

NEW POLL

TORY 39%
FORD 33%
CHOW 23%

Forum Research poll of 1,241 residents conducted Tuesday night. Margin of error: plus or minus three percentage points, 19 times out of 20. Story, GTI



RECORD FOR ADVANCE POLLS

More than 28,000 Torontonians cast their ballots on Tuesday — the highest-ever first-day turnout, GTI



TORONTO STAR

WEATHER HIGH 18 C | CLOUDY, RAIN | MAP S8

THURSDAY, OCTOBER 16, 2014

STAR EXCLUSIVE

Trustees lashed for report 'tampering'

School board's freedom of information officer alarmed by 'interference' in release of expense documents, emails reveal



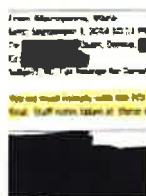
'There has been clear interference in my ability to carry out the FOI (freedom of information) request responsibly.'

MARIA MAVROYANNIS TDSB FREEDOM OF INFORMATION OFFICER

KRISTIN RUSHOWY EDUCATION REPORTER

Toronto trustees and senior staff interfered and tampered with documents related to trustee expenses requested by the Toronto Star, say emails sent by the board's own freedom of information officer.

Maria Mavroyannis, a lawyer herself, was so concerned by the "clear interference in my ability to carry out the FOI request responsibly" that her emails say she sought outside legal help to ensure "we have discharged our duties responsibly" given the "misinformation being provided ... and given evident trustee tampering."



Heavily redacted email obtained by the Star after a freedom of information request.

The Star obtained these emails following a freedom of information request, or FOI, to the Toronto District School Board seeking copies of correspondence related to trustee expenses requested by the Toronto Star, say emails sent by the board's own freedom of information officer, and director of education Donna Quan.

Much of the document released to the Star was blacked out, including the identity of the trustees and board staff. The Star is appealing the decision to censor the names and will, via an appeal, ask Ontario's privacy commissioner's office to investigate alleged tampering.

TRUSTEES continued on A23



'Stronger processes for trustee expenses and freedom of information requests have been put in place.'

DONNA QUAN TDSB DIRECTOR OF EDUCATION

WHY AREN'T THESE PEOPLE CORPORATE DIRECTORS?

Security regulators enacting new rules to encourage diversity in 'male, stale, pale' boardrooms

DANA FLAVELLE BUSINESS REPORTER

Rosemary McCahey, a former Wall Street lawyer with an MBA, runs a \$500-million-a-year Canadian not-for-profit organization with more than 200 full-time employees.

Yet the president and chief executive officer of Plan Canada, which helps children in poverty around the world, had never considered putting her name forward as a director of a major corporate board.

Until now. McCahey is one of this year's "Diversity 50," a list of highly qualified, carefully vetted executives, all hoping to make the leap to an FP500 board.

They just got a big boost from Canada's largest stock market regulator. The Ontario Securities Commission, along with six provincial and two territorial securities regulators, announced new rules Wednesday aimed at encouraging companies to appoint more women to their boards.

DIVERSITY continued on A23

New TSX rules push firms to hire more women, B1



Rosemary McCahey, president and CEO, Plan Canada; Jean Paul Gladu, president and CEO, Canadian Council for Aboriginal Business



Shanti Gidwani Cisco Systems



Sadia Zaman formerly with CBC



Marie Delorme Imagination Group

STAR GETS ACTION

Mandatory big-rig training promised

MARY ORMSBY AND KENYON WALLACE STAR REPORTERS

Ontario Transportation Minister Steven Del Duca is calling for mandatory entry-level training for truck drivers and a review of road test standards, following a Star investigation.

"We are going to go forward. We're going to move as quickly as we can but we want to make sure that we get it right," Del Duca told the Star on Wednesday, referring to entry-level training.

"I believe it should take place as quickly as possible, but in a manner that actually produces the end result that we all want, which is the safest roads in North America, which is part of my responsibility."

The Star's probe of the truck driver training industry in Ontario has revealed that no formal instruction is necessary to obtain a licence to drive a tractor-trailer.

TRUCKS continued on A23

Liberals modified regulations to allow \$224M loan to MaRS

RICHARD J. BRENNAN QUEEN'S PARK BUREAU

The Liberal government changed the rules so it could lend \$224 million to MaRS to build an ill-fated 20-storey downtown office tower now costing taxpayers \$450,000 a month in interest payments alone.

Infrastructure Minister Brad Duguid confirmed on Wednesday that a regulation change — at the behest of MaRS —

was necessary to allow Infrastructure Ontario to lend the money in August 2011 to the not-for-profit Medical and Related Sciences.

