

OFFICE OF THE  
INTEGRITY COMMISSIONER'S

2023-2024

ANNUAL REPORT





OTTAWA-CARLETON  
DISTRICT SCHOOL BOARD



June 24, 2024

TO: Chair Lynn Scott and Members of the Ottawa-Carleton District School Board

I submit this Annual Report to the Ottawa-Carleton District School Board for their consideration and receipt, in fulfillment of my role as Integrity Commissioner.

This Report covers the period May 2022 to May 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Craig".

Suzanne Craig  
Interim Integrity  
Commissioner




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# OVERVIEW



As 2022 was a municipal election year, generally no complaint can be filed between Nomination Day and Election Day. This Annual Report covers the period from May 2022 to May 2024. On April 25, 2023, the Board of Trustees approved my appointment as Interim Integrity Commissioner for the Ottawa-Carleton District School Board. The term of the appointment was for one year. This appointment length was decided in anticipation of possible legislative amendments to the *Education Act*, with respect to Codes of Conduct and integrity commissioners. On April 25, 2024, the Board of Trustees reappointed me for another year.

In addition to the receipt of formal and informal complaints under the Code, this Office of the Interim Integrity Commissioner received informal inquiries that related to areas that intersect with the rules of the Board Member Code policy and Code rules, many of which do not fall within the mandate of my Office. Other matters, raised with Office, related to Board decisions regarding Town-wide issues, outside of the Integrity Commissioner's jurisdiction. Section 223 of the *Municipal Act, 2001* gives statutory authority to the Integrity Commissioner only to receive and resolve Code complaints and queries. When I received queries on such issues, I advised the individuals who brought these concerns to my attention.

As Interim Integrity Commissioner (as was the case when I was previously appointed Integrity Advisor), I am tasked with the application of the rules of the Board Member Code of Conduct (the "Code") through the review of informal and formal complaints received from Board Trustees. In addition, I have provided Integrity Commissioner advice to Board Trustees on the application of Code rules to their circumstances. As the mandate of this Office does not include the review of inquiries and complaints on Board policy or actions, nor complaints received from members of the public, I was unable to provide responses to these concerns raised.

The 2022 municipal election saw a change in the composition of the Board of Trustees. My Office provided guidance to Trustees and the Executive Officer and her staff during the period leading up to the 2022 municipal election. Following the election, I was pleased to have been invited by the Executive Officer to deliver presentations to the newly-elected members on Governance and Code rules.

Currently, under the Code rules, the Integrity Commissioner can only receive and investigate a complaint into a Trustee's conduct if another Trustee makes a request under section 4.6 of the Code. In some jurisdictions, School Boards have adopted Codes and allow integrity commissioners to receive requests for Code investigations based on information provided to them from members of staff and members of the public. This is an option that this Board may wish to consider.

# Code of Conduct Procedure



OTTAWA-CARLETON  
DISTRICT SCHOOL BOARD

As Interim Integrity Commissioner for the OCDSB, I act as an independent and impartial officer who receives concerns from Trustee complainants, with respect to the conduct of individual Trustees. The Code stipulates that the complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code. Names of complainants are confidential and investigations are conducted in private, while the investigation report is submitted to the Board in public session.

## How a Complaint is made:

- A Board member who has a concern that another Board Member may have engaged in conduct which represents a breach of this Code of Conduct should first consider whether there is an opportunity for resolution of the concern through direct discussion with the Board Member. The assistance and advice of the Integrity Commissioner may be requested by either Board Member;
- A Board Member who has reasonable grounds to believe that a Board Member has breached the Board's Code of Conduct may file a Complaint with the Integrity Commissioner for review. The precondition of entering into an informal discussion is not mandatory. All particulars of the complaint should be included in the Complaint including the name of the Trustee and the alleged conduct that is believed to have contravened the Code;
- Any allegation of a breach of the Code of Conduct must be filed with the Integrity Commissioner no later than four weeks after the alleged breach comes to the knowledge of the complainant.

A review of the Complaint shall not be conducted if the Integrity Commissioner determines that the Complaint is:

- a) out of time;
- b) trivial, frivolous, vexatious;
- c) not made in good faith; or
- d) there are no grounds or insufficient grounds for a review.

After the Integrity Commissioner has completed her Investigation about individual Trustee's actions, conduct at meetings, interaction with one another, use of language that is disrespectful, harassing or meant to bully other Trustees, staff or the public, the Integrity Commissioner shall make a finding on:

- whether the Trustee's actions or behavior were in contravention of the Code rules;
- complete a Report with findings to the Board, with recommendations of sanctions and/or remedial action that the Board will consider upon making a decision on whether the Trustee has breached the Code.

Only the Board may decide if the Trustee has breached the Code. The Integrity Commissioner is the fact-finder and the Board of Trustees is the decision-maker on whether the Trustee has breached the Code rules.

