

November 19, 2019
Supplementary Meeting of the Board:nf

PEEL DISTRICT SCHOOL BOARD

Minutes of a Supplementary Meeting of the Board, held in the Board Room, the H. J. A. Brown Education Centre, 5650 Hurontario Street, Mississauga, Ontario on Tuesday, November 19, 2019 at 17:30 hours.

Members present:

Stan Cameron, Chair
Sue Lawton, Vice-Chair
Carrie Andrews
Susan Benjamin
Robert Crocker
Nokha Dakroub

Will Davies
Brad MacDonald
John Marchant
Kathy McDonald
Balbir Sohi

Member absent: (apologies received)

David Green

Student Trustees:

Kenisha Arora, Student Trustee South
Prabhleen Nar, Student Trustee North

Administration:

Tania Alatishe-Charles, Controller, Finance Support Services
Donna Baptie, Executive Assistant
Lawrence De Maeyer, Superintendent, Leadership Development and School Support Services
Jaspal Gill, Associate Director, Operational Support Services
Poleen Grewal, Associate Director, Instructional and Equity Support Services
Mark Haarmann, Associate Director, School Support Services
Antoine Haroun, Chief Information Officer, Learning Technology Support Services
Peter Joshua, Director of Education
Carla Pereira, Director, Communications and Community Relations Support Services
Jamie Robertson, Superintendent, Human Resources Support Services
Gale Solomon-Henry, Superintendent of Education
Thomas Tsung, Controller, Corporate Support Services

Nicole Fernandes, Board Reporter

1. **Open Session**

The Open Session commenced with an acknowledgement that the meeting is being held on the traditional territory of the Mississaugas of the Credit First Nation, and singing of O Canada.

2. Approval of Agenda

A revised agenda was circulated, and the following items were added:

- Item 5.1 Delegation by Faraz Saleem re Administration Protocol and Meeting Scheduling
- Item 5.2 Delegation by Cody Vatcher re Letter to Trustees dated November 14, 2019
- Item 5.3 Delegation by Idris Orughu re McCrimmon Middle School and cancellation of November 13, 2019 Regular Meeting of the Board

Resolution No. 19-243 moved by Balbir Sohi
seconded by Carrie Andrews

Resolved, that the agenda, as amended, be approved.

..... carried
2/3rds' majority

Later in the meeting, the agenda order was altered to accommodate the late arrival of two delegations.

3. Conflict of Interest

Trustee Will Davies declared a conflict of interest with regard to Item 7.3, Report of the Integrity Commissioner regarding Trustee Code of Conduct, indicating that he is the Respondent in the Report of the Integrity Commissioner. The trustee did not speak nor vote on the motion to receive the report.

4. Written Questions

Trustee Dakroub submitted the following written questions:

1. What is the total amount billed by the Integrity Commissioner to the Peel DSB since being hired?
2. What was the total cost of the Integrity Commissioner's investigation into the "mccriminal' complaint, including the production of the 30-page report, with details of billable hours, meetings, and additional expenses to the tax payers?
3. What is the total number of complaints that have been filed with the Integrity Commissioner in the year 2019? How many have been resolved/dismissed as of November 19, 2019?

5. Notices of Motion

There were no notices of motion.

6. Retirements

Resolution No.19-244 moved by John Marchant
seconded by Kathy McDonald

Resolved, that the following retirements be received:

Ashish Bakshi	Ian Johnson	Deborah Stechly
Jacqueline Caulfield	Janice Mailhot	Peter Walkling
Adele Fagioli	Anne Muller	Barbara Ward
David Hampson	Jill Parkinson	Jean Wilkinson
Bev Honey	Neelam Paul	
Tracey Hyde	Diane Short	

..... carried

7. Delegation by Cody Vatcher re Letter to Trustees dated November 14, 2019

Cody Vatcher delegated the Board, and his notes were later provided to the administration. He stated that, in the past few weeks, there appears to be dysfunction, and he spoke of the courage of those advocating for change. He commented on the need to eradicate all forms of racism in the community, and to demonstrate to students and the community the importance of this matter. Referring to the cancelled November 13, 2019 Regular Meeting of the Board, he remarked that the some members of the public are receiving mixed messages, as the public statement of November 8, 2019 suggested that the cancellation was due to the ministry review, but an opinion article in the Toronto Star ascribed a different reason. Responding to his statement as to which trustee would like to clarify their absence at the cancelled meeting, Chair Cameron provided clarification on procedural matters regarding delegations. Cody Vatcher confirmed that he does not require a response to his delegation.

