



Released

## Investigation report

### Re: Code of Conduct Complaint Duarte x lantomasi

Completed by: Brenda Agnew, Vice-Chair HCDSB Board of Trustees

May 10, 2022

On April 25<sup>th</sup>, 2022, Trustee Duarte brought forward a Code of Conduct violation complaint against Trustee lantomasi as per the HCDSB Code of Conduct which is found in our Procedural bylaws 4.3.7 Breach of Code of Conduct and/or Fiduciary Obligations. The complaint was sent to all Trustees on April 26<sup>th</sup>, 2022. Upon receipt of the complaint, both parties were given the opportunity to participate in the investigation. Trustee lantomasi did not reply to the invitation to provide oral or written statements, or witnesses, specific to the investigation. On May 5<sup>th</sup>, 2022, Trustee lantomasi provided an email to myself as the Investigator with a copy to Pat Daly, refuting all of the allegations of violation of Code of Conduct.

As part of the investigation, I reviewed the following areas, each of which was contained in the original complaint and which Trustees were provided with upon notice of the complaint and which will also be sent along again in conjunction with this report.

There was a total of 25 individual events that formed the complaint, which were grouped under different sections, and which I have addressed below in the same groupings.

## Email

### **Events 1-16 have been brought forward that involve email correspondence**

Copies of emails that were sent to Trustee Duarte from Trustee lantomasi were reviewed as part of the investigation. These emails contain some disrespectful comments and are questionable in their professionalism, and are at times accusatory towards the Chair, the Parliamentarian and other Trustees. They often seem to infer incompetency as well. Copies of the emails are found in the complaint. I have listed each event, and the relevant corresponding content and comments found in the emails presented by Trustee Duarte as part of his complaint.

For reference as it pertains to Code of Conduct and email correspondence:

***Trustees shall, at all times act with decorum and shall be respectful of other Trustees, the Director of Education, staff, all members of the HCDSB community as well as the public. • In performing their duties as trustees, and in all matters of communication, including email, telephone and face-to-face meetings with staff, parents, and other stakeholders, appropriate language and professionalism are expected. Trustees must adhere to Operating Policy I-43 Use of Technology and Digital Citizenship, as well as Operating Policy III-16 Workplace Harassment, as required under Bill 168. Trustees are bound to uphold and abide by all pertinent Board Policies.***

#### Event 1-email

***This is part of an email chain that transpired between Trustee Karabela and Trustee Duarte in his role as Chair. Trustee Iantomasi responded to Trustee Duarte's initial thoughts to Trustee Karabela on this matter.***

"Hello Mr Chair, I think it prudent to review the Board's procedural by-laws again in conjunction with the parliamentarian. PS It's not an inheritance but a carry over since you were vice chair as such still under you're prevue."

#### Event 2-email

***In response to Trustee Iantomasi's ongoing technology issues as have been regularly witnessed during board meetings, Trustee Duarte in his role as Chair, requested the Director to provide support to Trustee Iantomasi. This excerpt is from an email in reply to this situation.***

"Mr Chair, Please review the bylaw as it pertains to attending meetings remotely, which currently fall under the Emergency Legislation which must be adhered to by Board's. Furthermore, you do not know the technical challenges that are specific to my situation which a new computer cannot resolve. Can both you and the Secretary refrain from dictating how I should proceed, this given that this matter is out of you're prevue."

#### Event 3-email

***This is related to Event 1 and seemed to have transpired when Trustee Karabela was provided details around Trustee Duarte's interpretation of how our bylaw 9.12 would be handled in the future. In his response email Trustee Iantomasi "accuses" Trustee Duarte in his role of Chair of "misleading" the Board.***

"Chair Duarte please be reminded that all Regularly Scheduled In-Camera and Public Board meetings from December 2,2018 to December 7,2021 were completed in their entirety and properly adjourned at 10:00pm, as such you're misleading the Board when you state that "meetings the Board's Regularly Scheduled Meetings ended prematurely".

#### Event 4-email

***Trustee Iantomasi was the Regional Director for Region 13***

***There was a request from some trustees to halt the receipt of duplicate emails being received from Trustee Iantomasi, who directly requested Trustee Iantomasi to stop sending them OCSTA emails that they were already receiving directly from other parties at OCSTA, but he seemed to have refused to adhere to this request and this was part of the response sent after the requests were made. Trustee Duarte in his role as Chair asked for cooperation from Trustee Iantomasi in the request from trustees on this matter.***

“Mr. Chair, As a catholic and supporter of HCDSB and as elected trustees, none of us can be censured, muted, silenced by the Chair, or individual trustees by asking any to refrain from disseminating information that relates to educational matters directly, indirectly either before after Board decisions, meetings or anytime.” “Mr. Chair, As a catholic and supporter of HCDSB and as elected trustees, none of us can be censured, muted, silenced by the Chair, or individual trustees by asking any to refrain from disseminating information that relates to educational matters directly, indirectly either before after Board decisions, meetings or anytime.”

