



ADR
CHAMBERS

Integrity Commissioner Office
for Waterloo Region District School Board

IN THE MATTER OF
a complaint under the Waterloo Region District
School Board Trustee Code of Conduct,
Board Policy G201

Report Prepared by Barry H. Bresner of ADR Chambers
Inc.

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ADR CHAMBERS INC.

180 Duncan Mill Road, 4th Floor Toronto, ON M3B 1Z6

Tel: (416) 307-0002

Fax: (416) 307-0011

I INTRODUCTION

[1] This report is made pursuant to the Formal Complaint Procedure contained in sections 38 to 63 of the Waterloo Region District School Board (“WRDSB”) Trustee Code of Conduct (“the Code of Conduct” or “the Code”). Section 47 of the Code provides that the formal review inquiry be governed by “procedural fairness”, which is defined as “transparency, equal communication and fairness in allocation of resources used to resolve the dispute”. To that end, the respondent has been made aware of all allegations against him and he has been given a full opportunity to respond to those allegations. The complainant has been provided with the details of the respondent’s response to the allegations and has been given an opportunity to reply.

[2] The scope of the formal review inquiry is circumscribed by section 54 of the Code which provides:

The final report shall outline the finding of facts, but not contain a recommendation or opinion as to whether the Code of Conduct has been breached. This will be determined by the Board of Trustees as a whole.

[3] The facts underlying the Complaint are largely evidenced by video recordings of meetings of the Board of Trustees and by social media posts. There is no dispute as to the events which occurred at the meetings and the respondent has admitted authorship of the social media posts identified in the Complaint.

[4] In light of the constraints imposed by section 54 of the Code, this Report will summarize the admitted facts and put those facts into context provided by the witnesses and parties. The Report will also provide some guidance to the Board of Trustees as to how similar complaints have been addressed under other Codes of Conduct. However, there will be no finding, expression of opinion or recommendation as to whether a breach of the Code has occurred and, if so, as to sanction.

II THE FORMAL REVIEW INQUIRY PROCESS

[5] On February 24, 2022, Trustee Laurie Tremble (“the complainant” or “Trustee Tremble”) submitted a formal Code of Conduct complaint (“the Complaint”) against Trustee Mike Ramsay (“the respondent” or “Trustee Ramsay”) alleging numerous breaches arising from his conduct at Board of Trustees meetings and his postings on social media. Section 30 of the Code of Conduct provides that only serious and/or recurring breaches of the Code should be investigated under the Formal Complaint

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Process and this Complaint was put forward on that basis. The Complaint was submitted to the Chair of the Board of Trustees, Scott Piatkowski, and forwarded by him to Trustee Ramsay that same day. The Chair sent a confidential copy of the Complaint to the other Trustees on February 28, 2022. On March 1, 2022, I was advised of my appointment as Integrity Commissioner to investigate the Complaint.

[6] Section 42 of the Code of Conduct requires a trustee who is alleged to have committed a breach to provide a written response to the allegations within 10 days of receipt or such further period as the Integrity Commissioner deems appropriate in the circumstances. By exchange of emails on March 4, 2022, the Chair reminded Trustee Ramsay of that obligation and Trustee Ramsay sought an extension of time for responding to the Complaint.

[7] In light of the complexity of the facts alleged in the 36-page Complaint, I granted Trustee Ramsay an extension for his response to the close of business on Thursday, March 10, 2022. By email of March 8, Trustee Ramsay sought a further extension to March 22 in order to obtain the advice of legal counsel. I granted that request but cautioned Trustee Ramsay that, absent exceptional circumstances, no further extension would be granted. By email of March 16, I advised Trustee Ramsay that, while it would be preferable to have his written response in advance, I would be willing to proceed with an interview without it. On March 17, he replied that, due to conflicts, he was still having difficulty retaining counsel and would prefer to have independent legal advice before an interview. By further email exchange on March 18, Trustee Ramsay expressed optimism that he would be able to speak with counsel and then with me in the following week. That did not occur.

[8] Ultimately, rather than delay indefinitely, I determined to proceed with the investigation, with a view to interviewing Trustee Ramsay if and when he delivered his written response or was otherwise willing to speak with me. Section 51 of the Code of Conduct provides that when a trustee who is alleged to have breached the Code refuses to participate in the formal review inquiry, the process will continue in his absence. While Trustee Ramsay did not expressly refuse to participate, his failure to participate by way of written response or an interview within the extensions of time granted to him, justified proceeding with the investigation.