8. Peel District School Board Policy 51 – Human Rights

Chair Cameron noted that Policy 51 has been updated to reflect current practice, and has been vetted by the Leadership team and the Trustee Review Committee.

Resolution No.19-245 moved by Carrie Andrews
seconded by Nokha Dakroub

Resolved, that revised Peel District School Board Policy 51 – Human Rights, be approved.
(APPENDIX I)

..... carried

9. Peel District School Board Policy 68 – Criminal Background Checks

Chair Cameron noted that Policy 68 has been updated to reflect current legislation, and has been vetted by the Leadership Council and the Trustee Review Committee.

Resolution No.19-246 moved by Balbir Sohi
seconded by Brad MacDonald

Resolved, that revised Peel District School Board Policy 68 – Criminal Background Checks, be approved. (APPENDIX II)

..... carried

10. Report from the Integrity Commissioner re Trustee Code of Conduct

Resolution No.19-247 moved by Sue Lawton
seconded by Susan Benjamin

Resolved, that the Report from the Integrity Commissioner re Trustee Code of Conduct, be received.

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Chair Cameron reviewed procedural matters related to the receipt of the Integrity Commissioner’s Report, highlighting relevant requirements under the Education Act, and the Peel District School Board’s Trustees’ Code of Conduct and By-laws. Advising that the Integrity Commissioner is an arms-length office, carrying out duties independently, he reported that the Board’s Integrity Commissioner is accountable to and reports to the Board of Trustees, and is tasked with looking into allegations of inappropriate conduct by Trustees. Chair Cameron noted that the Code of Conduct and appendices do not require that the Integrity Commissioner report to the Board in the event of a complaint being dismissed, other than including it in an annual or periodic report. He stated that, however, on account of the close public scrutiny and because of the incident being brought to the court of public opinion, the Integrity Commissioner was of the view that the facts and findings needed to be shared with the Board in Open Session. Chair Cameron indicated that the Integrity Commissioner’s Report is for information purposes only, and the Board will receive the report to ensure that it is recorded in the Minutes. As no recommendations have been made in the report, no further action is required by the Board.

The Board’s Integrity Commissioner, Sandhya Kohli, stated that her role is to ensure transparency and integrity among Board Members. She reported that on October 16, 2019, her office received a formal complaint filed by Trustee Brad MacDonald against Trustee Will Davies, in relation to the latter’s use of the term ‘mccrimmonal’ in place of McCrimmon, to refer to McCrimmon Middle School, and the question as to whether, in so using the term, Trustee Davies violated the Code of Conduct. The Integrity Commissioner stated that, as a result of the investigation and on an objective analysis of the facts, she made a finding of “no violation” of the applicable section of the Code of Conduct. Sandhya Kohli stated that, although the findings required no action, as in this case, she indicated her view that the report should be brought to the Board, under Section 6.6(f) of the Complaints Protocol, to enable the public to understand the findings of the report.

(Continued overleaf)

10. Report from the Integrity Commissioner re Trustee Code of Conduct (Continued)

Sandhya Kohli emphasized that the office of the Integrity Commissioner is independent, and bound by the Complaints Protocol framework. She noted that, in conducting her inquiries independently, only information that is necessary to understand the findings has been included in the report. Sandhya Kohli clarified that the report in no way negates systemic racism and racism against the black community and minorities, nor does it negate discrimination, systemic or otherwise, against disparate marginalized and indigenous communities. The Integrity Commissioner confirmed that to ensure against systemic racism and discrimination is laudable work, but one that is properly assigned to other avenues. She emphasized that her role was to discover whether the trustee's action was racist and thus violated the Code of Conduct. Sandhya Kohli advised that, following a rigorous investigation that weighed all circumstantial evidence and credibility of relevant witnesses, along with an objective analysis of available facts, a reasonable inference was drawn to conclude that there was no nexus between the 'mccrimmonal' reference and a racist act on the part of Trustee Davies and, therefore, no violation of the Code of Conduct.