#### Event 5-email

***Upon request by Trustee Duarte in his role as Chair to have a conversation with Trustee Iantomasi regarding Committee assignments, he was responded to with questioning of the authority of the Chair to do so.***

“Mr. Chair, Are you alluding to the fact that in you’re role as chair, that you can give assign trustees to specific committees? Hello Mr Chair, Before we have a discussion can you please appraise yourself of the legal role of the Chair in appointing Trustees to Committees?”

#### Event 6-email

***Trustee Iantomasi was asked by staff to send a holiday greeting to communications by a set time in order to meet the deadline for distribution. Trustee Iantomasi did not adhere to this request and when Trustee Agnew and Trustee Duarte in his role as Chair attempted to reiterate and adhere to the deadlines, this email was sent accusing the Vice Chair and Chair of being biased and continued to be defiant in meeting the deadline as outlined by staff.***

“Vice Chair Agnew, I make the point that I was not the only Trustee that submitted the Christmas message after December 14th. Chair Duarte and you went out of your way by pointing the proverbial finger at me and subsequently took an arbitrary position against my being allowed to submit my Christmas message, without any supporting policy or process. Doesn't this speak to the fact that you and the Chair were being biased?” Vice Chair Agnew, I'm not sure why you have chosen to speak to this matter, since neither you or the Chair have prevue. The Municipal Act the governing document stipulates how often Trustees can communicate with constituents and the Ministry of Education funds this activity either via email, web site posting or flyers sent through Canada Post. Furthermore, the deadline guideline for Trustees cannot be set by operations under the guidance of the Director of Education. Only Trustees functioning as a Board can decide on a policy to address this matter. Since the Board has no policy that speaks to or governs this topic, I will submit my Christmas message by 12:00pm this evening.

#### Event 7-email

***Trustee DeRosa sent an email to the Trustee Duarte in his role as Chair, with concerns regarding timing and distribution of a Christmas message to the system, with a further question around protocol for order of messages. Trustee Iantomasi chose to reply to email stating that the Chair has unilaterally made a decision, when this was a matter that had nothing to do with Trustee Iantomasi and was a matter between Trustee DeRosa and the Chair.***

“if it's important to trustees then the Board can decide on a policy, and not by out of the blue unilateral decision of the Chair.”

#### Event 8-email

***Trustee Duarte in his role as Chair had sought advice from the Parliamentarian regarding Information & Staff Reports, Closed meetings, Stand at Ease and Vote required for Agenda. The information that was received was shared with all Trustees by email on December 21, 2021. Trustee Iantomasi took exception to this advice and accused the Chair again of making unilateral decisions and also went further to comment that the Chair and the Parliamentarian were making rulings that were selective and inconsistent.***

“The Ed Act etc.. take precedence over RONR, as for the role of the Chair (281.4 must adhere to the Board's direction and may not act unilaterally, because he is also a trustee and individual trustees have no greater rights or powers than any other trustee) proceeds as per the will of the board, with that in mind it's the board as a whole that decides through the chair and vice versa.” “Mr. Chair I believe in following proper governing legislation, procedural bylaws and RONR as such I will act accordingly which means I will give precedence to the Education Act etc... I truly hope you and the

Parliamentarian will do the same and not make rulings that are selective and inconsistent as such inequitable with the public in attendance.”

#### Event 9-email

***After the board meeting of Dec 21, 2021, Trustee Iantomasi sent an email to Trustee Duarte in his role as Chair with respect to the decision at the board meeting to remove Trustee Iantomasi after consistent arguments over points of order. He also does not address the Chair as a Trustee but rather by his name and the email was sent from his personal email account. Trustee Iantomasi is accusing the Chair of not following proper procedure and is using email to try and have the removal reviewed. This email was unprovoked by the Chair. In this instance, Trustee Iantomasi is challenging a decision that was made at the board table and that is contrary to the Trustee Code of Conduct as well (Section 5(e))***

“Hello Mr Durte, This is to inform you that you did not follow proper procedure when I was dismissed and subsequently shut out of the board meeting. As such this is a formal appeal to you’re ruling. Please comply with my request by commencing the proper review process because it was the chair that was out of order.”

