

August 6, 2021

VIA EMAIL: murphyp@hcdsb.org

Att: Patrick Murphy

Chair of the Board

Halton District Catholic School Board

802 Drury Lane

Burlington, ON

Dear Chairperson Murphy:

I am writing to you in my capacity as a Trustee to express the serious concerns I have with the direction the board has taken. These concerns are my own therefore am speaking for myself only.

The “governance crisis” which is unfolding is impacting on my Oath of Office, my fiduciary responsibilities under the education act and in particular, my obligation to exercise financial oversight. I’m equally concerned about the blurring of the clear line that must be in place between the Board (which has a fiduciary responsibility to its ratepayers) and the staff, which is accountable to the Board.

Although I understand the challenges one faces as chair in arbitrating difficult debate, this role requires fairness and impartiality to always prevail. Sadly, trustees have been regularly muzzled using unclear by-laws, Robert’s Rules and questionable parliamentary interpretations. Agendas set, in favour of some trustees and the Chair voting at every opportunity to break ties continues to fuel the caustic behaviour that dominates the Board table. The Ontario Catholic Trustees Association (OCSTA) at the beginning of every term publishes a guideline titled *“Good Governance: A guide for Trustees, School Boards, Directors of Education and Community”*. In the 2018 edition under the caption Chair Responsibilities, it states “The Chairs must keep in mind that their vote is one among many and that the process of decision-making aims to capture the view of the corporate Board rather than to allowing any individual’s view to dominate”.

Amidst all the muting, constant interruptions and procedural wrangling, as well as the lack of fairness and impartiality that is implicit in the Chair’s threats to expel trustees summarily without process, “getting my constituents’ message across in our meetings has been next to impossible.

The motion for an investigation of the Board that was passed recently is also problematic in that it was moved and passed by the Chair in a public meeting whereas all code of conduct matters are required to be deliberated in-camera as prescribed in the education act. Perhaps more important is that the motion was passed to exculpate the Chair at the expense of other Trustees and without any consideration of costs given the hasty timeline put on the investigation’s completion by August 24th, 2021. With less than three weeks remaining, Trustees have not yet

been advised on the process that will be followed in choosing the investigator, the scope and the objective process that will be followed.

The anticipated investigation results notwithstanding, it has become commonplace now, with the support of some Trustees, that issues coming to the board are set in motion on social media before and after board meetings by a handful of activists. With an election year looming, wedge issues are brought forward to divide trustees and to distract the board from its governance and oversight responsibilities. While claiming to speak for parents at large, this vocal minority of activists' resort to shaming tactics in order to bully and silence opposing Trustees and others. The tactics these activists are using are eerily similar to the last election campaign when the prevalent wedge issue of the time was the Sanctity of Life Motion.

Mr. Chair, I know this is politics, but it is being waged on the back of our students and that makes it reprehensible. The bottom-line is that the board is being gamed and distracted from its duties of governance. During Board meetings, votes are not cast based on the merit of the question but rather based on alliances, ideology and political favour. This results in us becoming a divided Board that has lost the moral right to lead. We need to rise back up as a united group, accept our differences and re-focus on our fundamental role as prescribed in the education act. What follows, Mr. Chair, are the major issues that give me real cause for concern.

FINANCIAL OVERSIGHT

Mr. Chair, you know that Trustees' ability to exercise financial oversight is fundamental to our role. The guide to Good Governance I referred to earlier, states that "Within the funding provided by the ministry, it is the responsibility of trustees to establish a balanced budget that reflects the Board's vision, the needs of the community, and supports the Board's Multi Year Strategic Plan (MYSP). While Board administrators oversee day-to-day spending, the Board is the steward of its resources and must ensure that funds are spent according to the approved budget."

My issue, Mr. Chair, is simply that, to this day, I have no information to critically review actual financial results on a monthly basis against the monthly budget. This, despite a motion passed to have the information provided by January 2021 the motion remains unfulfilled. The role of the Chair is to ensure the implementation of any Board resolution after it's been passed. Consequently, Mr. Chair, the budget that is due for submission to the Ministry annually in June cannot be critically assessed against actual results. This leaves us in the precarious position where the budget can only be approved on good faith because the information provided precludes an objective review of actual spending in order to properly evaluate the budget for future years. This is unacceptable for a public organization that is responsible for nearly a half a billion dollars of taxpayers' money. I can no longer overlook the importance of receiving actual monthly results against a monthly budget and be expected to exercise my fiduciary duty for financial oversight.