### **What the Interim Integrity Commissioner cannot do under the current Code and statutory authority under the *Education Act*:**

- The Complaint Protocol makes no provision for the Interim Integrity Commissioner to receive anonymous complaints;
- Overturn decisions of Board staff or the administration, the Board of Trustees or Committees;
- Receive or review complaints with respect to actions, omissions or decisions of OCDSB staff, including the Director of Education, Executive Office, Superintendents, Senior Officers, Principals or other school staff, decisions of standing Committees (including committees formed for suspension hearings);
- Set Board policy;
- Cause a Trustee to cease a course of action, behavior or from making certain comments;
- Under the Complaint Protocol an allegation that may involve a contravention of the Criminal Code of Canada is a police matter and matters amounting to defamation are enforced by the courts and would not be investigated by the Interim Integrity Commissioner;
- Investigate a complaint of alleged conflict of interest under the Municipal Conflict of Interest Act involving a Trustee. These complaints are enforced through the courts;\*
- Provide advice on whether a Trustee should bring forward a complaint;
- Receive or adjudicate complaints about decisions of the Board with respect to Access to Information requests, Privacy complaints.

As part of the commentary to a Code of Conduct recommendation report on a Code complaint, the Integrity Commissioner may flag to the Board of Trustees and Board senior staff, trends in the complaint that suggest systemic issues and or gaps in policy and recommend best practices and/or ways to improve clarity in obligations to enhance Code compliance.

## **Decorum during meetings**

Generally, conduct during meetings is governed by the Chair in accordance with the Board's procedure by-law. The Integrity Commissioner has concurrent jurisdiction with respect to conduct and comments of Trustees at Board and Committee meetings that enables the Integrity Commissioner to review complaints on these matters. However, the Chair has default jurisdiction over the management of Board Trustee conduct during Board meetings.

## **Social media use**

The rules of the Code of Conduct apply to Trustees' conduct on social media and other online platforms – e.g., sharing information and communicating with the public. It is recommended that the Board develop Trustee Use of Social Media rules to which the Integrity Commissioner may rely when reviewing Code complaints involving Trustee conduct and statements made on social media that run afoul of Code rules.

## **Communication on behalf of the Board**

A code of conduct can address whether, when and how members may communicate on behalf of the Board, including to the media. It is recommended that the Board develop rules to be included in an updated Code, providing clear guidance on Communications on behalf of the Board versus Communications by individual Trustees to the media.

## **\*Conflicts of interest within and outside the scope of the *Municipal Conflict of Interest Act***

The *Municipal Conflict of Interest Act* applies specifically to pecuniary conflicts of interest, as defined in the legislation. If a Board intends for its Code of Conduct to include the power of the Integrity Commissioner to receive complaints with respect to conflicts, this should be explicitly stated. Improper Use of Influence and Bias, as well as pecuniary conflicts of interest, where a Trustee is alleged to be using their position to benefit a friend, or a family member (other than a parent, spouse, or child under the *Municipal Conflict of Interest Act*) could be included in the Code rules.

## **Workplace harassment**

Some complaints raise issues that are covered by both the Code of Conduct and the OCDSB's workplace harassment policy. It is recommended that clear guidance be included in the Board policies and the Code that set out the role of the Integrity Commissioner and Board staff responsible for enforcement of Workplace Harassment. While the Integrity Commissioner is responsible for investigating the conduct of Trustees through application of the Code rules, necessarily, when there is an allegation of conduct that triggers the OCDSB Workplace Harassment policy, the department of the Board with subject matter expertise and the Integrity Commissioner should be able to work together to ensure a harassment threshold assessment is conducted in the first instance.



# TRUSTEE LEARNING SESSIONS



OTTAWA-CARLETON  
DISTRICT SCHOOL BOARD

## **The Newly Elected Board and its Training**

The 2022 municipal elections resulted in the election of five returning and seven newly elected trustees to the OCDSB.

The OCDSB Board Services scheduled a series of Trustee Orientation “Learning Sessions” to facilitate an understanding of the various roles and responsibilities of Board Trustees.

On November 4, 2022, Trustees-elect were each given a copy of the OCDSB Trustee Orientation Handbook Handout.

On November 8, 2022, December 13, 2022, and March 21, 2023, I delivered three Trustee learning sessions with an esteemed Educator and former Director of Education of the Ottawa-District School Board Stephen Sliwa, Executive Program Director / Adjunct Professor| B.Ed. Program Faculty of Education Queen's University. I am grateful for Professor Sliwa lending his time and expertise to enhance the learning experience of those Trustees who attended all sessions.