[9] The complainant was interviewed on March 18, 2022. On March 22, I received a lengthy written submission from the Chair in support of the complaint. That submission can be considered as a written statement of a witness under section 48 of the Code of Conduct. As a matter of procedural fairness, a copy was provided to the respondent. The Chair was interviewed on March 22, 2022.

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[10] Trustee Ramsay has suggested that the Chair's submission violates section 58 of the Code which requires the trustees to limit their deliberations to the facts contained in my final report and provides that a trustee who undertakes their own investigation would be in breach of the Code. He submits that nothing contained in the Chair's submission should be considered. I agree that the trustees should not consider any facts other than those recited in the final report and, for that reason, the Chair's submission has not been shared with the Board of Trustees. However, in the course of gathering evidence from others, including the Chair, additional facts which are relevant to the formal inquiry found their way into the final report and can be considered by the Board of Trustees.

[11] All trustees were given an opportunity to speak with me regarding the Complaint. Ultimately, only three other Trustees were interviewed: Trustee Watson on March 29, Vice-Chair Woodcock on March 30 and Trustee Herring on March 31. Shortly after my call with Trustee Watson on March 29, I received a call from Trustee Ramsay and we had a preliminary discussion regarding his position on the Complaint.

[12] As the events described in the Complaint were well documented, I saw no benefit to expanding the inquiry to speak with any other trustees, unless they felt they had additional relevant information. As indicated above, all trustees were provided with an opportunity to be interviewed.

[13] On April 22, 2022, I received Trustee Ramsay's written response to the Complaint ("the Response"). In the circumstances, I have treated that document as a written response under section 49 of the Code of Conduct. A copy of the Response was provided to the complainant. The Board of Trustees was provided with a copy of the Complaint and, in fairness, should also be provided with the Response. A copy is attached as Appendix A to this Report. The private meeting with the respondent, envisaged by section 49 of the Code, was conducted by telephone on April 27, 2022.

[14] On April 28, 2022, Trustee Ramsay delivered a "Response to Request for Clarification and Summary of Telephone Visit of April 27, 2022" by email. A copy has been provided to the complainant and is attached as Appendix B to this report. The complainant advised that she did not feel a reply was necessary to the submissions made by the respondent.

[15] On May 10, 2022, I received two emails from Mr. Jamie Mask in response to a question I posed to him regarding the source of the information contained in a tweet which he posted on January 25, 2022. Trustee Ramsay had advised that Mr. Mask

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would be willing to answer questions by email. Mr. Mask's emails were written 'without prejudice' and he insisted that nothing in those emails should be mentioned in this report unless the entirety of his emails was incorporated in the report. For the reasons stated in paragraph 10 above, those emails are not included in this report.

III BACKGROUND

[16] There are eleven trustees elected to the WRDSB: three representing Cambridge/North Dumfries, four representing Kitchener, three representing Waterloo/Wilmot and one for Woolwich/Wellesley. Both the complainant and the respondent are representatives from Kitchener.

[17] The complainant is a recent appointee to the WRDSB. She has been involved as a volunteer with WRDSB schools, school councils and board committees for over a decade and has served as co-chair of the Parent Involvement Committee and the Waterloo Region Assembly of Public School Councils.

[18] The respondent is a retired police officer who has served as a trustee since 1989. He has previously served as Chair and Vice-chair of the WRDSB and is the longest serving trustee on the Board. He is currently licensed as a paralegal by the Law Society of Ontario. He was a member of the committee which drafted the current version of the Code of Conduct.

[19] Both the complainant and the respondent are committed to serving the objectives of the WRDSB, but do not always agree on how to achieve those objectives. It became clear through the formal inquiry process that the trustees fall generally, but not rigidly, into two camps. The majority of the trustees, which includes the complainant, have a more progressive, liberal philosophy, while the minority, which includes the respondent, are more conservative. That divergence of viewpoints has led to the minority feeling somewhat marginalized in their opposition to what is perceived as the "woke" agenda of the majority. While having a diversity of opinion on the Board can be healthy, it also runs the risk of creating a negative dynamic; some of which is evident in the events underlying the Complaint.

