April 7, 2017

Dear Minister Hunter:

We have completed our review of the York Region District School Board (YRDSB) in accordance with the Terms of Reference you provided. We are submitting at this time our joint report with our observations and recommendations with respect the governance, leadership and equity issues in the board.

In the course of our review we met with, and heard from, over 350 people, including all current members of the Board and the majority of the senior leadership team. We have engaged with families, students, staff, board committees, unions and staff associations, equity organizations, and members of the wider school board community. The desire to be heard was overwhelming.

We heard extensively and from multiple perspectives on each of the issues within the scope of our review. Regretfully, we heard far too much that was distressing, and a paucity of anything encouraging. Our overriding observation is that the issues stem from dysfunction and deficit of leadership capacity on both the elected and administrative sides of the organization. We wish to underscore our concerns that the capacity is lacking not only with respect to proper governance but equally, if not more importantly, with their understanding of, and responsibility for equity. In our report, we have endeavoured to convey the impact this has had on the lived experience of students, families and staff.

We offer many recommendations to restore accountability, good governance, and an effective focus on equity throughout the board. We trust that they will have the intended effect of prioritizing student achievement and well-being for all students and staff, and to provide the needed attention to those who have been marginalized.

While we have provided our observations and offered recommendations to encourage effective, accountable governance, given the complicated and challenging situation in which the board now finds itself, we believe that the YRDSB requires intervention and increased capacity to move forward.

Respectfully submitted,

Patrick Case Suzanne Herbert

Review of the York Region District School Board

Submitted to the Honourable Mitzie Hunter, Minister of Education

By Reviewers Suzanne Herbert and Patrick Case

April 7, 2017

Introduction

On January 27, 2017, we were appointed by the Minister of Education, the Honourable Mitzie Hunter, to undertake an expedited review of the York Region District School Board (YRDSB) in light of persistent and serious concerns regarding the overall governance of the school board.

The mandate for our review of the YRDSB required us to make observations and recommendations relating to the level of cooperation among the Board's members and between the Board[1] and the director of education in providing good governance. We were also mandated to provide the Minister with our observations of the performance of the members of the Board and the director of education with respect to their legislated duties. Finally, we were asked to provide the Minister with our observations on the performance of the YRDSB in appropriately dealing with equity and allegations of racism and Islamophobia; transparency in board decision-making processes; trustee spending on international travel; Board leadership and governance issues; and the conduct of trustees.

This report provides those observations and offers a number of recommendations that will facilitate the YRDSB regaining public confidence and improve its governance, particularly regarding equity, accountability and transparency. These observations and recommendations are based on, and are informed by, more than 75 interviews with approximately 140 people, including parents and community members, students, current and former staff, unions and professional associations, all current trustees of the Board, and the director of education. We also received more than 280 emails from individuals and groups in which observations, experiences and recommendations were shared. While we attempted to accommodate many who contacted us with a meeting request, the time constraints under which we conducted this expedited Review did not allow us to meet with everyone. It was very clear to us that many in the YRDSB community wanted to participate in this Review and we carefully considered each email submission that related to the scope of our mandate. We want to thank all of those who submitted views and spoke with us, and appreciate that many came forward in difficult circumstances.

This report is also informed by a significant amount of documentation including information provided to us by the school board, as well as information we gathered on demographics, provincial legislation, policy and guidelines, ethical leadership, and principles of good governance. This report sets out our observations in each of the areas within the scope of our mandate, and those observations provide the context in which our recommendations are made. We have provided these observations and

[1] Throughout this Report, we use the term *Board* when referring to the board of trustees, and the term *school board* when referring to the YRDSB.

recommendations under the broad thematic headings of Board Leadership and Capacity, Senior Administration Leadership and Capacity, and Equity.

Before offering our observations and recommendations, it is necessary to provide some general, context-setting remarks on good governance, ethical leadership, and equity of outcomes.

The basic principles of good governance are widely accepted to include legitimacy and voice; strategic vision; performance; accountability; and transparency.[2] More specific to educational governance, a 2009 province-wide consultation with education stakeholders – including trustees and directors of education – identified characteristics of effectively governed school boards in Ontario. Those characteristics included: having a clearly stated mission that includes high expectations for student achievement; the allocation of resources in support of board goals; system accountability through regular monitoring of evidence; board of trustee engagement with the community in policy development; and self-monitoring of the performance of the board of trustees to enable continual improvement of governance processes.[3] For the purpose of this Review, we have applied these principles and characteristics of effective school board governance.

We have conducted this Review with an understanding of the importance of ethical leadership to good governance. This position is clearly articulated in the handbook provided to all school board trustees in the province; that guide states, "Governance provides a framework and a process for the allocation of decision-making power. Good governance is the exercise of these powers through ethical leadership."[4] The characteristics of ethical leadership are generally understood to include integrity, fairness, service, stewardship, respect, and relationship building.[5] Ethical leaders demonstrate courage, self-control, sensitivity and understanding, and act in ways that puts public interest ahead of self, recognizes and leverages talent, demonstrates and enforces strong ethics, and values inclusivity.[6]

By exercising ethical leadership, school leaders establish their character and "generate their respect, integrity and reputation among all stakeholders in the school community."[7]

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[2] Graham, J., Amos, B., & Plumptre, T. (2003, August). *Principles for Good Governance in the 21st Century*. Policy Brief No. 15, Ottawa, ON: Institute On Governance.

[3] Ontario Ministry of Education. (2009, April). *School Board Governance: A Focus on Achievement*.

[4] Ontario Education Services Corporation. (2014). *Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities*, 24.

[5] Vogel, L. (2012, March) *Leading with Hearts and Minds: Ethical Orientations of Educational Leadership Doctoral Students*. Greeley, CO: Values and Ethics in Educational Administration, 10(1).

[6] The Edvocate. (2015, September 7). *Eight Principles of Ethical Leadership in Education* Retrieved from: http://www.theedadvocate.org/the-eight-principles-of-ethical-leadership-in-education/

[7] Tyler, C. (2014) *Today's Challenges and Dilemmas for Ethical School Leaders* [Presentation]. Educational Administration Department School of Education National University, San Jose, CA: Paper presented at the Chinese American Scholars' Association Conference, Bangkok, Thailand.

Ethical leadership inspires staff at all levels of the school board and encourages community engagement which will ultimately better serve the needs of students. In school boards with a rich diversity of communities, such as the YRDSB, it is particularly important to have ethical leadership that truly values inclusivity and demonstrates a commitment to seeking equality of outcomes for all its students.

In public education, forthrightly addressing equity represents a deepening of ethical leadership. The ethical leader understands the centrality of equity in education and demonstrates a substantive commitment to valuing diversity, understanding and respecting human rights, and ensuring safe and respectful learning and working environments. It is expected that ethical leaders fully comprehend equity in their school communities and foster and leverage respectful relationships with the diverse communities they serve. Understanding, respecting, protecting, and extending human rights is intrinsic to ethical leadership.

It is through the interconnected lens of good governance, ethical leadership, and equity that we offer our observations of the YRDSB.

Board Leadership and Capacity

The YRDSB is governed by 12 trustees who are democratically elected by constituents to a four-year term of office. At the time of this report, the Board was undertaking a process to fill a vacancy that occurred with the resignation of a member following public outcry over the trustee's use of a racist term in reference to a parent. We also note that the Board elected a new Chair last December. The Board also has two student trustees who are not full members of the Board but attend and participate in Board meetings and are entitled to suggest a motion on any matter before the Board. In the course of this Review, we met with all 11 sitting trustees as well as with the two student trustees.

