



Ontario Catholic School
Trustees' Association

Box 2064, Suite 1804
20 Eglinton Avenue West
Toronto, Ontario M4R 1K8
T. 416.932.9460 F. 416.932.9459
ocsta@ocsta.on.ca www.ocsta.on.ca

Beverley Eckensweiler, *President*
Michelle Griepsma, *Vice President*
Nick Milanetti, *Executive Director*

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MEMORANDUM

TO: Chairpersons and Directors of Education
- All Catholic District School Boards

FROM: Michelle Griepsma, Chair, Political Advocacy Committee

SUBJECT: List of Integrity Commissioners

On March 1, 2019 Bill 68 – “*Modernizing Ontario’s Municipal Legislation Act*” was changed. Trustees have to now declare “conflict of interest” in writing for the public record at each meeting. This then becomes part of the public record of that board or committee meeting. School Board trustees are required to serve the public interest by upholding the letter and spirit of high standards by serving the Catholic education system and the public in a conscientious and diligent manner.

Currently, only the Toronto District School Board, York District School Board, Peel District School Board and Thames Valley District School Board have an Integrity Commissioner on staff. Some school boards have looked into reaching out to the Municipal Integrity Commissioners to discuss school board matters and were advised that education does not fall under the jurisdiction of municipalities.

Role

The role of these Integrity Commissioners comprises several interrelated functions:

- **Policy and Code of Conduct Development:** Integrity Commissioners are often involved in the development of policies governing the ethical behaviour of trustees, including codes of conduct and ethical behaviour frameworks.
- **Education and Training:** They also provide advice and training for trustees in respect of the ethical framework, policies and code of conduct for trustees. This may include programs, one on one training sessions and annual reports on these activities.
- **Advisory:** Integrity commissioners provide both written and oral advice to trustees in maintaining compliance with their ethical obligations as outlined in their codes of conduct and applicable board policies. They also provide general advice regarding a trustee’s obligations under the *Municipal Conflict of Interest Act* (“MCIA”). According to the Integrity Commissioner for the Toronto District Public School Board “upon request by the Chair of the Board, the Integrity Commissioner also provides opinions and reports to the

Board on issues of ethics and integrity and Board policies that may intersect with the application of the code of conduct rules”.

- **Complaint Investigation and Resolution:** Integrity Commissioners serve as the independent office for receipt of complaints, the assessor of these complaints and the investigator of complaints when an ethical breach has occurred involving trustees. This includes formal procedures for the investigation of potential breaches of the trustee code of conduct. This can include formal and informal investigations. If an Integrity Commissioner finds that in a specific case a trustee was in breach of the code of conduct, they can recommend various penalties for imposition by the board.

Integrity Commissioners generally do not provide formal legal advice to trustees in respect of their obligations to disclose possible conflicts of interest. They provide general information and training on those issues. Toronto’s Commissioner focused more of her time educating trustees around their ethical obligations and responsibilities, not assisting trustees in their legal questions related to conflicts of interest.

The Municipal Act that was proclaimed in 2017 through the *Modernizing Ontario’s Municipal Legislation Act*, came into effect expanding the role of municipal Integrity Commissioners to provide advice and receive complaints about compliance with the *Municipal Conflict of Interest Act* (“MCIA”). However, this legislative reform did not include changes to the *Ontario Education Act*.

As a result, the role of the Integrity Commissioner for the Toronto Board was not expanded to include the receipt of complaints about trustee compliance with the rules of the MCIA. The Office of the Integrity Commissioner at the TDSB clearly envisioned having the Integrity Commissioner be the ethics advisor for the Board and provide advice to trustees on their obligations under the MCIA. However, the Board policy cannot invest enhanced powers in the Integrity Commissioner that are not enshrined in the *Education Act*.

The Political Advocacy Committee, through OCSTA staff, has been looking into the role of the Integrity Commissioner as it pertains to education. An Integrity Commissioner would be able to conduct investigations or attempt to resolve matters when allegations arise around breaching of standards in the code of conduct.

Background

At the Political Advocacy Committee meeting on August 23, 2019, a motion was passed that states:

“Staff will investigate and produce a resource list of Integrity Commissioners that would be suitable for distribution to member Boards, who would be available to trustees as the need arises”.

Comments

Catholic trustees are called to give witness to the teachings of Jesus Christ, act with integrity, avoid conflicts of interest and the improper use of influence. They are entrusted to arrange their private affairs in a way that promotes public confidence and will bear close public scrutiny.