Training to new Trustees emphasized the requirement for co-operation and good communications among Trustees and that the Board of Trustees, though having different and unique perspectives, must act together and speak as one body. In addition, Trustees learned in their learning sessions that Trustees must take direction from the Chair during meetings. It was conveyed that one designated person should speak to the media on behalf of the Board and if a member disagrees with a decision, they must not denigrate the Board or their colleagues in expressing their disagreement.

At the Trustee learning sessions, we covered many areas of governance that were included in the Ontario Public School Boards' Association (“OPSBA”) orientation modules. In our March session, we covered the Code of Conduct, which emphasized the requirement to act in accordance with the letter and spirit of the Code of Conduct and to inspire public confidence in the OCDSB. The final session touched very briefly on the role of the Chair and decorum at Board meetings.

## **Meetings With Individual Trustees**

In September 2023, with the updates to the Code in force, I met with each Board Trustee individually, to discuss my enhanced mandate (from Integrity Advisor to Interim Integrity Commissioner), the May 2023 changes to the Code of Conduct and ways forward in a climate of respect and collaboration.

I was pleased to meet with and give each Trustee an opportunity to ask me questions on the integrity regime, my approach and interpretation of the Code rules and the complaint procedure and I asked Trustees to comment on how they envision matters of integrity and accountability at the Board going forward.



I welcomed this opportunity to sit down and speak informally with individual Trustees.

As the ethics resource for the District, I believe my role goes beyond receiving and investigating Code of Conduct Complaints. That said, the timely, fair and compassionate receipt and review of formal concerns regarding the conduct of a Trustee, relating to a matter within my jurisdiction and mandate, is something that I take seriously and to which I give my full attention and apply my years of experience in the ethics and investigations field.



# LESSONS LEARNED

The lessons learned coming out of the Learning Sessions and one-on-one meeting that I conducted with individual Trustees were as follows:

## **Foundational Principles of Board and Committee Chairs:**

- Act with fairness and respect toward all;
- Avoid the use of influence of her or his or their position for private or personal advantage, both real and apparent
- Responsibly oversee management of meetings
- Facilitate a process that encourages a meaningful dialogue, providing understandable and timely decisions

## **Avoidance of Bias:**

- It is recognized that Trustees will all have diverse knowledge and expertise and must act with fairness and without prejudgement on any matter
- It is recognized that the municipal level of government is not organized along political party lines
- It is a generally agreed principle of the law that a decision-maker should be free of bias and should be perceived to not be biased in making their decision

## **Conflict of Interest:**

- Trustees must avoid a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her or their official duties as a Trustee at Board or Committee

## **Respecting staff and the public:**

- Refrain from interfering in staff duties or denigrating their actions
- Respect the role and professionalism of staff and particularly their duty to be politically neutral and objective
- Treat the public and staff appropriately letting all voices be heard
- Remember that the Board's Respectful Workplace Policy also applies to Trustees

# ACTIVITIES OF THE OFFICE OF THE INTERIM INTEGRITY COMMISSIONER

The Office received 5 informal complaints (3 in 2022 and 2 in 2023) and 3 formal complaints (in 1 formal complaint that was tabled on December 19, 2024, in which 3 Trustees were named as Respondents and the allegations against each named Trustee were investigated in one complaint but separately). The Office also received 15 inquiries from the public, the review of which were not within the jurisdiction of the Interim Integrity Commissioner.

Of the 3 formal complaints and 5 informal complaints, the informal complaints were resolved through mediation or dismissed and the formal complaints were investigated with findings reported to Board on December 19, 2024<sup>1</sup>.

## Code Complaints

In my previous Annual Report in my role as Integrity Advisor, I observed that in an effort to find immediate solutions, often out of frustration, Trustees often brought forward motions at Committee meetings or took to Twitter or other social media platforms, to explain to the public that they are seeking solutions. As I have previously reported, the Code of Conduct allows communication and informing the public about information discussed at Committee and Board meetings through social media or other platforms. However, during this reporting period, I have found that, as in the past, some of the posts/comments subject of Code complaints, inaccurately represented a decision or position of the Board. In addition, the comments appeared to have the effect of trying to shame or attack Trustee colleagues who had particular perspective during a meeting and vilify any Trustee who did not hold their position. I have stated in previous reports, and it is worth repeating at this time that the Code is not intended to prevent Trustees from speaking their truths with candor and honesty, however, to conduct a discussion on social media or elsewhere in public, linking one's belief that the decision of the Board was detrimental to students, alleging that the Board has not listened to the public and harmed affected groups, may run afoul of the Code that prohibits Trustees from impugning or maligning a decision or otherwise eroding the authority of the Board. Making comments about a Board decision or personally attacking the subject-matter expertise of staff may be found to be Code contraventions, depending on the context of the statements. The Code prohibits a Trustee from taking personal attacks against other Trustees or members of the public that is disrespectful or insulting, focusing on the person and not the issue at hand.

