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Legislative Assembly of Ontario

OFFICE OF THE INTEGRITY COMMISSIONER

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REPORT

OF

THE HONOURABLE COULTER A. OSBORNE
INTEGRITY COMMISSIONER

RE: MS. CAROLINE DI COCCO

TORONTO, ONTARIO
OCTOBER 16, 2003

RE: MS. CAROLINE DI COCCO

[1] This Report concerns a complaint by Marcel Beaubien, then the member for Lambton-Kent-Middlesex¹ the crux of which, in its form, is that Caroline Di Cocco the Member for Sarnia-Lambton contravened the *Members' Integrity Act, 1994* by violating the privacy interests of a teacher, whom I will identify by the initials "T.F". In its substance the complaint about Ms. Di Cocco's conduct is by T.F. I assume that Mr. Beaubien was involved because s.30 (1) of the *Members' Integrity Act, 1994* requires that complaints against a Member be made by a Member. S.30 (1) puts it in this way:

"s. 30. (1) A member of the Assembly who has reasonable and probable grounds to believe that another member has contravened this Act or Ontario parliamentary convention may request that the Commissioner give an opinion as to the matter."

[2] In her response to the complaint Ms. Di Cocco takes issue with some of the facts set out in exhibit 1 to T.F's affidavit. That exhibit sets out in considerable detail the circumstances giving rise to his confidentiality and privacy related concerns. Ms. Di Cocco further submits that what she did in connection with issues having to do with T.F did not contravene the *Members' Integrity Act, 1994*.

[3] I do not think that either the complaint or Ms. Di Cocco's response to it can be assessed without reference to the salient parts of the factual background. I do not propose to refer in detail to the factual background. I think that highlighting the various events that gave rise to T.F's concerns will be sufficient.

¹ Mr. Beaubien was not re-elected on October 2, 2003.

THE FACTS

[4] At relevant times T.F. was a teacher. In 1999 some parents whose children were in a Sarnia Public Elementary School felt that their concerns about T.F., one of their children's teachers, were not being dealt with appropriately by the school or the school board.

[5] After hearing from these parents in her capacity as a Member of the Provincial Legislature, Ms. Di Cocco invited the parents, a school board supervisor, a social worker and at least some of the students involved to a meeting on July 28, 1999. The invited school board supervisor declined the invitation. The others attended. At the meeting Ms. Di Cocco advised the attendees that she intended to be no more than a "sounding board" to whom the parents could voice their concerns about what they alleged was a breakdown in communication.

[6] Ms. Di Cocco specifically wanted to hear what steps the parents (and students) had taken in their efforts to have their concerns addressed. At that point, this process related issue was the paramount consideration. It was made clear to those attending the meeting that the meeting was not convened as a judgmental forum. Rather it was to be informational and process related.

[7] One of Ms. Di Cocco's constituency assistants, Therese Sanders, seemingly took notes at the meeting. These notes were converted into a report dated July 28, 1999. The report was forwarded to the families who were in attendance at the meeting and to the Board's Director of Education, Superintendent and Chair.

[8] On August 10, 1999, Ms. Di Cocco wrote to the Director of Education expressing the view that the parents involved had not had a reasonable opportunity to voice their concerns. Ms. Di Cocco suggested that both sides should meet to discuss the matter in good faith. She enclosed the summary of the July 28, 1999 meeting in her August 10th letter.

[9] On August 23, 1999 a letter was received from the Director of Education who stated that the “matter” had been fairly investigated by the appropriate officials. The Director of Education sent a copy of his letter to the parents, the social worker involved, the trustee, Superintendent and the Board Chair. A short time later, by telephone, the Superintendent informed Ms. Di Cocco’s office that it was her responsibility to forward the summary of the July 28th meeting to T.F since T.F was named in the summary.

[10] On August 26, 1999 T.F contacted Ms. Di Cocco’s office. He expressed concern about the manner in which the allegations made against him had been handled.

[11] On October 18, 1999 T.F contacted Mr. Beaubien’s constituency office to express his frustration that his calls regarding confidentiality had not been returned. He also asked that the parents involved not circulate or duplicate the summary of the July 28, 1999 meeting.