Trustees expressed concern about the change in the term, from 'mccriminal' to 'mccrimmonal', references in the report that other schools are assigned pejorative puns, estimation of the student demographic of McCrimmon Middle School, and ignoring public members' hurt in the use of the term. A trustee stated that, notwithstanding the intent, and the fact that it was overheard in a private setting, using the term can reasonably be considered unprofessional and is upsetting to the community. Another trustee stated that the report discredits her and she spoke of her belief that it perpetuates racism, victimizes the black community and sends the wrong message. She disputed the fact that the term was used in a private meeting, and indicated that the school has a higher population of black students.

In response to the comments made by a trustee, the Integrity Commissioner stated that she has been hired by the Peel District School Board to independently investigate conduct of trustees. She advised that challenging the lines of inquiry, the lines of investigation and the content of the report, undermines the overall impact, the accountability framework, and the ability to advance transparency at the Board level. Replying to further questions, Sandhya Kohli stated that the genesis to link the term used by the trustee to the profile of the school or its students was not revealed through her investigation. A recorded vote was requested.

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The result of the vote was as follows:

Resolution No.19-247

Yeas	Nays	Abstentions
Trustees Benjamin, MacDonald, Cameron, Lawton, Andrews, Crocker	Trustees Sohi, Dakroub, Marchant, McDonald carried (6-4-0)

(Continued overleaf)

10. Report from the Integrity Commissioner re Trustee Code of Conduct (Continued)

Yeas

Nays

Abstentions

Student Trustees Nar,
Arora

(0-0-2)
(non-binding)

11. Delegation by Idris Orughu re McCrimmon Middle School and Cancellation of November 13, 2019 Regular Meeting of the Board

Idris Orughu delegated the Board, and provided his speaking notes to the administration. Noting that this week is Bullying Awareness and Prevention Week which is to help promote safe schools and positive learning environments, he spoke of his impression that the Integrity Commissioner's report presented today appears to consider acceptable the conversion of a term that allegedly mocks a marginalized group. Idris Orughu commented that this minimizes the harm caused to the community and is disingenuous. He asked whether the Integrity Commissioner has had anti-black racism training. He stated that in cases of bullying, those who commit the bullying are at fault; however, those who stand by are complicit and are also guilty.

In response to Idris Orughu's expressing his dissatisfaction with the timing of this meeting, Chair Cameron provided an explanation regarding scheduling of the meeting. Idris Orughu referred to the Integrity Commissioner's report with regard to the fact that no students complained about the term. He stated that statistics on low reporting of crimes is well known, and he asked whether the Integrity Commissioner had spoken to the black community. He expressed his approval of those who voted against receiving the report. Idris Orughu stated that the community will ask for change on the board, whether through the Ministry or elections. Chair Cameron confirmed that a response to the delegation will be brought to the December 10, 2019, Regular Meeting of the Board.

12. Delegation by Faraz Saleem re Administration Protocol and Meeting Scheduling

Faraz Saleem delegated the Board, speaking from notes that were later provided to the administration. Referring to the Peel DSB notice to cancel the November 13, 2019 Regular Meeting of the Board, Faraz Saleem queried as to official reason for cancelling the meeting. He asked several questions about: precedent to cancel publicly scheduled meetings; checking availability of trustees before a meeting; list of previously cancelled meetings; legitimacy of today's meeting; cancelling a previously scheduled meeting and holding another when it is difficult for members of the public to attend. He stated that taxpayers pay for trustees to attend meetings and he expressed his opinion that the motive to cancel the meeting was to deflect public attendance. Speaking on the Integrity Commissioner's report, Faraz Saleem called into question dates. Stating that he believes the definition of the Trustee Code of Conduct has been taken out of context, he asked about the validity of Section 6.12 of the Trustee Code of Conduct. He requested details about the process to hire the Integrity Commissioner, as to whom she reports, and options available to the public if they are not satisfied with the decisions made by the Integrity Commissioner.