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<sup>1</sup> One Respondent has brought forward an application for Judicial Review. The matter is currently before the courts.

The Code is built on the foundation of Civil Behaviour. Behavior that is disrespectful and conduct that to the objective bystander would be taken as abusive or insulting towards another Trustee, is generally not permitted.

The objective of a Formal Code complaint process is to discover facts upon which to make a decision on whether a Trustee, on a balance of probabilities, has contravened the Code of Conduct rules.

Throughout the course of the mandate of an Integrity Commissioner, they may be required to investigate a Trustee more than once. Unless there is evidence that the Integrity Commissioner is unable to objectively fulfill their duties under the Code and their agreement with the Board, the default is that the Integrity Commissioner should not be barred from participating in their role simply because they have previously investigated a Trustee. The purpose-driven function of the complaint process allows the Integrity Advisor the discretion to conclude a matter with recommendations, as part of an informal resolution of a Formal Complaint. While the Complaints that I tabled on December 19, 2023 were bona fides complaints that raised matters that triggered Code rules, it has been my experience during this reporting period that the Code process has been viewed and used as a weapon rather than a governance tool. The very word “Code” seems to invoke both a feeling of being harassed and threatened. This should not be the case.

The Code of Conduct is an accountability tool that has been created to be used to transparently and fairly review conduct of a Trustee by an independent objective investigator. The rules of the Code represent a commitment of a Board of Trustees to collectively abide by the standards of conduct. Individual Trustees should welcome not vilify the Code, as a way to outwardly demonstrate to the public, staff and fellow Trustees that they agree to be held accountable for their actions. Failure to recognize the fundamental governance principles of the Code risks having the Board’s decision-making at meetings descend into unbridled chaos and personal attacks. It is the purpose of the Code to establish rules to guide Members of the Board of Trustees and Members of Advisory Committees (using only the provisions that apply to them in respect of their restricted advisory function) can follow, in performing their diverse roles in representing their schools, students and communities and recognizing their accountability for managing District resources allocated to them.

Trustees are permitted to bring forward community concerns in respect of student achievement- this is an important part of their role. Representing constituents is a legitimate function of a Trustee under the *Education Act*. However, the way in which concerns are brought forward must respect the boundaries that define the role of a Trustee from that of the administration, as well as understanding the distinction between policy development and implementation or operationalizing a policy. Further, acting in a way that is adverse to the Board or simply deciding not to follow the Board policies, including the Code, is contrary to the spirit and letter of the *Education Act* and the role of a Trustee and oath of office that Trustees swore to uphold. As I have previously reported, maintaining a focus on student achievement and wellbeing does not give license to run roughshod over staff or insult fellow colleagues. Long meetings, competing priorities, limited financial resources and disagreements on what agenda item is on the floor, often lead to heightened emotions and short tempers in meetings. Staff at meetings are not in a position to “respond in kind” to pointed comments or microaggressions directed towards them. While an occasional misplaced comment happens in all workplaces, it is incumbent upon Trustees of the OCDSB in adherence to their Code obligations, to treat staff with respect and to ensure that their work environment is free from disparaging comments or actions.

## CLOSING REMARKS

### Ongoing Professional Development and Going Forward:

I have observed that there is a need for an understanding of how to engage diverse perspectives and differing views with respect and kindness. I recommend that Trustees be offered opportunities for attendance at ongoing learning sessions, including conflict resolution and mediation, governance and understanding intersectionality. Words matter and hurt and harm caused by words, may negatively impact and infect the core of decency and the ability of the Board to achieve outcomes that are reflective to safety, respect and inclusivity. Board decisions and the conduct of Trustees should not adversely impact certain communities disproportionately and cause the focus of Board meetings to be on Trustee behavior rather than the substantive issue the Board is tasked to address under the *Education Act*.

I conclude by repeating my comments from the last reporting period with the hope that the Board of Trustees will thoughtfully receive and consider these comments. As urgent as many discussions are to individual Trustees and collectively to the Board, there must be a safe and respectful space where shared values and the consistent application of fair processes intersect, and where discussions are about issues and not the individual personalities of Trustees, following the rules in place. If the rules need to change, the Board as a body, must make this determination, not individual Trustees. If the Code needs to change, it is recommended that the Board take advantage of the expertise and knowledge of the Office of the Integrity Commissioner to assist in providing and understanding of best practices in governance and accountability in Codes of Conduct and accountability regimes in other jurisdictions.

It has been an honor and privilege serving as the appointed Interim Integrity Commissioner for this reporting period. I would like to thank Mrs. Nicole Guthrie, General Manager, Board Services, for her professionalism and kindness in assisting me to navigate and understand the policies and procedures of the Ottawa-Carleton District School Board.

Respectfully submitted,

THIS 18<sup>th</sup> day of June, 2024

Suzanne Craig  
Interim Integrity Commissioner