[12] T.F then voiced his confidentiality concerns as related to Ms. Di Cocco’s constituency office in a letter to the Editor. As a result of that letter, on October 10, 1999 Ms. Di Cocco sought an opinion from the Integrity Commissioner, then The Honourable Robert Rutherford who advised Ms. Di Cocco to advise those at the meeting to maintain confidence with respect to the teacher’s name. Mr. Rutherford put it in this way in his letter of opinion:

“The teacher in question was not present at this meeting and based on the information provided, it is my opinion that it would not be inappropriate for Ms. Di Cocco to advise attendees of the meeting to keep the teacher’s name in confidence.”

[13] As a result of Mr. Rutherford’s letter, on October 26, 1999 all parents who attended the July 28th meeting at Ms. Di Cocco’s constituency office were personally contacted by Ms. Di Cocco’s constituency office assistant. They were asked not to duplicate the summary and to keep the summary’s contents in confidence. All of them agreed.

[14] On January 7, 2000 T.F wrote to Ms. Di Cocco setting out his objections to various factual and other aspects of the summary. He said he was not expecting a response from Ms. Di Cocco and that he hoped that something good would come out of his having written the letter.

[15] On October 23, 2000 T.F again contacted Ms. Di Cocco's constituency office. He told Ms. Sanders that his colleagues at school were aware of the contents of the meeting summary and that the parents had complained to the College of Teachers. He resurrected the issue of what steps Ms. Di Cocco had taken to address his confidentiality concerns. Ms. Sanders told T.F that Ms. Di Cocco and her office had followed the direction of the Integrity Commissioner.

[16] On October 25, 2000 Ms. Di Cocco's Office contacted this Office to determine if there was anything Ms. Di Cocco should do since the parents had forwarded the minutes of the July 28, 1999 meeting to which I have previously referred to the College of Teachers. On October 26, 2000 Commissioner Rutherford advised there was nothing further Ms. Di Cocco could do.

[17] On October 30, 2000 T.F contacted Ms. Di Cocco's Constituency Office and Ms. Sanders told him about the Integrity Commissioner's response.

[18] On March 10, 2001 T.F again contacted Ms. Di Cocco's Constituency Office. At that time he told Ms. Sanders that a complaint had been filed about him at the College of Teachers. He asked Ms. Sanders if Ms. Di Cocco's Constituency Office was responsible for directing the parents to the College of Teachers. Ms. Sanders advised T.F that as far as she knew no such advice had been given to the parents.

[19] On August 30, 2001 T.F contacted Ms. Di Cocco's Constituency Office and requested a meeting with Ms. Di Cocco some time in late September. A member of Ms. Di Cocco's Constituency Office staff set up a meeting for September 28, 2001. The date

of this meeting was later changed to September 7, 2001 to better accommodate Ms. Di Cocco's schedule. T.F was informed of the date change.

[20] On September 5, 2001 T.F advised Ms. Di Cocco's Constituency Office that the meeting on September 7th was not going to give him the time he needed to prepare material for Ms. Di Cocco and give her time to review it. He said he would contact Ms. Di Cocco's Office when the time was right. Apparently there has been no further contact with Ms. Di Cocco's Office.

ANALYSIS AND OPINION

[21] I am satisfied on the material before me that Ms. Di Cocco's involvement in the parents' concerns about T.F's alleged conduct was as a facilitator. She did not in any way attempt to pass judgment, or encourage others to pass judgment, on the conduct of T.F which was in question.

[22] However one looks at the facts that are at the core of Mr. Beaubien's complaint, I do not think that Ms. Di Cocco breached the provisions of the *Members' Integrity Act, 1994*. She acted in good faith in arranging and attending the meeting. She did nothing to pass judgment on the allegations made by the parents whose chief concern at the time was that nobody would listen to them. I see no breach of any particular section of the *Members' Integrity Act, 1994*; nor do I see a breach of Parliamentary Convention.

[23] It would have been better had Ms. Di Cocco not circulated the summary or minutes of the July 28, 1999 meeting to those in attendance at the meeting, particularly having regard to the fact that the summary was on Ms. Di Cocco's Constituency Office letterhead. It was foreseeable that the summary would not have been kept confidential and since it contained personal and private information and reference to unproved allegations, it would have been preferable had Ms. Di Cocco's involvement in the matter ended with the meeting itself.

[24] Accordingly the complaint is dismissed. No further investigation is warranted.

DATED at Toronto this 16th day of October 2003.

The Honourable Coulter A. Osborne