An Integrity Commissioner would provide detailed accounts of any work that they undertake in reviewing the request of the trustee while keeping confidential the identity of the person making the request. The Integrity Commissioners are independent and have oversight on the conduct of elected officials. They can also act in an advisory role to provide confidential written and oral advice to trustees in the exercising of their official duties.

Integrity Commissioners

The following individuals were selected based on their experience in the education sector as Integrity Commissioners as well as their expertise in the relevant areas of education, conflict mediation, municipal and administrative law.

1. **Suzanne Craig** - Integrity Commissioner, Toronto District School Board, City of Barrie, City of Vaughan, Town of Blue Mountains. Ms. Craig holds advanced degrees in Law from Osgoode Hall, the American University and the University of Rome. Proficient with the legal principals involved in conducting investigations and natural justice, Ms. Craig has been an independent administrative tribunal agent, arbitrator and mediator in Ontario, in the areas of Labour Relations, Human Rights, Workplace Safety and Insurance, Consent and Capacity and Tenant Protection. Ms. Craig has held various leadership positions at the Province of Ontario. At the municipal government level, Ms. Craig has drafted codes of conduct, conducted code and workplace harassment complaints investigations and developed corporate enterprise ethics strategies. In 2005, Ms. Craig was appointed Director of Corporate Access and Privacy at the City of Toronto and from 2009, has been the Integrity Commissioner for the City of Vaughan and several other Ontario municipalities.
2. **Sandhya Kohli** – Integrity Commissioner, Durham District School Board, Peel District School Board, Thames Valley District School Board and York District School Board. Ms. Kohli has advanced law degrees (LLM) in Alternative Dispute Resolution from Osgood Hall Law School and a diploma in Mediation from Harvard Law School. She is the founder of her own law firm, Guide Mediation, which focuses on alternative dispute resolution and workplace conflict management. Ms. Kohli also teaches dispute settlement and mediation at Queen’s University Faculty of Law and Osgoode Hall Law School. Prior to establishing her own law firm, Ms. Kohli worked as a federal Crown prosecutor and criminal defense lawyer.

Based on our inquiries, there are few legal and dispute resolution professionals that have the relevant experience with Ontario’s school boards and the specific issues affecting trustees. These issues include, for example:

- The fair application of a trustee code of conduct;
- Investigation of complaints filed by the public, Board staff and trustees regarding the behaviour of a trustee;
- Advice regarding the trustee code of conduct;
- General information about the *Municipal Conflict of Interest Act*.

Municipalities typically have Integrity Commissioners that have backgrounds in municipal and administrative law but with limited experience working with school Boards or trustees. Below is a revised list that includes Integrity Commissioners with municipal experience:

1. **Guy Giorno:** Integrity Commissioner in the Ontario municipalities of Durham Region, Dufferin County, Renfrew County, Wellington County, Adjala-Tosorontio, Amaranth, Brock, Centre Wellington, Clarington, Deep River, Dryden, East Garafraxa, Grand Valley, Greater Madawaska, Guelph/Eramosa, Madawaska Valley, Mapleton, Melancthon, Minto, Mono, North Algona Wilberforce, North Bay, Orangeville, Oshawa, Peterborough, Pickering, Puslinch, Scugog, Shelburne, Uxbridge, Wellington North and Whitby. He is a partner with Fasken's LLP and leader of their political law group. Guy was Chief of Staff to Prime Minister Stephen Harper and Premier Mike Harris.
2. **Jeffrey Abrams/Principles Integrity:** Established in early 2017, Principles *Integrity* is a registered partnership operated by its' two principals Jeffrey Abrams and Janice Atwood-Petkovski, two experienced municipal lawyers and corporate leaders, with over 30 years of experience each in municipal law and governance. Currently the firm serves as the Integrity Commissioner for County of Grey, Municipality of Trent Hills, Town of Halton Hills, Town of Wasaga Beach and several other local governments. Jeffrey is the former City Clerk, City of Vaughan. He holds a LL.B from the University of Windsor and has been a practicing lawyer since 1985.

For further details about the role of the Integrity Commissioner currently serving school boards see <https://www.tdsb.on.ca/Leadership/Boardroom/Integrity-Commissioner>; and <https://www.ddsb.ca/en/about-ddsb/integrity-commissioner.aspx>.