The Board of Trustees governs one of the more diverse school boards in the province: the percentage of visible minorities in the population served by YRDSB is approximately 46%,[8,9] and 48%[10] of YRDSB students have a first language other than English or French. Of the 12 YRDSB trustees, four represent constituencies with a percentage of visible minorities higher than 65%, with one representing a constituency with a percentage of

[8] YRDSB and the Ministry of Education do not directly collect visible minority data. Visible minority percentages were attributed based on data reported to Statistics Canada through the 2011 National Household Survey (NHS) by the Education Statistics and Analysis Branch of the Ministry of Education. Only data from postal codes which contributed enrolment to YRDSB schools was included, and weighted attribution was performed based on student enrolment.

[9] Statistics Canada. (2011). *National Household Survey Profile* [Data source].

[10] York Region District School Board Research Services. (2016). *Demographic Profile 2016: York Region District School Board* [Data source].

visible minorities over 90%.[8,11]

Board Capacity: Stewardship and Fiduciary Responsibilities

In the course of this Review, we questioned Board members on a number of issues currently facing the YRDSB, including the school board's response to equity issues and allegations of racism and Islamophobia, negative community responses to international travel expenses, transparency related to board decision-making processes, and Board leadership and governance issues. We heard responses from Board members that - far from demonstrating strong and ethical leadership - signaled little appreciation for their individual and collective responsibility for the circumstances that ultimately led to this Review being ordered by the Minister of Education. A common thread throughout our discussions with Board members on these issues was a disturbing lack of accountability and a diffusion of responsibility for the situation the school board is currently facing.

We endeavoured to determine the nature and depth of understanding of the trustees regarding their role and responsibilities as governors. Based on our discussions, we found far too many Board members failed to demonstrate a basic understanding of their role and responsibilities as elected leaders, and the rest had varying degrees of understanding. This was particularly evident during discussions on information the Board should rely on in exercising their fiduciary responsibilities such as costs for legal fees, staff settlements, and their stewardship responsibilities for educational outcomes based on race, socio-economics, and other factors.

Regarding the two very publicly reported incidents of racism and Islamophobia, the YRDSB community - and indeed those beyond that community- needed to see strong and ethical leadership. The Board failed to demonstrate that leadership. There was a complete absence among Board members of any appreciation of their obligation to take a strong and unequivocal stand against racism and intolerance at the YRDSB. We feel compelled to denounce the Board's responses.

In the instance of the now-resigned trustee using a racist term in reference to a parent, we asked Board members why a code of conduct complaint was not filed against that trustee. Although only one trustee was witness to the racist term being used, any of the Board members could have filed a complaint and by doing so have taken a principled stand as an elected leader of the school board. The responses we heard did not provide any assurances that the members appreciated the gravity of the incident or the community's need to see the board take a strong stance against racism. Instead, we heard diffusion of responsibility, with some members suggesting that they did not personally hear the trustee use the racist term, or explaining that they did not file a complaint because the trustee who heard the racist term did not. Some Board members

[11] Statistics Canada. (2011). *National Household Survey Profile* [Data source].

cited board policy and confidentiality as reasons for their personal inaction; one member told us that they were advised by school board staff that they would be open to a code of conduct complaint it they filed one in this instance, and another member told us that they received legal advice not to pursue a code of conduct complaint. Three members reflected that perhaps they should have proceeded with a complaint; the remaining held the position that it was not their responsibility.

The Board similarly failed to exercise strong and ethical leadership in handling the Islamophobic Facebook postings by a school board principal. Again, rather than take an immediate and unequivocal stance against Islamophobia and intolerance as soon as the Board had knowledge of these postings, the Board appeared to have completely deferred to staff on this matter. Even when it was evident that the school board's response was less than clear and transparent, the Board maintained its silence.

When we asked Board members why they didn't make a strong statement to reassure the community that the YRDSB does not tolerate Islamophobia or any religious intolerance, we were told that it was up to the director and the administration to take the necessary steps to respond. While that may very well be the case with respect to an investigation and potential disciplinary action, not one Board member acknowledged that the Board had a role to play in reassuring the community of their commitment to the school board's value statement of "demonstrating equity and inclusivity in all that we do." We heard from many community members that such a statement from the Board would have gone a long way in healing the deep divisions and loss of confidence that resulted from the Board's and the administration's bungled handling of this incident. While the Board's response, or lack thereof, is troubling, what is more disconcerting is the Board members' lack of appreciation of their responsibility to the community in such circumstances.

Trustees seemed unclear about what they could and should ask for in order to govern effectively. We heard repeatedly from Board members and senior staff about instances where Board member requests for information were either not provided or were only provided after repeated requests. The inability or unwillingness of staff of the YRDSB to provide its elected leaders the data needed to fulfill their fiduciary and stewardship duty is unacceptable and signals problematic leadership on the administrative and elected side of YRDSB. When asked, some individuals suggested that concerns over information not remaining confidential once shared with the Board may explain why, in some instances, the Board was not provided with information they requested. If that were the case, surely a focused and honest discussion about how a lack of trust was impacting the governance responsibilities of the Board would have been called for.

The Board requires meaningful professional development specific to their legislated responsibility to provide effective stewardship of the school board's resources and mandate, and this should be provided by a party external to the Board. The learning must

provide the Board with a clear understanding of evidence-informed decision-making. Similarly, the director and appropriate senior staff should undertake governance training to better understand and fulfil their responsibility to provide elected leadership with pertinent information in accordance with relevant legislation.

Board members failed to appreciate public concern in our discussions with them on international travel, or "jurisdictional learning" as it is euphemistically called at the YRDSB. Responses from several Board members generally acknowledged that the board could be more transparent with respect to trustees' international travel, and a few members admitted that the current school board policy was not being followed. Some members stated that they did not agree with trustees travelling to the same location several times, but when asked if they hold each other to account, none suggested that they do; a few expressed that it was not their place to do so. In fact, it was the view of several members that it is up to the individual trustee to determine which international visits they will be part of, and the responsibility of the individual trustee to uphold the school board's policy on "jurisdictional learning." We found the lack of concern over the public reaction to their travel expenditures quite astounding. There was no sense that they appreciated the fact the public was seriously questioning their individual and collective judgement.

We understand that the Board is now undertaking a review of their jurisdictional learning policy. Our review of the current policy and its application indicates that although the policy acknowledges the Expense Directive issued by the Management Board of Cabinet, the accountability principle is not fully met. The Board needs to immediately revise their "jurisdictional learning" policy to improve both internal accountability and accountability to the wider YRDSB community. All proposals for jurisdictional travel for staff and Board members should be discussed, with appropriate notice, at a public board meeting and the purpose for the travel should be clearly linked to the school board's priorities as articulated in the multi-year strategic plan and/or the board improvement plan for student achievement (BIPSA).

Trustees must bear in mind that they shoulder an increased burden in demonstrating compelling reasons for jurisdictional travel. Clear approval processes should be put in place. Any costs associated with the travel should only be reimbursed after a report on the trip is posted on the school board's public website and presented at a public Board meeting. Public perception in these matters can undermine confidence in the school board in the absence of legitimate justifications as to why the school board is undertaking international travel, and in some cases, repeated international travel. It is consequently recommended that until the above accountability measures are dealt with through the new policy, the Board establish a full moratorium on international travel. The same requirements should be adopted for senior staff.

Board Advisory Committees

The *Good Governance Guide*[12] suggests that board advisory committees are an opportunity for Boards to benefit from the experience and expertise of community participants in board policy and program development and review. Advisory committees are also an opportunity for the Board to build relationships with the communities it serves. Leveraged properly, board advisory committees can help to foster public confidence and strengthen the governance of the school board through meaningful community participation and a sense of collaborative responsibility for student achievement and well-being.

