



PRIVATE & CONFIDENTIAL

Report to:

Toronto Catholic District School Board

May 29, 2020

RE: Mike Del Grande investigation

Prepared by:

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8. Relevant Policy

The Trustees' Code of Conduct¹⁷ notes that Board trustees represent all citizens of the Catholic community in the City of Toronto and have been entrusted with the education of all students in the community they serve.

The Trustees' Code of Conduct says that each Board trustee shall:

- a) appreciate that Catholic schools are an expression of the teaching mission of the Church;
- b) provide an example to the Catholic Community that reflects the teaching of the Church;

[REDACTED]

¹⁷ I will continue to refer to this document as the Trustees' Code of Conduct to distinguish it from the more general Board Code of Conduct, which was the document being debated at the November 7, 2019 meeting.

- c) facilitate the best possible Catholic education according to the programs approved by the provincial Minister of Education and supported by the Canadian Conference of Catholic Bishops;
- d) recognize and rigorously defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- e) respect the confidentiality of the Board;
- f) ensure the affairs of the Board are conducted with openness, justice and compassion;
- g) work to improve personal knowledge of current Catholic educational research and practices;
- h) affirm a strong sense of Christian Catholic Community; and
- i) provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic Education in Canada.

With respect to the dignity and integrity inherent to the office, the Trustees' Code of Conduct notes:

Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional and ethical manner, consistent with Gospel Values, the teachings of the Catholic church, the Education Act and Regulations, the Municipal Freedom of Information and Protection of Privacy Act and Regulations, the Municipal Conflict of Interest Act, the Board's By-Laws and Policies and any other Act or Regulation that may be applicable to the Trustee's duties.

The Trustees' Code of Conduct also states that trustees have a duty to create a "positive environment that is safe, harmonious, comfortable, inclusive and respectful," and that they should respect and comply with all applicable laws, respect differences in people, and treat one another with dignity and respect at all times.

9. Findings and Analysis

Findings of Fact

There is no disagreement as to what occurred at the meeting on November 7, 2019. I had the benefit of reviewing a video recording of the meeting, and Mr. Del Grande acknowledged that he made the comments as alleged by the complainants, and as recorded on the video. Accordingly, I find that on November 7, 2019, at a public meeting, Mr. Del Grande asked to amend a motion before the Committee to add terms such as pedophilia, zoophilia and autoerotic asphyxiation to the Board's Code of Conduct.

Mr. Del Grande explained that his comments were an argument *ad absurdum* and a use of hyperbole in order to make his case; having no evidence to the contrary and finding Mr. Del Grande to be credible on this point, I find this to be true.

Policy Analysis

The mandate of this investigation was not to determine whether the terms gender identity, gender expression, marital status and family status belong in the Code of Conduct of a Catholic school board. It was also not to determine whether Mr. Del Grande, as a Board trustee, had the right to speak out against, or vote against, the motion to add these terms. The narrow issue I have been asked to investigate is whether Mr. Del Grande's specific comments at the meeting on November 7, 2019, violated the Trustees' Code of Conduct. I have determined that they did.

In reaching this finding, I acknowledge Mr. Del Grande's evidence that he felt he had the right to provide a Catholic perspective on the amendments. I note that the Trustees' Code of Conduct specifically states that trustees shall

“recognize and rigorously defend the constitutional right of Catholic education.” The Trustees’ Code of Conduct also speaks to the connection between Catholic schools and the teachings and mission of the Church. These sections of the Trustees’ Code of Conduct cannot, however, be read in a vacuum.

The Trustees’ Code of Conduct also states that trustees represent all members of the Catholic community (emphasis added). It speaks to the importance of creating an inclusive, respectful and positive environment, and to conduct the affairs of the Board with “openness, justice and compassion.”

In considering whether Mr. Del Grande’s remarks were in keeping with the standards set by the Trustees’ Code of Conduct, I have considered the specific terms that Mr. Del Grande included in his amendment to the motion: pedophilia, zoophilia and bestiality as well as references to rape and cannibalism. Mr. Del Grande’s evidence was that he Googled the term “philiias” to come up with his list. It was also Mr. Del Grande’s evidence that when confronted with the fact that many of the terms he was raising were criminal in nature, he made a “flippant” remark: “God made them all.”

What has led me to find that Mr. Del Grande violated the Trustees’ Code of Conduct was not the fact that he opposed the motion, or that he engaged in debate about it. In fact, debating the motion would have been squarely within his role as a Board trustee. Rather, I find that the inflammatory language that Mr. Del Grande included in his motion, and the flippant (to use his own word) manner in which he addressed concerns about that language, is what crossed the line. Mr. Del Grande made his remarks knowing both that members of the LGBTQ+ community were present at the

meeting and that others not present would be able to access his remarks after the meeting; to do so was disrespectful, not inclusive and lacking in compassion.

While Mr. Del Grande's choice of words alone would be sufficient to find that he violated the Trustees' Code of Conduct, I note that Mr. Del Grande's actions are exacerbated by the fact that he chose to suggest that including criminals – such as cannibals and rapists – in the Code of Conduct was somehow similar to including members of the LGBTQ+ community during a meeting at which a delegate ██████████ spoke to ██████ direct experience of having suicidal thoughts and losing a friend to suicide, due to a lack of acceptance of the gay community. Mr. Del Grande's choice was uncalled-for. Even after the meeting, Mr. Del Grande continued to defend his choice to use these offensive terms at the November 7, 2019 meeting in comments to the media, explaining that it was merely "hyperbole" to make his point.

Simply put, there were many ways in which Mr. Del Grande could have argued his disagreement with the motion to amend the Code of Conduct without crossing the line into disrespectful rhetoric. In choosing the words that he did, he created an unwelcoming and harmful environment for certain members of the Catholic school board community.

Date: May 29, 2020

A handwritten signature in blue ink, appearing to be 'Michelle Bird', written over a light blue circular stamp.

Per: Michelle Bird
RUBIN THOMLINSON LLP