The change allowed Infrastructure Ontario to extend its loans to charities beyond municipalities. Duguid was the minister when the regulation change was approved on Feb. 24, 2010.

RULES continued on A20

Secrecy order hides dead toddler's identity

Critics say publication ban in case of parents convicted of manslaughter of 2-year-old threatens principle of open courts

JACQUES GALLANT STAFF REPORTER

Three years ago, a severely malnourished 2-year-old girl died at the hands of her parents, but the public isn't allowed to know who she was.

A judge imposed a rare, sweeping publication ban at the start of her parents' trial in Brampton. They were convicted by a jury last week of manslaughter and will be sentenced on Dec. 1.

Superior Court Justice John Sproat's order was specifically imposed on the names of the victim and her surviving

sibling and any information that could identify them, meaning the parents' names are also being kept secret.

Legal experts say this kind of publication ban is rare and hinders the public's ability to properly scrutinize what is taking place in the court system, and chips away at the open courts principle recognized by the Supreme Court of Canada.

"We don't have secret trials," said University of King's College journalism professor Dean Jobb.

SECRECYP continued on A23

Mall collapse Tragedy was preventable, scathing report finds, A6

Fleetwood's back Drummer in town for show — and show of photos, E1

FULL INDEX FOR THURSDAY PAGE A2



Advertisement for UTS (University of Toronto Schools) featuring photos of students and the text 'outstanding IN EVERY WAY!' and 'Come to our Open House and discover what makes UTS - UTS is a university preparatory school for high-achieving students, grades 7-12. For more information, visit: ...'

'Integrity' of FOIs under threat, lawyer says

TRUSTEES from A1

Quan said in an email to the Star that "following recent (board) audits, stronger processes for trustee expenses and freedom of information requests have been put in place over the last year and we have focused on staff training and understanding of both."

"I am confident that these processes have been followed."

The original FOI request for the audit, which documented questionable spending by trustees, including a trip to Israel and billing taxpayers for overnight stays at a downtown Toronto hotel during a conference, created turmoil behind the scenes at the board, the emails show.

"I am seriously concerned about the integrity of the FOI process given the sudden confusion and misinformation being provided . . . and given evident trustee tampering . . . the version (of the audit) below is entirely inconsistent with the discussions

we have had and deliberately obfuscates what information has been changed in the reports and undermines the credibility on the completeness of the information being provided to requestors," said an August email sent by Mavroyannis.

Michel Drapeau, a lawyer, professor and author of several works on the subject, said: "The exchange of records illustrate better than anything I have seen in the recent past about the increasing level of 'impotence' of the FOI process, which is victim to the open defiance, self-importance and arrogance of individuals who place their interests ahead of the public interest and their fiduciary duties."

The "very obvious and repeated attempts to obfuscate and frustrate the 'right to know' of the public . . . goes totally against the accepted Canadian-wide concept of the rule of law."

He praised Mavroyannis, saying "she clearly comes across as a true and honest public servant doing her

best to uphold the law (and) provide a 'service' to the public."

Ottawa University professor Amir Attaran, an expert in FOI requests who suggested asking the privacy commissioner to investigate, said that if tampering is confirmed, any staff involved should be fired.

Mavroyannis, in an email to one individual whose name was blacked out, said that "at the Tuesday meeting this week, you indicated that you had made changes to (the expense audit) based upon discussions" with someone whose name is also blacked out.

"Yesterday at the meeting with the director, you indicated that there was yet another version of the trustee report containing changes, and there were many more changes to be made."

Another email adds: "We cannot alter files that are the subject of an FOI. I have repeatedly said that. This constant flip-flopping detracts from the credibility of the integrity of the information being provided, and the in-

dependence of the FOI process . . . this process should not be interfered with."

She went on to say "throughout this file, I have seen trustees and staff discuss the information to be provided, and provide opinion for matters for which they are not responsible."

"There has been clear interference in my ability to carry out the FOI request responsibly."

Drapeau said trustees should not have been told about the FOI expense audit request at all, and that trustees cannot ask to "correct a record."

"This is tampering with a record," he added. "If you need to correct a record you produce a new version of a record and leave the original safe and intact."

Mavroyannis' emails refer to at least three versions.

Chair Mari Rutka said trustees did discuss the FOI request for the audit report, but would not say when or if it was during a private meeting. She said they have been seeking more

"clarity" around the FOI process.

Trustee Shelley Laskin said her portion of the expense audit, released to the Star and CTV, mistakenly contained censored information and that she did not ask staff, at any time, to do such censoring.

She said she did, however, ask which version of the report would be released, given she'd seen two last April — two months before the Star's FOI request was submitted.

