

DATE: March 16, 2020

TO: Wassif Hussain, Internal Audit Manager

FROM: Suzanne Craig, Integrity Commissioner

RE: **Integrity Commissioner Complaints Update**

The Office of the Integrity Commissioner and the Internal Audit department have developed a draft Memorandum of Understanding to address matters that overlap with the two areas of the TDSB to ensure confidentiality is maintained. The two offices collaborate in reporting matters of accountability at the Board.

In accordance with the *Education Act* and the Board Member Code of Conduct (the “Code”), the Integrity Commissioner for the Toronto District School Board (the “Integrity Commissioner”) has jurisdiction to receive or investigate complaints that relate to actions and conduct of Board Trustees. While the Integrity Commissioner may be consulted on matters that intersect with the rules of the Code (such as, personnel matters and operational policy gaps at the Toronto District School Board), pursuant to section 6.3 of the Complaint Protocol, if a complaint is not a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Board policy, the Integrity Commissioner shall advise the complainant and will not investigate the matter

Integrity Commissioner Reporting:

In her reporting role, the Integrity Commissioner:

- *may* report to the Board of Trustees that a specific complaint is not within the jurisdiction of the Office;
- *may* report on other circumstances of relevance to policy gaps or updates, in respect of ethics, accountability and transparency at the Board.
- *shall* report annually to the Board of Trustees on the number of complaints received and the disposition of the complaints, including those not within the jurisdiction of the Integrity Commissioner.
- *shall* report the findings following the conclusion of a Code of Conduct investigation;

In 2019, the Integrity Commissioner received several complaints that had as their subject, matters that were not within the jurisdiction of the Commissioner's Office. While, some of these complaints raised issues that were of significance, in the Commissioner's view, none were sufficiently serious to merit referral to the Internal Audit Department.

Complaints:

1. Gifts and Donations

Complaints have been received by the Integrity Commissioner relating to the processes in place for purchasing equipment and resources in individual schools. These were not "complaints" but rather concerns about the options available to the public to subsidize individual school needs. These concerns were also raised with and directed to some Trustees. The concerns were raised by individuals who sought opportunities to contribute financially to schools in purchasing updated IT equipment, sports uniforms and other items.

The Commissioner advised the individuals who brought forward these issues that a) the concerns were not complaints and, in any event,, were not matters within the jurisdiction of the Commissioner to investigate; and b) the matters should be directed to their Trustee who in turn, could appropriately direct the concerns to the appropriate department of the Board. The Trustees with whom I spoke did adhere to their obligations under the Code and the sought the advice of my Office.

2. Whistleblower Complaints

The TDSB has a number of policies and procedures in place to identify and prevent improper professional activities. The TDSB website sets out that to "complement these policies and procedures and ensure protection against reprisals related to the reporting of suspected wrongdoing, the TDSB has a reporting system that can be used by anyone to raise concerns about suspected wrongdoing by an employee of the TDSB".

The Commissioner received complaints from teachers and Board staff, the subject of which would be more appropriately addressed through the whistleblower complaints system. I am required to maintain confidentiality regarding all matters that come to my attention during the course of my duties. Since, I did not obtain the consent of the complainants to disclose their information, I am unable to provide any detail on these complaints. The individuals who brought forward these matters to the Commissioner's Office were advised that the TDSB has put in place

a whistleblower system that is intended to protect the complainant from reprisals, including unfair disciplinary action or termination as a result of bringing forward information on wrongdoing.

Conclusion:

The above-noted matters that came forward to the Integrity Commissioner were neither deemed to be within the Commissioner's jurisdiction to review nor deemed frivolous or vexatious. For the first category of queries, the Commissioner concluded that consideration may be given to providing Trustees with clear direction on the Board rules that govern gifts and donations from third parties and how Trustees may lend their support to community fundraising initiatives. For the second category of queries, the Commissioner concluded that enhanced communication of the existing whistleblower complaint system would benefit members of the public and staff.

Suzanne Craig

Integrity Commissioner