We heard from three board advisory committees during our Review: the Equity and Inclusivity Advisory Committee (EIAC), the Parent, Family, and Community Engagement Advisory Committee (PEAC), and the Special Education Advisory Committee (SEAC). We are appreciative of the work of EIAC and PEAC volunteer members to canvas their membership as part of their submission to us. We will address in more detail the concerns that EAIC members shared with us in our subsequent discussion on equity, however will state at this point that both EAIC and PEAC suggested that they were under-utilized and felt that the way the advisory committees are run does not provide an opportunity for members to engage with authenticity in board matters. On the other hand, the chair of SEAC, which is composed primarily of service providers, told us that they had a productive relationship with the Board and felt that they had made a meaningful contribution to board policies and operations.

We heard that EAIC and PEAC members are offered little orientation and there is no opportunity to co-construct Terms of Reference or to develop a strategic plan that aligns with the school board's priorities. Community members expressed frustration about the fact that agendas are presented to them with no opportunity for input, and the meetings are used more for presentations from the school board on policy that has already been drafted or on decisions that have already been made. As a result, there is little opportunity for substantive, meaningful discussion. We heard that if the school board honestly wants to engage with community through advisory committees, they need to create the structures, mechanism and process for that to happen.

We were concerned by repeated accounts from community members of the advisory committees feeling "disrespected" and "talked down to" by staff and trustees, and several people mentioned an instance where a community member had to ask the director of education to watch his tone and communicate with civility and respect. We were told that

[12] Ontario Education Services Corporation. (2014). *Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities*.

the school board representatives, including trustees, are defensive and oppositional and that requests for information are either ignored or delayed.

The Board needs to work with Board Advisory Committees to develop meaningful, inclusive and respectful relationships and develop effective practices to ensure that advisory committees are properly supported. At a minimum, agendas should be drafted with the chair of the advisory committee, and the chair should be supported to engage advisory committee members and other members in the community to develop a strategic work plan which supports the Board Improvement Plan for Student Achievement (BIPSA) and other Board business as it relates to the committee's mandate.

Relationships among Board Members

As Reviewers, we have been asked to provide our observations on the level of cooperation among the Board's members, and between the Board and the director of education in providing good governance. Positive, respectful and productive relationships among Board members, and between the Board and the director, are expected in any school board that is governing effectively and ethically. It is inevitable that differences in opinions among the various Board members - and between the Board members and director - will occur, but good governance demands that those differences are resolved with the professionalism and respect. Public confidence in education is undermined when poorly managed relationships spill into the public domain and distract the Board from its primary focus.

We began this Review well aware of the wide-spread concerns over deteriorating relationships. They were cited as one of the Minister's concerns that led to this Review. With respect to the relationship among trustees, we have observed that the Board is factionalized and fractured and that there is little trust among Board members. Some trustees, mindful of their roles, have attempted to address issues that they see as negatively affecting the board. We understand that those trustees have felt fearful that taking action would bring retribution from others. This culture of fear is most regrettable.

Rather than remaining focused on student achievement and well-being, the Board continues to be consumed by infighting and personal clashes, and even in the midst of this Review, infighting continued. There appears to be less focus on governing in the best interests of the students of the board, and more energy spent on personal agendas and fostering divisiveness. Some suggested the divisiveness within the Board is because there are four trustees openly seeking to become candidates for other political offices, and they further suggested that these conflicting interests may lead to potential conflicts of commitment, take time and energy away from the Board, and may make working collaboratively challenging. While this undoubtedly has an effect on the Board, its work is made more difficult by the ongoing issues of personal animosity and subsequent

gamesmanship, underlined by the lack of a demonstrated understanding of their role as holders of the public trust.

The dysfunction of the Board is evidenced by their use of their trustee Code of Conduct. Code of Conduct complaints are generally used selectively and as an intimidation tactic among Board members. We heard that the Code of Conduct Policy was used to force a racialized trustee to make an apology for the use of the term 'white privilege." However, when another trustee used a racist term to describe a parent, not one trustee sought to bring forward a code of conduct complaint. None of the trustees could meaningfully account for the discrepancy in applying the trustee code of conduct.

The timing and motivation of another code of conduct complaint was questioned by several people. In this instance, the code of conduct complaint was made well after the alleged misconduct took place, prompted by a letter from the director to the former Chair. The perception of some was that both the timing and the substance of the complaint were largely intended to discredit a trustee who was seeking election as Chair. Our understanding is that after investigation, the complaint was dismissed. The questioning of the motives behind the complaint is evidence of the community's mistrust of the Board and the fact that the complaint was dismissed validates their perception.

Director Selection Process and Performance Appraisal

As Reviewers, we were mandated to make observations on the performance of the Board with respect to its legislated duties. One of the primary responsibilities of the Board is to hire the director of education, and another key duty is to monitor the director's performance in meeting their duties under the Education Act and regulations, policies and guidelines made under the Act. Our view is that the Board has not fulfilled either duty in a manner that is transparent and in keeping with good governance practices.

The *Good Governance Guide*, which is a resource provided to all trustees in the province, advises that Boards' director recruitment and selection processes be "open, professional, confidential and objective."[13] A practice that would follow from this advice would be to ensure that once the recruitment process is underway, Board members conduct themselves in a manner that would minimize any perception of favouritism. We heard of conduct to the contrary. Some trustees claimed that a former Chair too closely controlled the information and discussions during the hiring process. We heard that there were discrepancies in the reference check process, including not permitting the professional recruitment firm to undertake reference checks and not requiring all candidates to provide current supervisors as referees.

[13] Ontario Education Services Corporation. (2014). *Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities*, 38.

We note that the Board did retain the services of a professional recruitment firm to assist with the selection and hiring process, and we credit the Board for enacting this good governance practice. However, despite the use of a professional recruitment firm, the selection process has been the focus of much negative attention, and the integrity of that process continues to be questioned three years later. It was publicly known and reported that the recruitment firm did not attach their usual guarantee to the result of this search. Through the course of our Review, the fairness, transparency and integrity of the recruitment process - and hence the selection of the director - was repeatedly called into question. Many attributed the compromised process as the cause of, and the beginning of, much of the difficulty the school board is currently facing.

Unfortunately, the process for finalizing the director's contract, as well as the terms of the contract, only compounded the concerns about the fairness and transparency of the hiring process. The contract included two unusual provisions which allow the director to approve his appraisal process and provide him a supervisory officer position in the event that his contract is not renewed. Trustees agreed at the end of their interview process that the term of the director's employment contract would be three years. However, through a subsequent email exchange among some Board members, the term was changed to four years. Making such a decision outside of a properly constituted meeting of the Board further undermined the integrity of the hiring process. When the contract came forward for approval at the Board, only seven of twelve members were present to vote. Hiring a director is one of the most crucial decisions for which a Board is responsible.

To widespread community concern, after little more than one year into the director's employment contract, the board then took the decision to extend the contract by an additional six years. Several elements of this decision concern us. First, a ten-year contract for a director of education is unprecedented in Ontario school boards. More commonly, director contracts are 4-5 years in length, and while boards often do employ directors over long periods of time, this is achieved through one or more contract renewals following demonstrated performance success. That this extension was approved after little more than one year of the original contract without a meaningful performance evaluation calls into question the Board's capacity to effectively fulfil this legislated responsibility.

When asked, Board members justified the 10-year contract on the basis that it takes ten years to make substantive change in a board and they wanted to ensure consistent leadership. While in some circumstances this may be so, we are of the view that such a long tenure must consist of at least two, if not three consecutive contracts and that the value of each contract must be assessed through thorough performance evaluations. In all, the Board's actions demonstrate a gross disregard for the prevailing employment practices in the education sector as well as principles of good governance.

We are equally troubled by the Board's apparent failure to assess the performance of their director through a meaningful and transparent process. As explained to us, the director's performance process amounts to the director presenting his self-assessment to the Board, with no input from staff or community. We were also told that the Board has not agreed on the process for the director's performance appraisal for the 2016-2017 school-year. Indeed, the vagueness and lack of transparency begs the question whether the Board is lacking the capacity or the will – or both – to meet this key oversight responsibility.