"Did I seek clarification of what would be released? Absolutely. Did I question the release of working documents which can be exempt? Absolutely. Were there a series of emails from me to staff to clarify which version of the working papers would be released? Absolutely."

Laskin, who is familiar with the FOI process from her previous job with an Ontario government ministry, said most trustees aren't aware of the process and need to be better informed about their legal obligations.

Ministry to review road test standards

TRUCKS from A1

As long as licence seekers can pass the practical portion of the provincial test, which the Star found consists of about 15 minutes on a road route in many cases, new drivers can be on the highway the next day hauling upwards of 36,000 kilograms of freight — anything from livestock to flammable chemicals.

The Star found that many would-be tractor-trailer drivers enrol in cut-rate, unregulated schools that teach students just enough to pass their DriveTest exam. These schools — the Star found two dozen operating in the GTA — thrive by exploiting a provincial loophole that allows them to evade government oversight by simply charging less than \$1,000 for a course.

Del Duca said he recently met with industry representatives, including the Ontario Trucking Association, which represents about 1,000 trucking companies across North America, to discuss mandatory entry-level training and has raised the idea of a national training standard with his provincial and federal counterparts. The minister said he is committed to working with all stakeholders, including Reza Moridi, Ontario's minister of training, colleges and universities, whose portfolio currently oversees truck driver training.

"I believe that as long as we're enhancing and making the training mandatory and working together with our partner ministry and with the industry on this, we're going to arrive at a place where you'll see the standards rise; you'll see the entire system be strengthened," said Del Duca.



A student takes a test near Hwy. 7 and Hwy 27. The driver was not required to drive on a 400-series highway.



A Star report found some schools exploit a provincial loophole that allows them to evade oversight.

The minister also said he has instructed his staff to review road test standards at the Woodbridge DriveTest centre, Ontario's busiest truck licensing facility.

The Star watched more than a dozen road tests at the Woodbridge location and found that not one learner was taken on a 400-series expressway, even though exam routes take candidates past the on-ramps to Hwys. 427 and 407. This, despite a ministry policy that states those seeking their AZ licence — required

to drive a tractor-trailer with air brakes — must be tested on roads that have a minimum speed limit of 80 km/h.

The Star also found licence seekers are not tested on their ability to back a tractor-trailer into a working loading dock. At the Woodbridge test centre, the Star observed test takers backing into a walled area.

"I've asked the staff here to go out, to take a look at this to make sure that the test centre is meeting the standards that they are supposed to, and . . . if those standards are not being met, then action will be taken. It will be decisive," Del Duca said.

Matt Richardson of KRTS Transportation Specialists, a provincially accredited truck training school in Caledonia, Ont., said the minister's decision to review test procedures "is a great first step" to raising industry standards.

"There was some shock among the public (in reaction to the Star investigation) because they had no idea as to what took place with some of these road tests. They couldn't believe you could obtain your tractor-trailer licence without going on a highway and could obtain your trac-

tor-trailer licence with a 15-minute road test," Richardson said.

He said his company supports mandatory entry-level training "in principal," but wants to be involved in creating the program.

"As a training school, we don't want to have something for a lack of a better term, shoved down our throats," said Richardson.

Ontario Trucking Association president David Bradley said he was "extremely pleased" with Del Duca's desire to make entry-level training a requirement.

"We've been talking to the people in his ministry about this over the past few months, so I'm glad to see the commitment being made. We think that is the key to all of this," Bradley said. "We believe the way to satisfy what the industry wants . . . is to have mandatory entry-level training so we at least have some confidence that when someone gets their (trucking) licence, they have some basic level of skill."

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No reasons given for name ban

SECURITY from A1

"We don't have nameless people accused of crimes," said Jobb, author of *Media Law for Canadian Journalists*. "It is extremely rare for someone to be tried and convicted for such a serious offence and their names being banned from publication."

Jurors at the manslaughter trial were told that the 2-year-old girl, who had never crawled or walked, stopped breathing on Feb. 25, 2011 after an asthma attack and died from shock. The trial heard she had a rare case of Ricketts blamed on a lack of Vitamin D that had also caused two broken bones. She also had anemia, protein deficiency and was under-sized and underweight for her age.

This publication ban on her family's identity is unlike bans that are automatically imposed on identities of victims of sexual assault or that temporarily prevent publishing information from a bail hearing.

This type of ban, which falls under Section 486.5 of the Criminal Code, prohibits "revealing the names of victims, witnesses and justice system participants, where the order is deemed necessary for the proper administration of justice." It is unclear if any evidence was given to support the ban, as is normally required.

"How can the public scrutinize the court without full and accurate reporting of what's happening?" asked lawyer Iris Fischer, who has represented the Star and other media outlets. "Usually, what is required for this kind of ban is evidence of a real risk of harm."