IV THE COMPLAINT

[20] The Complaint alleges breaches of various sections of the Code of Conduct as a result of the respondent's conduct at meetings of the Committee of the Whole on

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January 24 and February 14, 2022 and the respondent's tweets on January 19, 25, 28 and 31, February 1, 16 and 17, 2022 and emails of January 24, 26 and February 12, 2022. The Complaint also includes an Appendix which lists a large number of tweets and retweets by the respondent in January and February, 2022 which are described in the Complaint as demonstrating "a pattern of concerning behaviour". While the Appendix demonstrates that Trustee Ramsay is an active user of Twitter, the listed tweets and retweets are not linked to a specific allegation of a breach of the Code and do not assist in determining whether the conduct identified in the body of the Complaint constitutes a breach of the Code.

[21] It is apparent from speaking with the complainant and from the Complaint itself, that the complainant's concern is with a course of conduct by the respondent, rather than a single incident. It is the cumulative effect of the impugned conduct that led her to make a formal complaint. Accordingly, this report will address that course of conduct rather than treating each individual event as a standalone Complaint.

[22] The Complaint alleges a number of breaches of the Code of Conduct, which can be summarized as follows:

- a. The refusal of the respondent to accept and respect the decisions of the Chair and the Board;
- b. Accusations by the respondent of unlawful conduct by fellow trustees; and
- c. Disclosure of confidential information by the respondent.

The facts underlying each of those allegations will be addressed in turn.

A. Refusal to Accept and Respect Decisions

[23] It is common ground that the triggering event giving rise to the conduct which forms the primary basis for the Complaint occurred at a meeting of the Committee of the Whole on January 17, 2022 during a presentation by a delegation to the Board of Trustees pursuant to section 14 of the Board's Bylaws. The presentation was made by a WRDSB ESL teacher. Her Power Point presentation had not been filed in advance of the meeting. She expressed concerns about the inclusion of certain books in school libraries which she felt were inappropriate for their intended age groups. She focused particularly on books that addressed gender identity issues in a manner she considered misleading. The Chair interrupted the presentation to caution the delegate that her presentation was heading in a direction that might violate the Ontario *Human Rights*

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Code. She was allowed to continue briefly, but was again stopped by the Chair as he concluded that her comments were in violation of the *Human Rights Code*. Trustee Ramsay objected and appealed the Chair's decision pursuant to section 9.7 of the Board's Bylaws. Trustee Ramsay spoke in favour of allowing the presentation to continue. The appeal was unsuccessful and the decision of the Chair was sustained by a vote of 5 to 4. As is apparent from the subsequent events, the issue did not end with that vote.

[24] It is important to note that the issue is not whether the termination of the delegation was proper or improper. The Complaint is based on the respondent's reaction to that decision and his alleged failure to respect it.

[25] During the meeting of January 17, 2022, but after the Board had rejected his appeal of the Chair's decision, Trustee Ramsay tweeted as follows:

Unprecedented that a delegation was prevented from continuing her presentation to the @wrdsb. To my knowledge, the delegate did not break any rules in her presentation about the Library Review.

[26] At the Meeting of the Whole on January 24, 2022, after the opening remarks, the Chair sought approval of the agenda for that meeting. Trustee Ramsay interjected to demand that the Chair apologize to the community for the "moral panic" that he had allegedly created. The Chair ruled him out of order, but Trustee Ramsay persisted in demanding an apology. According to the respondent, the "moral panic" relates to the reaction of segments of the community to the Chair's decision to terminate the delegation at the January 17, 2022 meeting.

[27] In order to move forward with the approval of the agenda, the Chair muted Trustee Ramsay and stated "If you want to make a statement, you can go ahead in another forum. You're out of order at this point. Is there a mover to approve the agenda as presented?". The agenda was approved and Trustee Ramsay was unmuted. He immediately returned to the issue that had been ruled out of order and stated "Mr. Chair, you owe the community an apology for the moral panic you have created. You owe the community an apology. Mr. Chair, I'm sorry, I'm not going to be silenced by you". The Chair repeatedly reminded Trustee Ramsay that he was out of order and Trustee Ramsay persisted in speaking over the Chair and demanding an apology.

[28] In the wake of the January 17, 2022 meeting, the debate continued over Twitter. A conservative journalist, Jonathan Kay, tweeted that "wow it gets better. Our dude @ScottPiatkowski, the social-justice champ who throws women out of wrdsb meetings

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if they give him lip, is the only white guy in the group. (Conveniently, he's also the chairperson!) The trustee publicly opposing him is -yup- the only non-white trustee." The tweet does not accurately portray what occurred at the meeting, unfairly insinuates that the Chair is misogynist and racist, and fails to note that the majority of the other trustees, all of whom are female, supported that decision. The respondent retweeted that message, stating "Dear @wrdsb parents, students and staff I encourage you to read this entire thread. It discloses a lot of relevant information." At the time, the respondent's Twitter handle was @Trustee_Ramsay, giving the impression that he was writing in his capacity as a trustee.