#### Event 10-email

***Trustee Iantomasi responded to an email sent by Trustee Duarte in his role as Chair regarding the proper use of point of order and points of privilege, which was sent to all trustees in an effort to provide information and clarity around their use. Trustee Iantomasi commented that the Chair was not applying Points of Order and Points of Privilege “Equitably” to all Trustees. Trustee Iantomasi infers that Chair does not know and understand when Points of order / Point of Privilege can be used.***

“Hello Mr Chair, Its incumbent on the chair to know and understand how and when points of order can be used and which subject matters they are applicable, whilst applying them equitably to all trustees! While points of privilege under the Board’s procedural by-laws and RONR there is an extensive list of when and how matters of privilege can be implemented”

#### Event 11-email

***As per our correspondence policy, Trustee Duarte in his role as Chair, responded to a email to all Trustees regarding a motion “Strengthening Community Relationship. The Chair utilized a standard response template provided by the Communications department. Trustee Iantomasi chose to reply all and his response copied the original sender of the email. He challenges the Chair’s response and also attempted to undermine the information presented to the ratepayer***

***by the Chair and also his authority as Chair. This was very unprofessional and should not have happened, and is the reason we have a correspondence policy in place.***

“Mr. Chairman, Trustees can comment and state their positions on anything they choose to their Catholic constituents, as long as they make I clear they are stating as such speaking as individual Trustees and not on behalf of the Corporate Board! Furthermore the notice of motion has already been completed its now an action item hence the positions and asks of constituents are valid.”

#### Event 12-email

***Trustee Iantomasi sent a email to Trustee Duarte in his role as Chair commenting that the Chair does not have the Board's approval to seek Parliamentary services, and further states that the Parliamentary opinions are incorrect. The use of the Parliamentary has been approved by the Board of Trustees through a past motion and in fact several Trustees have been using Parliamentary services individually as well as at Board meetings for the past 2 years and it is within their right to do so.***

“Mr. Chair, The Parliamentary has not been formally retained in this Board year which commenced December 7, 2021 to November 2022. Notwithstanding the fact that he was not formally retained under the past chair for the Board year December 2020 to December 2021.”

#### Event 13-email

***In his role as the Chair, Trustee Duarte responded to an email from a Priest who had copied all Trustees regarding a motion “Strengthening Community Relationship”. Trustee Iantomasi has responded back to the Chair, Director and Communications, where he stated that improper use of writing etiquette had been used and admonished Trustee Duarte for using form letters, with a further accusation of being disrespectful to the writer of the email.***

“Mr. Chair and Secretary, Proper letter writing etiquette to a Priest/Reverend when responding to their correspondence, should not be with “form letters”. Utilizing “form letters” to respond to clergy regardless of denomination is considered extremely disrespectful. Furthermore, unless you know the writer personally one should refrain from using “dear”. Proper protocol is as follows; reverend followed by the first name, middle initial and last name then add letters designating the Order (ASNAOC), and end the letter with “Respectfully Yours in Christ” followed by the name and title of the writer.”

#### Event 14-email

***Trustee lantomasi asked a question on Jan 25<sup>th</sup> as to why his multiple notices of motions were not added to the Agenda. Trustee Duarte in his role as Chair responded with an explanation and pointed to the requirements of Bylaw 9.12 which were not met. Trustee lantomasi makes a comment to Trustee Duarte about the ability to read, which was uncalled for and rude. He also asks the Chair to prove he didn't receive the information on the notices, which infers that he believes Trustee Duarte is lying about timing of receipt of the notices.***

"Milton Trustee/Chair Duarte, I know at this level we all can read, so I'm not sure what you are referring to in your email response whereby you reference bylaw # 9.12 second bullet." "Hello Chair, I think it's incumbent on you to prove that you did not receive the Motions and Explanatory notes in time because my iPhone has a trail that established the time and date sent and received!"