13. Comments or Questions from Trustees

Student Trustee Arora spoke on bullying prevention and awareness. She stated that, as someone who has been bullied, she is aware of the importance of support from teachers and the community. She indicated that she and Student Trustee Nar as well as other trustees can provide support to students. Remarking that there is no room for hate within the Board and education systems, she commented that being a bystander is shameful. She thanked the Communications department for posting the five steps to take action against bullying, which she then outlined.

Trustee McDonald reported that she had a conversation with a student of McCrimmon Middle School regarding the use of the term, and the student commented that this was said to humiliate and shame students. She asked whether the Integrity Commissioner has received anti-black racism training. Suggesting that she had contacted the Integrity Commissioner's office a number of times and left messages, Trustee McDonald stated that she will not get into situations that could affect her mental health. She asked whether it is acceptable for a trustee to behave in an unprofessional manner when on vacation. She indicated that she wants students to know that they are valued, special and deserve the best education.

Trustee Marchant thanked trustees for their support during his time of grieving. He indicated that he is disheartened that this issue was not resolved earlier and that he welcomed the Ministry's review. Commenting that he has seen bad behaviour on both sides of the issue, he stated that trustees are required to work within the rules of the Board, and it is within the power of trustees to change rules they do not like. He noted, however, to take up the issue outside the Board only undermines it, does a disservice to staff and students, and doesn't help communities. Explaining that meetings of the Board are not the ideal platform to interact with the community, he asked if community meetings have been scheduled, as these will provide opportunities for more meaningful involvement of the community. Director of Education, Peter Joshua, stated that community meetings are being planned, although dates have not been fixed. He indicated that the first step is to honour the work of the We Rise Together Community Advisory Committee and PAACE, who are meeting on November 25, 2019 to discuss and plan the appropriate steps for community meetings. He confirmed that trustee and student representation will be invited.

Trustee Dakroub indicated that she has no negative feelings towards Trustee Davies, and that her concerns were with the report. She remarked that she has a duty to raise her concerns and ask questions, and that she was looking forward to seeing solutions put forward. She suggested anti-discrimination training for trustees, with a focus on anti-black racism training, and added that such anti-oppression training be offered at regular intervals. She thanked the Minister for opening a review to investigate systemic racism at the Board, and she remarked that she looks forward to working with the Ministry reviewers to build an education system that values all communities.

Trustee Sohi expressed the hope that, following the review by the Ministry, the Board is able to move forward in the right direction. She spoke of the need for training on anti-black racism, trustees' duty to engage their communities, and bridge barriers to student success. Speaking on Bullying Prevention and Awareness Week, she thanked the administration for their support on bullying prevention and working to build a positive environment for students. Trustee Sohi reported that, in honour of the 550th birthday of Guru Nanak, donation drives were conducted at a number of schools, and scholarships set up at 13 secondary schools.

13. Comments or Questions from Trustees (Continued)

Trustee Benjamin acknowledged members of the community who have taken the time to attend the meeting. Providing information on her background, she remarked on her early experiences with discrimination, and with racism as a teacher at both school boards in Peel. She noted, however, that she has chosen to be positive and pro-active, following the protocols to address the issues. Suggesting that a communication gap has aggravated the current issue, she commented that this issue is not only about racism, equity and inclusion, but also about duties and responsibilities of elected officials who oversee places of learning. She emphasized the need for trustees to be guided by the Trustees' Handbook and Code of Conduct. She spoke of her interest in promoting climate for learning initiatives, as well as the Board's policies in the areas of equity and inclusion, human rights, safe and accepting schools, prompt resolution of issues in a fair, just and equitable manner, and a zero tolerance to racist and inequitable practices.

Chair Cameron thanked the public for their time and commitment. He indicated that trustees are happy that the Ministry will be sending reviewers to look at leadership and governance issues and help students be successful. He noted that when he and Vice-Chair Lawton wrote to the Minister's office for help, it was a sincere request but it was difficult to do, as it is an acknowledgment that things are not going well. He provided information about his background of teaching for 37 years at Centennial College, and his mentorship of a teacher from Zimbabwe.