The fact that the Board does not have a robust, transparent appraisal process must be rectified and applied immediately to assess the director's performance. For that appraisal process to be meaningful, it must provide an opportunity for senior administration and the larger YRDSB community to offer feedback in a confidential manner. One of the professional learning modules on good governance offered through the Ontario Educational Services Corporation, provides Boards guidance on director performance appraisal processes. The module states that the process should provide a structured opportunity for the director to receive feedback and "be well understood and communicated to stakeholders while respecting the confidentiality of individual inputs and findings within the professional process of the conduct of the review."[14]

The director should not have unilateral control over the process for his evaluation. An independent 360 assessment must be an essential component of the director's performance appraisal. The Board should retain the services of an external human resources management professional to assist in the appraisal process. The Board should proceed with amending the director of education's contract to align with generally accepted practices in the education sector.

To support the development of a Board policy for the recruitment and appraisal for a director, the Board should establish an advisory committee of Board and non-Board members to determine the skills, experience and leadership qualities for director candidates, and advise the Board on a transparent recruitment and selection process. Such an advisory committee could undertake broad community consultation and provide advice on how the Board can fulfil these two legislated responsibilities in a manner that is fair, inclusive, transparent, and in accordance with good governance principles.

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[14] Good Governance for School Boards: Trustee Professional Development Program (2016). *Performance Review: Director of Education, Module 5a*. Ontario Education Services Corporation. Retrieved from: http://modules.ontarioschooltrustees.org/en/performance-review-director-of-education.html

Relationship between the Board and the Director of Education

A hallmark of good governance is "the quality of the relationship and the synergy that exists between the Board of Trustees and the director of education."[15] A healthy relationship between a director and the board is based on mutual respect, ethical leadership, and professionalism, and the strength of that relationship helps to support directors and Boards resolve conflict or challenging situations when they occur. The *YRDSB Director of Education Job Description* clearly sets out that, as the chief education officer and chief executive officer, the director of education is responsible for establishing and maintaining positive working relations with the Board, and for developing and maintaining an effective, positive relationship with the Chair and members of the board which will provide open communications, a good information base, and sound recommendations for decision-making.

Throughout the course of our Review, we became increasingly concerned with the tenuous and troubled relationship between the director and the Board. We see no evidence that there is leadership or a willingness to establish the collaborative professional relationship that is required. In fact, we learned of a recent incident where the director shared with a community member an email exchange between the Chair and another trustee. The motivation for sharing that private email was, in our opinion, to discredit the Chair.

Some trustees voiced their support for the director and suggested that personal animosity was behind the troubled relationship between the director and Chair. Those trustees expressed optimism that the Board could still work together, although at no time did we hear any concrete steps or suggestions that might make this a reality. Other trustees told us that they do not have confidence in the director and suggested that the board could only move forward if there was a change in the administrative leadership of the board. But again, those trustees offered no suggestions on how the Board was going to address its internal divisions. Divided opinions at the Board – ranging from the position that the situation they are in is about personal clashes but the board is working well, to the position that board is in a state of crisis and there is no confidence in the director – suggests that there is not even agreement on the problems the Board is experiencing, let alone on the solutions to move the Board forward.

Both the Board and the director have a role to play in ethical and effective governance, and while strong collaboration is necessary, at the same time each need to observe their proper role. The director needs to ensure that the Board is provided with the information they need to exercise good governance, and the role of trustees is to understand the professional expertise of the director and senior staff. The relationship between Board

[15] Ontario Ministry of Education. (2009, April). *School Board Governance: A Focus on Achievement*. Toronto, ON. 12.

members and the director is fractious and neither the director nor individual board members could relay to us efforts that they have made to work out these differences.

We were told of favours being traded by the director and former Chair for support on matters before the Board; while this is not uncommon at board tables, it was distressing to hear that this was less for matters impacting student achievement and well-being and more for support of the personal constituent agendas of individual trustees. A lack of integrity in balancing interests is problematic and can poison the environment of the board. We question if the test of putting public interest before self is being met.

Moving the Board Forward

We acknowledge the new Chair's efforts to address some pressing issues. However, in spite of this, we have concerns about the ability of this Board to move forward. Nonetheless, we offer the following recommendations.

We recommend that the board review the role of its Board and Trustee Services department and ensure that it is staffed with a director who has the demonstrated experience and independence to straddle the political/administrative functions.

We recommend that the Board and director of education create a tool to monitor the performance of the YRDSB. The tool could take the form of a "report card" or a "dashboard" that reflects the progress in implementing the strategic plan and meeting the Board of Trustees' legislated responsibilities.

We have reviewed the board's work plan outlining the next steps with respect to establishing an independent office of the integrity commissioner. This is an important step toward strengthening the local accountability and transparency. As a neutral and independent officer of the board, the integrity commissioner can hold trustees to high standards of ethical behaviour and help the board regain public confidence. The design of the office of an integrity commissioner is nuanced and complex and requires external expertise. We recommend that this initiative be led by an independent consultant to ensure the board has a clear policy and procedural framework that will support and guide the integrity commissioner. The current work plan does not demonstrate the urgency that is required.

The integrity commissioner should address complaints by trustees against one another, under the code of conduct, and complaints by the public against trustees. This office would also provide a safe harbour for trustees to air concerns about ethical matters whether arising with the board or with their dealings in the community, and the integrity commissioner should work to embed education about ethics into trustee professional development.

This Board would also benefit from regular reflection on how they are performing as a Board. We recommend that the Board undertake regular assessments through a process that includes Board members and community. The results of those assessments should lay the foundation for the Board's professional development plan consistent with the Board's mission.[16]

Senior Administration Leadership and Capacity

The director of education is both the chief executive officer and the chief education officer of the school board.[17] As the sole direct report to the Board, the director of education is responsible for the administration of the organization and for the implementation of the Board's policies and direction. The YRDSB director provides oversight and leadership to more than 12,000 staff.

In his discussions with us, the director indicated that his tenure has been challenged by the anonymous "Alethea Brown" emails released to the media which questioned the selection process. We agree that those emails were a deliberate attempt to undermine the director and the past chair, and we appreciate the difficulties that those emails posed for the director in the early days and months of his directorship. The director also mentioned that at least two of his senior team competed for the director position and he was not the unanimous choice of the Board. This presented tension in the senior team from the outset of the director's appointment, which is not altogether unusual coming out of a competitive process. At three years into the role, a skilled leader would have risen above these difficulties.

In the course of this Review, we wanted to ensure that individuals had an opportunity to talk to us about what is working well in the board. Generally, when prompted, staff mentioned the board's long-standing high EQAO scores and they were proud of the academic achievement of YRDSB students. Staff were also proud of the new board improvement plan (BIPSA) created by a team of senior staff under the leadership of an associate director. But in these same discussions - which included 19 of the 24 members of senior administration team, as well as professional association representatives, union representatives, individual principals, and senior staff - it became clear that they had little confidence in the director's ability to motivate and lead going forward. Staff in divergent roles and at different levels shared patterns of behaviour which illustrated a lack of senior level leadership and judgement.

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[16] Good Governance for School Boards: Trustee Professional Development Program (2016). *Board Self-Assessment: Governance Performance*, Module 5b. Retrieved from: http://modules.ontarioschooltrustees.org/en/board-self-assessment-governance-performance.html

[17] Education Act, Ontario. Section283(1.1)

Relationships between the Director and Senior Staff

The administrative side of the school board is struggling. Much like the elected side of the YRDSB, the senior administration is suffering from damaged relationships, low morale, mistrust, and a lack of strong, principled leadership.