#### Event 15-email

***There was an email written to all Trustees from Evidence-Based Social Enterprises Canada regarding donations to the foundation. Trustee lantomasi called the sender and whatever comments were made are perceived as being shared by the Board. The Executive Director responds back clearly upset by the communication from Trustee lantomasi. Trustees had nothing to refer to upon receipt of this email because the discussion was verbal.***

"Dear HCDSB Trustees: I spoke with trustee Vincent lantomasi today and he made it very clear that I needed to clarify that our charity, in fact, has a /mission/ not a "mandate" to support vulnerable people. I stand corrected and please consider this a correction to my previous email. He also made it clear that he did not see how HCDSB could help us given the board "takes direction and masks from higher levels of government". He advised I instead talk to my local MPP. I'm disappointed by this perspective, and, assuming it is the perspective of all HCDSB Trustees (Mr. lantomasi made it clear he was speaking as an individual, not on behalf of the board), we will no longer approach you for support and will instead continue to work with other school boards and other community partners to get high-quality masks directly to vulnerable populations. We have no intention of interfering with the board's formal processes with the province."

#### Event 16-email

***Trustees were copied on an email sent to Director Daly from [REDACTED] on Sept 2, 2020, where she outlines her concerns regarding behaviours being exhibited at the Board table. Among her concerns were some specific to Trustee lantomasi who was the Chair at the time.***

"The conduct exhibited by Chair lantomasi and [REDACTED] last night was deplorable. The impression given by their rudeness and condescending words and attitude towards you, Director, as well as to other Trustees, is simply unacceptable,

especially within a public forum. To hear Chair Iantomasi state publicly, on record, that he questions the legal opinion that you obtained is out of order and does not leave parents, staff or other ratepayers with confidence that HCDSB has a functioning Board that is capable of making and enforcing decisions for the betterment of the community they were voted in to support. Added to this is the clear bias demonstrated by the Chair on the subject of mandatory masking repeatedly. I thought the Chair was to remain impartial and neutral on matters brought forth to the Board? Chair Iantomasi's words and actions were absolutely not impartial. His rulings when Trustees asked questions were not objective and in fact disallowed questions from those who were seeking clarification. The Chair was not consistent in how he responded to each Trustee. Mr. Iantomasi allowed interruptions from a select few Trustees but discounted others, which can only lead me to draw a conclusion that he is not keeping within the definition of what the role is of a Chair and how to run a meeting and be impartial."

## Text messages

### Events 17-19 were correspondence via text messaging

There were text messages that were sent from Trustee Iantomasi to Trustee Duarte on a few different occasions. These text messages were referencing items that had transpired at the Board meetings regarding decisions Iantomasi after Board meetings on decisions made at the Board table. These texts include a suggestion of collusion, and comments regarding Trustee Duarte's knowledge and also seem to draw issue with Trustee Duarte not being from our country from birth.

Here are the excerpts from the text exchanges and they constitute events 17-19. These messages were unsolicited, and many were part of a multiple string of texts from Trustee Iantomasi as the sender. These texts went unanswered by Trustee Duarte.

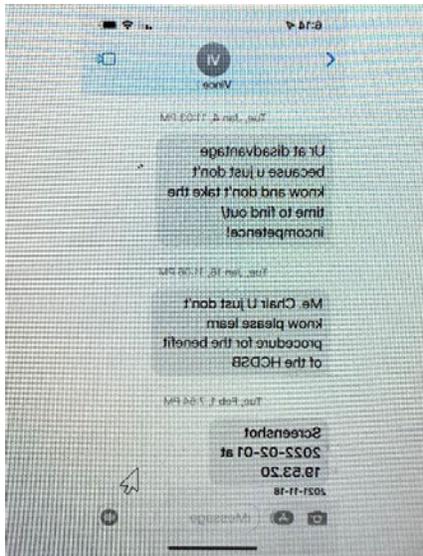
For reference as the Code of Conduct policy pertains to electronic correspondence.

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## Event 17

***Text messages sent by Trustee Iantomasi to Trustee Duarte after 2 Board, where Trustee Iantomasi accuses the Chair of incompetence and lack of understanding.***

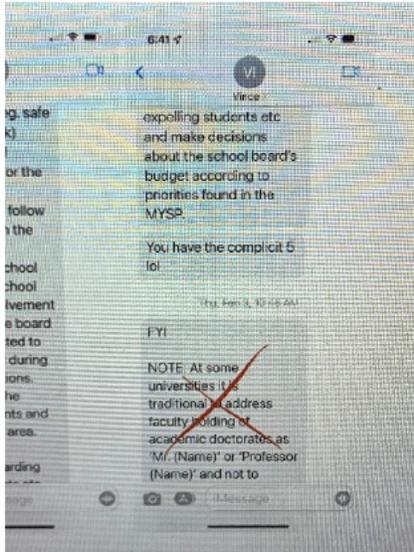
“Ur at disadvantage because u just don’t know and don’t take the time to find out/incompetence!” “Me.Chair U just don’t know please learn procedure for the benefit of HCDSB”