14. Public Question Period

Resolution No. 19-248 moved by Kathy McDonald
seconded by Nokha Dakroub

Resolved, that the Public Question Period be extended beyond 15 minutes, for all members of the public to be heard.

..... defeated

Cody Vatcher noted the official release regarding the cancellation of the November 13, 2019 Regular Meeting of the Board, and asked for clarification. He queried the procedure for the Integrity Commissioner's Report for notifying the Board on completion of the report, and the rules of confidentiality governing the Integrity Commissioner's work. Chair Cameron and Director Joshua responded.

Coco LaRain Veira indicated that she was assured a number of weeks ago regarding community engagement which would allow deeper conversations than the forum of a public meeting. She reported that she received a call from Director Joshua and queried as to why she was not contacted in a timely manner by administrative staff or trustee leadership. She asked about the significance of the Board accepting the Integrity Commissioner's Report. Inquiring as to whether the Board is aware that the harms caused to black students is far worse, she stated that, regardless of intent, words do have an impact. Trustees responded.

14. Public Question Period (Continued)

D.V. Brown reported that she works with youth in the community, and stated that, since racism has been on the rise, more black children suffer with mental illness. Remarking that she receives a call every day from black children regarding bullying, she suggested that the Board needs to do more to control bullying. She indicated that there needs to be more training for children to be more accepting, and teachers should provide more support to bullied children. She requested action on the issue of bullying in schools.

Kumar spoke about a black trustee being silenced, and the Chair's response being made in an angry tone. He asked whether this was appropriate. He also asked as to how the Integrity Commissioner will feel if she was called a name. The Chair responded.

A member of the public asked whether the Integrity Commissioner contacted black or brown students. Referring to Trustee Davies being half-Japanese, he asked about the possibility of other persons of colour having tendencies towards anti-black racism. He queried as to the actions the Board will take to practice the values on diversity. The administration responded.

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On hearing some of the member's comments, a trustee raised a point of order, indicating that meetings of the Board are not the place to cast aspersions on any staff, especially those who are not present to defend themselves. Remarking that staff work hard and are professionals, the trustee noted that the purpose of the Public Question Period is to hear questions from the public on a serious issue, and not comments that will further drive division between the community and the staff who have to be relied upon to help find solutions. He asked the member of the public to refrain from making insulting remarks.

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A member of the public, identifying herself as a member of the Congress of Black Women, stated that a black trustee raised a concern and was made to feel like a villain, and she asked for reasons. She asked about identifying the persons who were interviewed for the report and she spoke of the bystander effect. She stated that she has doubts about helping black students through the process, and that she has lost faith in the Board to adequately serve the black community.

Warren Simon confirmed that he received a response to his delegation. He asked whether the Integrity Commissioner had advised the Chair or Vice-Chair or trustees to deny or defer the delegation from the Ontario Alliance of Black School Educators. He suggested that the Integrity Commissioner failed to take into account the discrimination by several institutions in society, and the sensitivity of the community to the comments made. He queried whether the Board understands that this undermines the community's trust in the Integrity Commissioner's report. Further questions included: clarification on the persons who deliver the We Rise Together training; next steps to regain the trust of the black community; information on how to ask questions of the Integrity Commissioner of her report; provide all information regarding the Ministry review, including on timelines and the reviewers. The Chair, trustees, and administration responded.

November 19, 2019
Supplementary Meeting of the Board:nf

RESOLUTIONS APPROVED IN IN COMMITTEE SESSION – NOVEMBER 19, 2019

Members present:

Stan Cameron, Chair
Sue Lawton, Vice-Chair
Carrie Andrews
Susan Benjamin
Robert Crocker
Nokha Dakroub

Will Davies
Brad MacDonald
John Marchant
Kathy McDonald
Balbir Sohi

Member absent: (apologies received)

David Green

Part B

1. Approval of Agenda

That, the agenda be approved.

2. Resignations

That, report re resignations of staff, be received.

3. Retirements

That, the report of retirements of staff, be received.