There was general agreement among senior staff that we interviewed that the senior administration team is a troubled team, and we heard the school board described as "dysfunctional", "a ship adrift at sea", "on a downward spiral", and in need of "external support" and "visionary, intelligent leadership." Two-thirds of the senior staff we interviewed had no confidence in the current director.

We heard consistent accounts that paint a picture of a very fractured senior team that is operating in a culture of distrust. Many expressed feelings of intimidation. In fact, low morale, distrust, and intimidation were common themes in the submissions we received from students, staff, parents and community members. Senior staff reported that their senior administrative meetings are no longer an opportunity for the senior team to engage in collaborative professionalism and to support each other with substantive challenges. Instead, senior staff do not trust each other, and the once-collaborative culture has shifted to a fearful and threatening environment. This appears to have been cultivated by the director as we heard several accounts of the director announcing to the senior team that he trusts only three of them. Many senior administrators did not feel that trust could be rebuilt.

We heard that the sense of distrust was further fostered by the director's request of some senior staff to "spy" on other members of the senior team, including requesting that a staff's presentation at an offsite meeting be videotaped without the presenter's knowledge. We also were told that laptop computers were surreptitiously sent for forensic testing to determine if any senior staff member was the author of the "Alethea Brown" emails. We heard repeated accounts of the director telling staff that "he will deny they ever had this conversation" and advising staff not to put things in writing, presumably that advice given for the purpose of deniability. The culture is such that we were told that many staff who wanted to speak with us were fearful to do so. A significant number of those who met with us were in tears. Many asked us to stop taking notes during parts of the interviews, fearful of reprisals.

It is the director of education's professional responsibility to build a cohesive and motivated team, and ensure that school and system leaders are shielded from distractions so they are able to remain focused and work in a culture of trust, transparency, accountability, and professionalism. Strong and ethical leadership creates such a culture.

We agree with the view that the director of education has not provided that leadership and this has resulted in a senior team that is demoralized. On a number of occasions we heard from members of the senior team and from school leaders that the sense of demoralization is seeping into schools.

Management of Senior Staff

The job description for the YRDSB director of education includes the responsibility to demonstrate positive, proactive leadership, and to ensure that effective systems are in place for the selection, supervision, development, and performance review of all staff. We were told by several supervisory officers that few, if any, of their cohort have had performance reviews since the current director was appointed, and that there is a general understanding among the senior team that the director "doesn't believe in performance appraisals." Prior to the current director's appointment, the school board did have a performance appraisal process in place for its supervisory officers, and that appraisal process was part of an innovative and comprehensive leadership plan for the YRDSB. We were told the school board was known across the province, and at the Ministry of Education, to be at the leading edge of leadership development.

We heard that one of the first initiatives to be stopped upon the director's appointment was the board's leadership plan. The rationale given to stop that evidence-based leadership plan that the board had invested significantly in was that the new director intended to chart a new course. Many shared the perception that it was stopped largely because the person leading the work was somebody with whom the director had an acrimonious relationship. We have no evidence of any leadership plan being in place and staff were not able to articulate an understanding of the board's current leadership strategy. In fact, based on the YRDSB organizational chart, it is unclear where the responsibility for leadership development resides. One person we interviewed echoed what many others shared: "where we are now does not reflect that leadership is foundational to our work." That, coupled with the lack of any performance appraisal system to support supervisory officers, indicates that the director has failed to fulfil this key leadership responsibility for senior staff development and appraisal.

Related to the lack of a board leadership plan and performance reviews of supervisory officers is the confusion we heard related to staff promotions, transfers and departures. We heard a common perception that promotions and movement of senior staff, including school principals, were done less for strategic reasons and more on the basis of favouritism. We heard that the senior team's influence over principal placements has diminished, and those decisions instead are seen to be made in response to trustees' requests or to "reward" those that were "loyal" to the director. We heard of senior staff being marginalized, excluded, sidelined and, in some cases, pushed out, and this is without doubt contributing to the culture of fear and distrust. This perception that staffing

decisions are lacking in transparency and appear to be “more about an individual’s relationship with the director than the individual’s experience” is widespread in the organization.

Also troubling are the repeated accounts of a recent senior administration reorganization undertaken by the director that has left staff, including senior administration, confused with respect to roles and responsibilities. As one individual stated, structure has to respond to a need, and the team did not do the work to determine what that need was or what the reorganization was responding to. Instead, the director had brief meetings with individuals on the senior administrative team and we were told that those discussions did not provide clarity on the why or the how, resulting in the senior leaders of the school board having to “figure things out as we go along.”

Adding to the confusion of the reorganization was the lack of job descriptions for the senior team positions. We requested documentation from the school board specific to recent organizational restructuring at the senior staff level, including amended job descriptions and corresponding salary adjustments. The documentation provided was sparse. When we asked the director about the confusion his senior team had with respect to their actual role and responsibilities following the reorganization, he responded with the role of supervisory officers as set out in the Education Act and felt that, given that articulation, there should be no confusion.

The school board should be allocating appropriate resources to develop a coherent and strategic leadership plan that supports transparent and equitable processes for staff development, promotion, and placements. The school board should immediately resume performance appraisals for its supervisory officers; good management, accountable, ethical and equitable leadership and public confidence demand this.

Comments that we heard from a number of individuals suggested that salary levels for leadership positions have been established in a way to attempt to circumvent the intent of the Broader Public Sector Accountability Act, 2010 (BPSAA). Some people told us about salary levels that did not follow board compensation practices and salary increases when there had been no change in job responsibilities. We are unable to verify if there is merit in those assertions, and we therefore recommend that the Ministry undertake an audit on costs associated with senior administration compensation, and legal costs including staff settlements.

Relationship with Staff and Community

A common theme that emerged in our discussions with community members and staff is that the director and centrally-assigned senior team are perceived to be inaccessible and largely non-responsive to requests for meetings and information. We were told that as a

result of this insular leadership style, relationships have deteriorated between the school board and professional staff associations and unions. We heard that there was a significant increase in grievances and arbitrations since the director's appointment and one union president stated that "there is no relationship with the Board." The failure to establish senior working relationships with association and union leadership is at best neglectful and at worst damaging to both board and staff interests.

Community groups told us that there is no apparent intentionality in the school board's engagement with community, and suggested that the YRDSB needs to "demonstrate that they are listening and not just wave binders." We heard repeatedly of individuals and community groups' outrage and shock at the lack of leadership demonstrated by the director in the face of the recent racist and Islamophobic incidents, and their impatience with "policy and privacy" continually touted as an explanation for inaction. The community generally remains skeptical of the willingness and capacity of current senior leadership to forge and sustain the relationships that are needed despite the director's recent community outreach.

In the patterns of his interactions with the Board, staff and community, we do not see evidence of the strong principled relationships that are to be expected of a director of education.

Equity

One of the Minister's concerns underlying this Review relates to the board's accountability for equity, inclusion and positive school climates. Ethical leadership requires leaders to be focussed on improving quality and equity in education and "promoting the achievement of all students, especially those who have been previously marginalised or disadvantaged."[18] Through the course of this Review, we have had the opportunity to speak with many community members, students, parents, trustees, the director and staff about the current state of equity in the YRDSB. Many spoke about the turmoil that ensued following the Board's and director's responses to the trustee's racist comment and the principal's Islamophobic Facebook postings. Those conversations also elicited views on the actions - and in some cases inactions - on the part of the Board and the director, and we heard opinions on how those actions and inactions impacted on the perception of YRDSB's commitment to equity.