The ban was imposed on Sept. 19 after being requested by the Crown to protect the identity of the surviving sibling, said Ministry of the Attorney General spokesman Brendan Crawley. A transcript from that day shows very brief deliberations took place between Sproat and Stephen Proudlove, representing the father, who is only identified as S.H. The document shows that Sproat initially only ordered a ban on the victim's name, but then told the registrar that he "misspoke" and wanted a ban on the surviving sibling's name as well. No reasons were given.

Proudlove declined to comment. Crown attorney Eric Taylor forwarded the Star's request to Crawley, who did not respond to a question about whether evidence was presented.

There have been cases in the past where surviving family members' identities have still been protected while the identities of the victim and accused remained in the open. The most notable case is that of Jeffrey Baldwin, the 5-year-old Toronto boy who starved to death at the hands of his grandparents, Norman Kidman and Elva Bottineau, in 2002.

At the grandparents' 2005 trial, their lawyers and counsel for the Catholic Children's Aid Society requested a wide-ranging publication ban to protect the identities of Jeffrey's three surviving siblings, but which could have potentially applied to other information as well. The Star and other media outlets successfully opposed the ban, which was narrowed to only prohibit naming the siblings.

Lawyer Iain MacKinnon, who has represented the Star in the past, said

Diversity 50 list connects firms with wider talent pools

DIVERSITY from A1

"It's a really significant step forward in the right direction," said McCarney. "The data show it's not only the right thing to do but it's good for corporations as well."

The regulatory move comes amid growing pressure from major investors, such as the Ontario Teachers' Pension Plan, and women's organizations to get more women on the boards of Canada's largest publicly traded companies.

Canada's boardrooms, in the words of Scotiabank chair Tom O'Neill, are largely "male, pale and stale," said Pamela Jeffery, founder of the Canadian Board Diversity Council, which created the Diversity 50 List.

Appointed near the end of their day-to-day corporate careers, corporate directors are mostly white men, and because there are no term limits, they're often still there in their 70s, creating little room for fresh blood, Jeffery said.

Only 6 to 8 per cent of the just over 3,770 seats at the FP500 — Canada's 500 largest publicly traded firms —

speed up the pace of change.

The number of seats held by women has inched up to 15.6 per cent from 13 per cent, she said, but other groups are barely represented. Aboriginals held 1.3 per cent, visible minorities 3.4 per cent and people with disabilities 2.1 per cent, according to the council's annual scorecard in 2013.

Too often, when a seat does become available, corporate directors turn to each other for nominations, Jeffery said. "Who do you know?"

The Diversity 50 list is one way of trying to close the gap by helping companies connect with non-traditional pools of talent, Jeffery said.

The list is composed mostly of women, but also includes visible minorities, aboriginals and people with disabilities, she noted. Among them is Jean Paul Gladu, president and chief executive officer of the Canadian Council for Aboriginal Business.

Gladu brings an executive MBA and a forestry degree to his aboriginal perspective on business, which he says could benefit Canada's resource companies in an era when so many major projects are located within ab-

original," Gladu said in a recent interview in Toronto.

The challenge many women face in landing board seats is their resumes don't read like a traditional linear climb up the corporate ladder, said McCarney. "There are gaps. There are some lateral moves. There's some in and out," she said.

Her own decision to go into the not-for-profit sector raised some eyebrows after a successful career on Wall Street and in the tech sector, she said. "What is it, a step away, a step out, a step back?"

For aboriginal Canadians, the challenge is partly a lack of role models and partly corporate Canada's lack of knowledge about aboriginal people, Gladu said.

"There was never a map forward for us to get there," Gladu adds. Candidates for the Diversity 50 list are vetted by the consulting firm Deloitte, using criteria supplied by 12 Canadian CEOs and a leading global governance ratings research firm.

Past lists have included a retired RCMP commissioner, a former Hydro One president and a prominent

> DIVERSITY 50

Among this year's Diversity 50 list, from the Canadian Board Diversity:

- > **Laurel Broten**, former Ontario cabinet minister
- > **Marie Delorme**, chief executive officer, The Imagination Group
- > **Shanti Gidwani**, national senior director, health care, Cisco Systems
- > **Maureen Quigley**, consultant, former policy and planning adviser for Toronto and Ontario
- > **Carmine Rossiter**, program director, Schulich Executive Education Centre
- > **Sadia Zaman**, executive director, film, former director original program content, CBC

But, in some industries, there's still a long way to go, she said.

Canada's largest sector — oil and gas and mining — has the worst track record on board diversity. Out of 673 total seats, only 9.7 per cent are held by women, Jeffery noted.