trustees attending the meeting, not including the respondent Trustee.

## **C. BACKGROUND**

1. The alleged breach of the Trustee Code of Conduct complaints were filed in

December 2021 and January 2022.

#### **D. EVIDENCE/RESEARCH/ANALYSIS**

1. In accordance with section 218.3 of the *Education Act*, the following procedures apply where a Trustees has reasonable grounds to believe that another Trustee has allegedly breached the Code of Conduct.
  - 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. The Trustee Code of Conduct Policy T.04, (Appendix A, TCDSB Code of Conduct Complaint Protocol, s. 9 (4)) 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 the Trustee
  - b. Bar the Trustee from attending all or part of a meeting of the Board or a meeting of a Committee of the Board
  - c. Bar the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board
  - d. Revoke the appointment of the Trustee as Chair of the Board or as Chair of a Committee of the Board, or as member of a body to which the Board appoints one or more Trustee.
  - e. Such other remedies within the Board's power to impose that are directly relevant to the nature of the breach and/or which are designed to prevent future occurrences of a similar breach. Without restricting the generality of the foregoing such remedies may include:
    - a request that a genuine apology be made;
    - training as may be recommended by the Integrity Commissioner;
    - the Board adopting a public resolution disassociating itself from any action or statement the Trustee has been found to have taken or made.

3. 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 shall 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.
4. The TCDSB’s Code of Conduct (Appendix A, TCDSB Code of Conduct Complaint Protocol, s. 9(3) provides that the Board shall consider the Integrity Commissioner’s report at a meeting open to the public, provided that where the breach or alleged breach involves:
  - a. the security of the property of the Board;
  - b. the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
  - c. the acquisition or disposal of a school site;
  - d. decisions in respect of negotiations with employees of the board;
  - or
  - e. litigation affecting the board,

The meeting may be closed to the public to the extent required to permit the Board to consider such confidential content so long as the vote on whether the Trustee has breached the Trustee Code of Conduct, and any vote on any imposition of a sanction, is open to the public.

5. Attached as Appendix A is a copy of the *Toronto Catholic District School Board Code of Conduct Complaint Against Trustee Daniel Di Giorgio Recommendation Report May 16th, Special Board Meeting*, prepared by Principles Integrity, the Board’s Integrity Commissioner. The report contains minor redactions pursuant to advice from legal counsel and TCDSB’s privacy officer which do not affect the findings and recommendations. The report sets out four complaints filed against Trustee Di Giorgio in December 2021 and January 2022, findings and recommendations.
6. Attached as Appendix B is a copy of the *Toronto Catholic District School Board Code of Conduct Complaint Against Trustee Daniel Di Giorgio April 25, 2022 Addendum Report to Recommendation Report Dated April 23, 2022*, prepared by Principles Integrity, the Board’s Integrity Commissioner. The report contains minor redactions pursuant to advice from legal counsel and TCDSB’s privacy officer which do not affect the findings and recommendations.

#### **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 a 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.