In reviewing the board's key findings from the YRDSB's 2015 student survey prepared by the board's research services team, we note that 33% of elementary and 28% of secondary students who responded to the survey indicated that they have experienced

[18] Ehrich, L. Harris, J., Klenowski, V., Smeed, J. & Ainscow, M. (2015) *Ethical Leadership in a Time of Increasing Accountability*. Leading & Managing, 21, (1), 22, Brisbane, AU: Australian Council for Educational Leaders.

discrimination in their school/class. Forty seven percent reported that they were satisfied or very satisfied with the way the school responds to reports of discrimination. Nineteen percent reported that they were unsatisfied or very unsatisfied, and 34% reported that they are not sure how they feel. Approximately 25% of students who felt that they were bullied or harassed said it was because of their grades or marks, or their race, culture, or skin colour. Of the 717 elementary and 121 secondary parents who gave reasons why they felt unwelcome at their child's school, most felt it was because of their race, culture, or skin colour, or because of their first language, dialect, accent, or appearance.[19, 20]

During our many conversations, there was a general view that the YRDSB's reputation for being at the forefront of equity and inclusion has diminished. We heard from many staff that they were concerned about this, and would welcome the training and engagement that would enhance equity in the board. In relation to equity, principals and staff also spoke of feeling unsupported by inexperienced supervisory officers.

The director was well aware that the school board's commitment to equity had been questioned, but he expressed his puzzlement in light of his recent actions: making equity a "foundational practice" in the board's improvement plan for student achievement (BIPSA); increasing the diversity of his senior team; and giving greater positional authority to the supervisory officer position responsible for equity. A few staff that we spoke to also voiced their dismay over the questioning of the board's commitment to equity, and similarly offered those three specific actions as evidence that equity is a priority in the YRDSB.

Included in the YRDSB's value statements is a commitment to "demonstrating equity and inclusivity in all that we do." That value statement certainly appears to be aligned with equity being identified as a foundational practice in the BIPSA. However, when we asked staff, parents and community members what "equity as a foundational practice" actually means, or looks like in practice, we did not hear any clear articulation. As we were writing this report, the director shared presentations on equity for a recent Board meeting. Unfortunately, the presentations disclosed no meaningful targets or measurable goals specific to equity. The prominence of equity in the current BIPSA appears to be diminished in comparison to the board's plan of 2013-14. While the apparent intent of making equity foundational in the board's improvement plan is to signal that everyone owns it, the impact appears to be that no one actually knows what to do with it. As one senior staff suggested, "the reality is that someone needs to be responsible" and we

[19] Turner, C., Wray, S.,Backlund, C., Jamshidi, N., Rogers, S…& Wilson, S. (2017, January). *Key Findings from the YRDSB Student Survey 2015,* Aurora, ON: York Region District School Board.

[20] Turner, C., Wray, S.,Backlund, C., Jamshidi, N., Rogers, S…& Wilson, S. (2017, January). *Key Findings from the YRDSB Parent Survey 2015,* Aurora, ON: York Region District School Board.

believe that the Board needs an evidence-based, measurable equity plan that is both stand-alone and integrated into the BIPSA.

The director elevated the position responsible for equity early in his tenure when he created the role of coordinating supervisory officer responsible for equity and community services. The expressed intent was to give the person in that role more positional authority. The reporting relationship between the Coordinating Superintendent of Equity and Community Services (CS – Equity) and the equity department was changed. The equity department no longer reported into the CS- Equity but instead to the associate director responsible for well-being. Staff and community members who were aware of the internal staffing changes told us that this was an intentional move to reduce the influence of the CS-Equity. In the absence of any acceptable alternative rationale, it is a reasonable interpretation.

Following the establishment of the coordinating supervisory officer position, the director unilaterally changed the incumbent's duties from equity and community services to student discipline. The practical impact of that measure was that a skilled, experienced and senior person on equity was now mandated to spending time on individual suspension and expulsion hearings, rather than focusing on the systemic issues and attending to troubled relationships with communities. While attention to racial disparities in student discipline is important, staff in various positions in the board referred to the CS-Equity as being "boxed in" as a result of this move; we heard this term used several times to describe the director's attempts to marginalize staff, reducing their influence. We are very concerned with the prevailing perception among staff that working on equity is a career-limiting move under this current director and this Board. We heard patterns of behaviour involving placements, changes in portfolios, and treatment of staff who were openly promoting equity that can reasonably be viewed as systemic marginalization and, as many staff described it, as punishment. We heard accounts of this pattern of treatment often enough to accept that there is validity to the assertion that advocating for equity in the YRDSB is a career-limiting move.

The director did indeed increase the representation of racialized staff at the senior level. Many staff referred to it as "tokenism" and community members remained skeptical of the impact that this "diversity" would have on equity work in the board; many told us that despite increased diversity amongst senior staff, the board would not move forward unless individuals around that senior table had the skills, knowledge, commitment and freedom to meaningfully engage in equity work. What gives credence to the charges of tokenism is the perception that some placements and promotions have resulted in individuals being placed in positions to which they are demonstrably unsuited. Some interviewees spoke to this and questioned the rationale for their own newly acquired positions. Rather than promoting equity, such moves deepen resentment, cause division, and are damaging to the careers of those involved.

Through the course of this Review, we were told by many that the decision to stop the Every Student Counts survey and the dismantling and subsequent reconfiguration of the Equity & Inclusivity Advisory Committee (EIAC) were seen as real and symbolic changes in the school board's commitment to equity. The overwhelming perception of both was that the Board and the director were intentional in their efforts to "dial back" equity work in the board.

With respect to the Every Student Counts survey, we understand that during the previous director's tenure, a significant amount of board resources were dedicated to the development of the survey and, to this end, the board was working on involving itself and EAIC in a partnership with York University, and the Ontario Human Rights Commission. However, prior to the appointment of the current director, the survey was put on hold, and that pause continued under the current director. At this time, work on this evidence-based approach to advancing equity of outcomes for students is no longer on "pause", but has been stopped.

We were offered various explanations for this work stopping. We heard from trustees that there were concerns about associated costs with responding to the survey results, and we even heard that there was trustee concern about the obligations that might arise should the survey reveal gaps in achievement for some groups. We also heard concern about how the survey might or might not align with future direction from the Ministry. Some trustees told us that the decision to stop the survey was an operational decision made by the director; the director indicated that it was the Board's direction to stop the work pending Ministry direction. Regardless of where the accountability for this decision rests, we observed that there was little appreciation of the impact that rejecting evidence-based inquiry had on school programs, staff and parent communities at the YRDSB and the message that this sent about the school board's commitment to equity.

Compounding staff and community's perception of a faltering commitment to equity was the dismantling, and subsequent reconstitution, of the Equity, Inclusivity Advisory Committee (EIAC). Again, we heard competing rationales as to why the advisory committee was disbanded and reconstituted. The director, a few staff, and several trustees suggested that this happened as part of a realignment of the Board's advisory committees and/or that the committee was dysfunctional and wasn't producing results. The overwhelming majority of community members and staff that spoke to us about this were of the view that the Board and the director wanted to silence the requests for race-based data specifically, and more generally limit the influence of community voices. The voluntary staff committee, the Equity Strategy Steering and Action Committee (ESSAC), and school-based equity networks reported their work was not supported and valued.

Raising concerns with respect to this Board's ability to set a high standard in relation to human rights and equity, we heard accounts of homophobic behaviour by some staff and

Board members: homophobic jokes and comments being passed between Board members; a Board member suggesting to school staff that Gay-Straight Alliances (GSAs) should be discouraged; and an environment hostile to the recruitment of a senior official who is gay. We understand through conversations with staff that the board's refusal to understand and positively address and reconcile the rights of faith based communities and gay rights have led to staff reporting that they are working in a closeted culture with no support from the board to resolve these existing conflicts.