Mr. Chair, I have struggled all year to understand why simple requests for information to improve our decision making have been met with resistance, undue delay and frequently rejected by my fellow Trustees. In particular, I am thinking of school generated funds, the status of our

reserves given the COVID crisis, Catholic Education Centre (CEC) staffing information, direct Trustee funding/budgeting, and the denial of my fellow trustees to receive cash flow statements to support a 33% increase (\$50 million) in our credit line. These are the most obvious examples. As you know, Mr. Chair, the education act allows trustees unrestricted access to information needed to carry out our duties.

OTHER MATTERS

Muting during Meetings: Mr. Chair, you have yet to report on a request to investigate the excessive muting incidences which only some trustees were experiencing since the start of our virtual meetings. The muting was so frequent in my own case that it interfered with my fundamental right to speak, a problem that would frustrate any trustee. I am still waiting for the results of your investigation to see the root cause of the muting problem and whether anyone may have overstepped their bounds. My request must be dealt with seriously Mr. Chair and I look forward to your response.

Policies & By-Laws: Our policies and by-laws need to be reviewed by a qualified independent professional to ensure that inconsistencies are dealt with, and minimum legal and ministerial standards are met. The Equity and Inclusion Policy is of particular importance. I opposed its passage not because of my lack of support for the principles contained within the policy but rather because after repeated reminders, it still has not been legally vetted and not all minority groups are mentioned. Despite my effort to make the policy stronger, my appeals for good Governance get spun as non-support of Human Rights for political gain. The way trustees rushed to approve the equity audit before policies could be vetted for legal and ministerial compliance, is tantamount to putting the cart before the horse Mr. Chair.

Committees of the Board and Public Meetings: The act is clear Mr. Chair, any meeting with a quorum of trustees (except for in-camera meetings as mandated) must be held in public with the secretary present, with recorded minutes and sufficient public notice. As you know, this has not occurred without many objections on my part.

EFI Programing: Mr. Chair, parents continue to face resistance in obtaining a long-term commitment for the Early French Immersion (EFI) program even though it is in high demand, good for our children's education and despite the existence of available spaces. The claim that staffing has been difficult to find is one which other boards face and rise above year after year. For over 8 years now, despite a clear directive from the board in 2017, a long-term commitment to this program still has not fully been made.

Delegations:

Delegations this year have been plenty. Nevertheless, you, as Chair, have refused too many to allow both sides of the story to be heard.

Special Meetings and Unfinished Board Business:

Mr. Chair, you called many special meetings this year to finish unachievable agendas. This is clearly not the intent of the special meeting provisions in our By-Laws. The claim that some

trustees have purposely obstructed meetings to account for this is simply unfounded. A full review of all meetings will show that agendas have been overloaded and debates poorly managed compared to meetings in prior years were by in large they were finished in reasonable time. Timelines for meetings are clear and trustees have no obligation to go beyond prescribed times frames.

Polling:

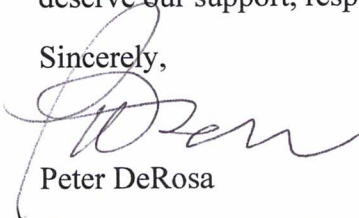
Our polling methods raise more questions than answers. What we know for sure is that currently we do not reach a significant portion of our rate payors. Consequently, important decisions inevitably get made without being able to canvas all stakeholders. The Board needs to develop a complete database of our constituents.

In closing, Chair Murphy, three years ago, I ran for trustee, to bring 30 years of senior leadership experience in the private sector, technical competencies in operations and finance and a moderate voice to help stop the divisive debate that was tearing our Catholic community apart at the time. Curiously, the Board finds itself being divided again just in time for another election over different wedge issues but that are no less divisive.

We began our term with eight new trustees, one incumbent and a new director who was appointed by the previous board just a few months before we began our mandate. As we begin our last year in our mandate, I am sad to say that we have squandered an unprecedented opportunity for a fresh start and to serve our constituents who expect responsible governance focused on our children's Catholic Education rather than use our position to do the politics of the times. Again, our Catholic Community is being compelled to deal with unreconcilable discourses that serve nothing more than to put us at odds with each other at the mercy of those who want to see the end of publicly funded Catholic Education. They might well get their wish if we keep doubting who we are as Catholics and the value of the education we offer.

Mr. Chair, I ran for a place at the table because of my deep roots with HCDSB and the fundamental belief that Catholic Education should be preserved. I care for its well being and what will happen to it in the future. To close let us not forget that despite all the strife, our institution endure primarily because of the dedication of educators and our frontline workers. Their care for our students and their resilience during these difficult times is commendable. They deserve our support, respect and gratitude.

Sincerely,



Peter DeRosa

Trustee at Large for Oakville

Halton Catholic District School Board