## Event 18

***Trustee Iantomasi had been sending Trustee Duarte unsolicited text messages following board meetings and on Feb 02, 2022 he sent a series of messages pertaining to a decision that had been made at the board table, and at the end of the series of text message he indicates that Trustee Duarte has the “complicit”5 Trustees. This is clearly accusatory in nature and inferring collusion amongst a group of trustees including Trustee Duarte***

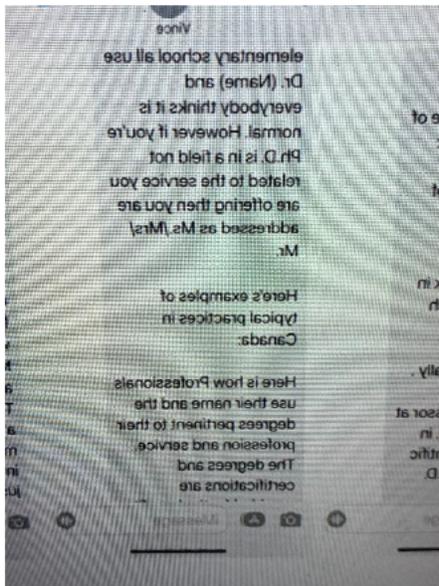
“You have the complicit 5 lol”



### Event 19

***In text message received following a board meeting Trustee Iantomasi tells Trustee Duarte "Typical Practices in Canada" as a way of justifying why he refused to acknowledge [REDACTED] educational qualifications multiple times during a discussion at the board table.***

***"Here's examples of typical practices in Canada"***



## Conduct at Board Meetings

### Events 20-25 are events that involve conduct at board meetings

Several examples of Board meetings as evidenced by the recordings found on YouTube provide examples of disrespectful dialogue, some accusatory comments, vocal outbursts and disruptions, that appear to be towards the Chair, other Trustees, the Director, board staff and the parliamentarian. As part of my investigation, I reviewed the board meetings of Dec 21, 2021, January 4<sup>th</sup>, 2022, January 19<sup>th</sup>, 2022, February 1<sup>st</sup>, 2022, Feb 18<sup>th</sup>, 2022 and found ample evidence of these behaviours and commentary. The actions of Trustee Iantomasi are also consistent with the findings in the ADR report commissioned by the Board of Trustees and was performed by a third party. Trustee Duarte referenced a few examples of actions contrary to the Trustee Code of Conduct, but there are many other instances that were not referenced.

### For reference and applicable to the following events

- ✓ ***Bylaws 10.7 –Code of Conduct: Having been recognized to speak, a member shall respect the Board’s Code of Conduct.***
- ✓ ***Bylaws 10.8 –Interruptions: no member shall be interrupted while speaking except to be called to order by a member on a matter of privilege or a point of order. In such case the member shall remain silent until the point of order has been decided by the Chair. A member so interrupting shall speak to the point of order or in explanation only.***
- ✓ ***Trustee Code of Conduct Policy I-36***
- ✓ ***Trustees shall, at all times, act with decorum and shall be respectful of other trustees, the Director of education, staff, all members of the HCDSB community, as well as the public. Trustees shall be prepared for meetings, avoid disrupting the process, and refrain from engaging in contact or contributing to a tone of sarcasm or denigration during meetings of the board and all other times that we discredit or compromise the integrity of the board.***

Event 20 occurred during the board meeting of Dec 21, 2021

***Trustee Iantomasi has consistently been disruptive at board meetings, often speaking out of turn and not waiting to be recognized by the Chair. Frequently calling out Points of Order without stating the point of order and often refusing to conduct himself accordingly as per the expectations of the Trustee Code of Conduct, and makes comments that seem to be taunting Trustee Duarte***

Time stamps at 2:11 –“you are out order

2:12:09 –“you might as well throw me out”

2:12:57 –“learn the rules properly”

2:13:16 –“you better throw me out”, “throw me out”

2:14:19 –“I’m charging you with creating a disturbance and not following Parliamentary procedure – how do you rule on that?”