We are troubled by repeated concerns over the lack of equity and human rights training provided to staff in the last three years. We were told that, apart from some training that has been initiated since the Minister's letter to the Board in November 2016, there has been little training on equity issues and certainly the training that is offered is not tied to a broader board equity plan. One community group told us that they met with the director about equity training for principals but was told that the principals don't need it and instead the board was focusing on teacher training. We heard from students that too often racist and homophobic remarks often go unaddressed by staff. Staff and students have expressed a need for leadership on equity training. As one community member stated - echoing many others - systemic discrimination has to be proactively addressed, and equity and human rights training needs to be a big piece of the solution. We heard that equity and anti-oppression training is needed for all levels of the organization, including the elected leaders, and there was a particular and urgent need for that and human rights training for senior staff who are now responsible for human rights, harassment and discrimination complaints.

We acknowledge the fact that the board in their response to the Minister's letter indicated they were going to conduct an equity audit. We understand the scope of that audit is still under discussion. Completing an equity audit is a necessary precondition to the establishment of a broad-based equity plan.

We also acknowledge the Board's current review of their complaints process. We heard parents and community members characterize the board's responses to their complaints as hostile, dismissive, arrogant, and inappropriate. We heard of meetings between the director, trustees, senior staff and community members where the behaviour of the board representatives was described as "offensive and defensive."

Some submissions and interviewees suggested that the board should have its own Ombudsman as an independent mechanism to address complaints. We believe the board's review of their complaint procedures should examine the functions of an ombudsman as part of their work.

However, we are not confident that their review will necessarily produce a policy and procedure for human rights that is transparent and fair. We heard concerns about the

administrators responsible for Human Resources being in a perceived conflict of interest as they act for the employer while having the responsibility for investigating human rights complaints, many of which arise in an employment context and all of which require at least a perception of neutrality. We share these concerns that a greater measure of objectivity has to be brought to the Board's compliance with human rights legislation. As well, a model developed with the Board's Special Education Advisory Committee (SEAC) could be examined to inform a human rights mediation process.

We recognize the fact that some parents and community groups recommended a core curriculum on anti-oppression. They talked about the need to rethink how we teach culture. We need to do more than celebrate culture, and engage in conversations about oppressions and the meaning of culture. We heard that "students need to learn the messy truths about oppression." And indeed some students stated that their high school curriculum remains too Eurocentric. The Ministry informed us there are courses that school boards can choose to implement on equity and social justice. The board should review its current offerings in this area and approach the Ministry if they require clarification and support.

Moving Equity Forward

The director and the elected leaders of YRDSB are responsible for leading the board in promoting, protecting and advancing equity and human rights. They are legally mandated to promote safe, positive and inclusive school climates for all students of the board.[21] This responsibility needs to be fulfilled given that a "fair and inclusive system that makes the advantages of education available to all is one of the most powerful levers to make society more equitable."[22] We have concluded that this responsibility has not been fulfilled by the director or the Board.

Systemic racism occurs when an institution or set of institutions working together creates or maintains racial inequality. This can be unintentional, and does not necessarily mean that people within an organization are racist.[23] Despite community concerns and demands, and the high benchmarks set by other boards, the YRDSB has consciously or by omission failed in its duty to appropriately respond to human rights complaints and concerns and to proactively take actions to ensure safe, positive and inclusive schools and workplaces. Taken together, this gives rise to evidence of the existence of systemic discrimination. We heard an overwhelming number of accounts of action and inaction

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[21] Education Act, Ontario, section 169.1

[22] Organisation for Economic Co-Operation and Development. (2008, January) *Ten Steps to Equity in Education*, Policy Brief. Paris, FR. Retrieved from: http://www.oecd.org/education/school/39989494.pdf

[23] Anti-Racism Directorate (2017, March 7). Ontario Combating Systemic Racism and Breaking Down Barriers: Province Releases Three Year Anti-Racism Strategic Plan, News Release. Toronto, ON. Retrieved from: https://news.ontario.ca/ard/en/2017/03/ontario-combatting-systemic-racism-and-breaking-down-barriers.html

that signal a failure to properly assess and proactively respond in a way that would have otherwise demonstrated leadership on equity and human rights.

We recommend that the board immediately re-establish a work plan for the Every Student Counts survey and that the work be informed by consultations with other boards who have demonstrated leadership in this area. We are aware that the Ministry is considering ways to support school boards with the collection of race-based data, however the Ministry's work is in no way an impediment to the YRDSB moving forward. In fact, the board has an opportunity to lead this work with the Ministry.

The preparatory work had been completed, the board was aware of its growing diversity, communities raised concerns about unequal outcomes for students of diverse backgrounds; incidents in schools spoke to the existence of race-related conflict. It was time to gather data that would allow the board to pinpoint areas of concern and to address them. The perceived disproportionate numbers of racialized students in particular programs, including learning disability programs, student disciplinary matters and the access program for expelled students, were additional factors which supported moving forward. The Board failed to understand how to meet their obligations to govern in the interests of all students in the board.

We recommend that the Board, the director and senior administration undertake comprehensive professional development on data collection in the context of upholding and furthering human rights, and that such professional development be provided by an appropriately qualified external organization and that periodically, over the course of three years, the Ontario Human Rights Commission be asked to monitor the progress of data collection and its use to further equity within the board.

We also recommend that the BIPSA be immediately re-examined and revised so that it aligns with the Ministry focus on the well-being of every student especially those who are most vulnerable, including Indigenous students, racialized students, children and youth in care and students with special education needs.

We recommend that data from the Every Student Counts survey and other sources of demographic data be used to inform the Board's understanding and strategies in relation to the Ministry focus. We further recommend that the board undertake a review of EQAO data in the context of the survey results and other data and establish clear and measurable equity goals in the BIPSA.

We recommend that the Board embark upon the process of developing a comprehensive employment equity plan and that, among other things, the Board, in close collaboration with its employee groups, conduct an employment equity survey and an employment systems review including an examination of hiring, promotion and retention of equity seeking groups in all employment categories and programs.

We also note that concerns were raised on multiple occasions with respect to systemic racism and hostile climates in French-immersions schools, and we were particularly troubled by repeated accounts of race-based unfairness in hiring decisions for those schools. Accordingly, we recommend that the board immediately undertake an equity review with respect to staffing in French immersion schools.

We recommend that in the context of its employment systems review, alongside its review for barriers to the recruitment, promotion and retention of racialized people, women, persons with disabilities and Indigenous people, the board identify and remove barriers to the inclusion of LGBT members of staff. We also recommend that the board actively promote positive and inclusive space for both its staff and students.

Given the damaged relationships between the YRDSB and the community, we recommend that the board immediately develop a strategic and intentional plan to re-build trust with communities in the board, and that plan include re-engagement on the on the part of the Board. Those relationships are the Board's to retain, and a comprehensive review and thoughtful plan is required to re-engage the community.

We also recommend that the Ministry develop a template to serve as a reporting mechanism for trustees to communicate and account for their equity goals and progress, student achievement gaps experienced by some racialized groups, and data on student suspensions and expulsions by race and other relevant characteristics. This template should have province-wide application.

In order for the YRDSB to respond to systemic racism, a systemic response is required. Accordingly, we recommend the establishment of a robust Human Rights Office (HRO), properly staffed and resourced, that is responsible for human rights compliance, and complaint processes and procedures. The HRO staff should include human rights officers that have the responsibility to take the lead in developing and overseeing a new human rights and workplace harassment complaints policy and procedure. This office will take the lead in developing and implementing the board's employment equity strategies. The office should also support the Board's equity related advisory committees and ensure that data and other resources are provided to those committees to support their deliberations. The HRO will also take the lead on Board compliance with the provisions of the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and for Institutional responsibilities arising from the Ontario government's strategies to end sexual violence and harassment. We also recommend an immediate audit of compliance with the AODA and mandatory training for staff on AODA. The HRO will, on a permanent basis, report directly to the director of education.

We recommend that the board immediately undertake an equity audit to support the development of a comprehensive equity plan.

We also recommend that separate from the compliance role, a CS-Equity be responsible for the development and coordinate the implementation of this equity plan that supports the board's plan for student achievement and well-being. The functions of this position should include: providing leadership and direction for policies and practices which support educational achievement for students who face barriers to school success; supervising a team of equity designates who provide support for equity and inclusiveness in schools and provide equity support for schools leaders; and coordinate the Every Student Counts survey. The CS-Equity will consult with the senior team to determine their equity learning needs and be responsible for the practice of equity as it relates to the board's instructional priorities. This office would be responsible for community bridge-building, liaising, and engaging with diverse communities of the board.

The equity plan should include strategic and ongoing professional development - including mandatory training - on equity, human rights, and anti-oppression - for all staff in the board. We also recommend that human rights compliance training be provided immediately to the director, senior team and all staff that have the responsibility for overseeing complaint processes and those who, in the course of their work, engage with such processes.

Concluding Comments

For this board to move forward, it will require actions, not merely words. Those actions will require strong ethical leadership. As one person we spoke to observed: "Our culture has been rocked. We are in a crisis. We need to own it, lead it and move on and build trust through actions not just words. It will take strong leadership."

We respectfully recommend to the Minister that if she does not receive adequate assurances and demonstrable evidence from the Board in a relatively short period of time that the YRDSB is able to act upon these recommendations, then she consider further interventions to ensure effective governance that is focussed on the achievement and well-being of all its students.

Recommendations

1. That the Board collectively undertake meaningful professional development in relation to their responsibilities as governors, including human rights and equity training, and that this professional development be provided by a party external to the Board.

2. That the director and appropriate senior staff undertake governance training to better understand and fulfil their responsibility to provide elected leadership with pertinent information in accordance with relevant legislation.

3. That the Board immediately suspend their "jurisdictional learning" policy and travel for staff and Board members until a new policy is approved which should include the following:

    a. all proposals for jurisdictional travel for staff and Board members be discussed at a public board meeting;

    b. the purpose for the travel be clearly linked to the school board's priorities as articulated in the multi-year strategic plan and/or the Board Improvement Plan for Student Achievement (BIPSA);

    c. clear accountability for decision-making and approvals;

    d. any costs associated with the travel be reimbursed only after a report on the trip is posted on the school board's public website and presented at a public Board meeting.

4. That the Board develop a policy and practice which supports the development of inclusive and respectful relationships with advisory committees to facilitate meaningful input into board matters.

5. That the Board immediately undertake a robust, transparent appraisal to assess the director's performance that involves a 360 assessment that includes confidential feedback from senior administration and the community, and that the services of a human resources management professional be retained for this purpose.

6. That the Board immediately proceed with amending the director of education's contract to align with other school boards in the province and to reflect good governance practice.

7. That the Board create a policy for the recruitment and appraisal of the director of education position using an advisory committee composed of Board and non-Board members.

8. That the board review the role of its Board and Trustee Services department. The department must be led by a director who has the demonstrated experience, independence and judgment to straddle the political/administrative functions.

9. That the Board and director create a tool to monitor the performance of the YRDSB. The tool could take the form of a “report card” or a “dashboard” that reflects the progress in implementing the strategic plan and meeting the Board of Trustees’ legislated responsibilities.

10. That the Board immediately retain an independent consultant to establish an office of an Integrity Commissioner with the following mandate:

    a. establish a credible Code of Conduct that includes not just a complaint process but that is anchored in good governance, ethical and equity principles;

    b. address complaints by trustees against one another, under the Code of Conduct;

    c. address complaints by the public against trustees;

    d. provide confidential advice to trustees on ethical matters whether arising with the board or with their dealings in the community;

    e. embed education about ethics into trustee orientation and continuing education.

11. That the Board undertake regular self-assessments through a process that includes Board members and the community.

12. That the Ministry immediately undertake an audit on costs associated with senior administration compensation, and legal costs including staff settlements.

13. That the Board allocate appropriate resources and the director ensure the development of a coherent and strategic leadership plan that supports transparent and equitable processes for staff development, promotion, and placements.

14. That the board immediately resume performance appraisals for its supervisory officers, and ensure that measurable equity goals are a mandatory part of the performance appraisal.

15. That the board immediately re-establish a work plan for the Every Student Counts survey, consulting with the Ministry. The work should be informed by consultations with other boards who have demonstrated leadership in this area.

16. That the Board, the director, and senior administration undertake comprehensive professional development on data collection in the context of upholding and furthering human rights, and that such professional development be provided by an appropriately qualified external organization and that periodically, over the course of three years, the Ontario Human Rights Commission be asked to monitor the progress of data collection and its use to further equity within the board.

17. That the BIPSA be immediately re-examined and revised so that it aligns with the Ministry focus on the well-being of every student especially those who are most vulnerable, including Indigenous students, racialized students, children and youth in care, and students with special education needs. We recommend that data from the Every Student Counts survey and other sources of demographic data be used to inform the Board's understanding and its strategies in relation to the aforementioned Ministry focus. We further recommend that the board undertake a review of EQAO data in the context of the survey results and other data and establish clear and measurable equity goals in the BIPSA.

18. That the Board develop a comprehensive employment equity plan and, in close collaboration with its employee groups, conduct an employment equity survey and an employment systems review including but not limited to an examination of hiring, promotion and retention of equity seeking groups in all employment categories and programs. Further, we recommend that in the context of its employment systems review, alongside its review for barriers to the recruitment promotion and retention of racialized people, women, persons with disabilities, and Indigenous people, the board identify and remove barriers to inclusion.

19. That the board immediately undertake an equity review and bring about the appropriate systemic changes with respect to staffing in French immersion schools.

20. That the board actively promote positive and inclusive space for both its staff and students.

21. That the board immediately develop a strategic and intentional plan to re-build trust with communities in the board, and that the plan include re-engagement on the part of the Board.

22. That the Ministry develop a template to serve as a reporting mechanism for trustees to communicate and account for their equity goals and progress, student

achievement gaps experienced by some racialized students, and data on student suspensions and expulsions by race and other relevant characteristics.

23. That the Board establish a robust Human Rights Office, properly staffed and resourced, that is responsible for human rights compliance, and complaint processes and procedures. Further:

    a. The Human Rights Office must include a director who has demonstrable expertise in human rights law and practice, with responsibility for developing and overseeing a new human rights and workplace harassment complaints policy and procedure.

    b. The office will take the lead in developing and implementing the board's employment equity strategies.

    c. The office will report their data to support the Board's equity related advisory committees.

    d. The office will take the lead on Board compliance with the provisions of the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and for institutional responsibilities arising from the Ontario government's strategies to end sexual violence and harassment.

    e. The office will immediately undertake an audit of compliance with the AODA and mandatory training for staff on AODA.

    f. The office will, on a permanent basis, report directly to the director of education.

24. That the job description for a Coordinating Superintendent of Equity include:

    a. the development, coordination, implementation, and maintenance of an equity audit and equity plan that supports the board's plan for student achievement and well-being;

    b. provide leadership and direction for policies and practices which support educational achievement for students who face barriers to school success;

    c. support the Board's equity related advisory committees by ensuring that data and other resources are provided to support their deliberations;

d. supervise a team of Teacher Liaisons who provide support for equity and inclusiveness in schools;

e. provide support for school leaders;

f. coordinate the Every Student Counts survey;

g. consult with the senior team to determine their equity learning needs and be responsible for the practice of equity as it relates to the board's instructional priorities; and liaise, connect and engage with diverse communities of the board.

25. That the equity plan include strategic and ongoing professional development, including mandatory training on equity, human rights, and anti-oppression for all staff in the board.

26. That human rights compliance training be provided immediately to the director, senior team and all staff that have the responsibility for overseeing complaint processes or, in the course of their work, engage with such processes.