Event 21 occurred during the board meeting on January 4<sup>th</sup>, 2022

***Trustee lantomasi seems to continue to refuse to abide by the ruling of the Chair on several occasions and on this occasion it was specific to an opinion provided by the Parliamentarian.***

*some back and forth and points of order the following comments were made at time stamp 1:49:31 – “your interpretation and Parliamentarian Kapur’s interpretation is incorrect” and again at 1:51:38 –“you and the Parliamentarian are ignoring parliamentary procedure and Bylaws”*

Event 22 occurred at the board meeting of January 18<sup>th</sup>, 2022

***Trustee lantomasi has consistently been disruptive at board meetings, often speaking out of turn and not waiting to be recognized by the Chair. Frequently calling out Points of Order without stating the point of order and often refusing to conduct himself accordingly as per the expectations of the Trustee Code of Conduct. This exchange includes accusations of incompetency.***

Time stamped between 3:50-3:54 and there are a series of interruptions

At 3:52:58-“you’re not following the proper sequence; you’re not doing it correctly”

At 3:58:05 –“I move you’re incompetent, You’re not up to the task”

Event 23 occurred at the board meeting of February 1, 2022

***Trustee lantomasi has consistently been disruptive at board meetings, often speaking out of turn and not waiting to be recognized by the Chair. Frequently calling out Points of Order without stating the point of order and often refusing to conduct himself accordingly as per the expectations of the Trustee Code of Conduct.***

At approx. a time stamp of 10:10 a discussion begins and pertains to notice of motions, this carries on until about 13:35 during which time Trustee lantomasi makes accusations towards the chair regarding his notices of motions not being on the agenda.

At 13:46 Trustee Duarte reiterates that our bylaws will be followed as they pertain to notices of motions to which Trustee lantomasi comments –“there are no bylaws –I don’t know what you’re talking about”

At 2:04:18 during a discussion to add an amendment to an item Trustee lantomasi comments - “I’m not participating in this nonsense”

Event 24 occurred at the board meeting of February 18, 2022

***Trustee lantomasi again disrupts the board meeting, and in this particular situation he is accusing some fellow Trustees of not following protocols.***

1:58:32 A point of order is called during which there are continuous interruptions and disregard for the Chair

2:03:03 "This particular Board, a majority of Trustees seem to think that protocols are not important".

2:06:07 "You will charge me"

Event 25 occurred at the board meeting on January 18, 2022

***In an exchange between Trustee lantomasi, Superintendent ██████████ and other trustees, Trustee lantomasi makes disparaging remarks towards Superintendent ██████████ and calls into question his processes and decisions as they pertain to Staff Report 9.1 –Milton No. 9 CES Approval to Proceed with School Capital Planning***

Trustee lantomasi: "The government procurement policies require us to ask for the best bid or maybe not necessarily the lowest bid but following your process I am not quite sure how you are getting the best bid simply because you are moving from one architect to another architect it should be an open bid by which everyone submits a price and the best price of the people that have been prequalified would be selected. We are not following the greater procurement government regulated process."

"But that is not the way it goes out in the public sector. Public sector everybody responds to a request whether it be for product, for services etc. We are not doing that. Basically, we have a list of people we go to and we go down that list. That is not an open process. That is a process which is contradictory to the procurement policies of the Ontario government."

"We have been doing this by exception from the time I got to the Board and it is not an acceptable way. It doesn't follow the Education Act, it doesn't follow the procurement act and it does not even follow our governance. If you look at our governance, the preamble 1 through 20 it does not follow any of those processes."

*For further information Trustee lantomasi was removed from the following meetings after several warnings from Trustee Duarte in his role as Chair with respect to his conduct.*

June 16<sup>th</sup>, 2021

June 24<sup>th</sup>, 2021

October 5<sup>th</sup>, 2021

December 21<sup>st</sup>, 2021

January 4<sup>th</sup>, 2022

March 22<sup>nd</sup>, 2022

## Conclusion and Findings of Fact

There was ample evidence among the 25 separate incidents to support Trustee Duarte's Code of Conduct Violation complaint. The information that was presented as part of the complaint, and upon verification and review do in fact show multiple instances of language, behaviour and conduct that are listed in the code of conduct policy as unacceptable. On numerous occasions as listed in the report Trustee Iantomasi engaged in behaviour or communicated in a way that is contrary to the expectations as clearly defined in the Trustee Code of Conduct.

It is not the role of the investigator to establish whether a breach of the Code of Conduct has transpired, but rather to review the complaint, provide information on what was investigated, and the information provided by the parties involved in the complaint. It is now incumbent on the Board of Trustees to discuss and decide if a breach has happened and subsequent next steps.

I am happy to answer, or address any questions about this report, and I thank you for your patience as I navigate this process.

Regards,

A handwritten signature in black ink, appearing to read 'B. Agnew', with a stylized flourish at the end.

Brenda Agnew

Vice Chair-HCDSB Board of Trustees