[29] On January 25, 2022, there was a further tweet from Jonathan Kay regarding the delegation which had been terminated mid-presentation on January 17th, as follows:

extremely reasonable piece on the @wrdsb farce. @Zivo Adam makes a good case for the 2 books @carolynburjoski critiqued. But the real issue was @ScottPiatkowski...

[30] Carolyn Burjoski was the delegate whose presentation was cut off. Trustee Ramsay retweeted that item, stating "Dear wrdsb parents, students and staff, please read. Timely and relevant." That same day he also retweeted an opinion piece from *The Record* titled "Public consultation lacking in Waterloo Region public education". As of January 25, 2022, the respondent had changed his Twitter handle to @_MikeRamsay, presumably to clarify that he was tweeting in his personal capacity and not in his capacity as a trustee.

[31] On January 28, 2022, the respondent retweeted an article by Sue-Ann Levy, a reporter for True North, a conservative publication, stating "Dear @wrdsb parents, students and staff, a piece worth reading from @SueAnnLevy I understand her sentiments @carolynburjoski: 'Waterloo School trustees continue their woke war on critics' tnc.news/2022/01/27".

[32] The Complaint also alleges that the respondent demonstrated his lack of respect for the decisions of the Board in his email responses to members of the public regarding the events of January 17, 2022. By email of January 24 to a member of the public, Trustee Ramsay stated:

In my opinion, the current Chairperson of our Board trampled on the rights of one of our staff, and more importantly, one of our neighbours. As decision makers, we are obligated to hear all sides who appear to delegate and who abide by the rules that apply to delegations.

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The labelling of the presentation as ‘hate speech’ and of the delegate as ‘transphobic’ is (IMO) false. And it does nothing to promote a better understanding of our friends and neighbours from the transgendered community...

The labelling by the current Chairperson did nothing but promote a moral panic for which the community is owed an apology.

[33] In an email of January 26 to a member of the public who supported the decision to terminate the presentation, Trustee Ramsay stated:

It is unfortunate that legitimate fears and concerns of our transgendered friends and neighbours are being exploited.

In my humble opinion, the Board missed an opportunity to educate the community by labeling as ‘homophobic’ etc legitimate questions that are being asked by many of our friends and neighbours.

We are now dealing with the moral panic that has been provoked by our Chairperson.

A further email of that same date with similar content was sent to a member of the public who voiced support for his position on the January 17 meeting. Trustee Ramsay also spoke with members of the media to express his opposition to the decision made at the meeting.

[34] The publicity resulting from the January 17, 2022 delegation led to hate messages and death threats being tweeted to Chair Piatkowski and other trustees (including an anonymous tweet on January 21 threatening to kill the Chair in his sleep and suggesting he will “die in agony”), to the point that the Chair and others blocked public access to their Twitter accounts.

[35] In the wake of a series of vile anonymous tweets, the Chair reached out to the respondent on Twitter DM. He forwarded an anonymous tweet calling him “a piece of shit” and a “filthy animal” who “supports the sexualization of children” and stated as follows to Trustee Ramsay:

I wonder if, on a human to human level, you might reconsider the wisdom of deliberately amplifying the hate campaign that is currently being directed at me.

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Trustee Ramsay did not respond to that email. Chair Piatkowski forwarded further hate messages that he had received to Trustee Ramsay, including tweets accusing the Chair of behaving like a pedophile and another stating:

It is pedophiles like you that need to be removed from society you are a cancer to a healthy society and happy safe childhoods.

[36] In forwarding the hateful tweets, the Chair advised the respondent that “all of these since you quote tweeted Jon Kay” (see para. 28 and 29 above). There does not appear to have been any response by Trustee Ramsay.

[37] On January 26, 2022, Trustee Weston tweeted that:

‘External legal counsel has confirmed that the board has reduced liability to the board by stopping the delegation and not sharing the video.’ The trustees that voted to uphold the Chair’s ruling saw the harm.

That same day, Trustee Ramsay retweeted a tweet from his close friend, Jamie Mask, written in response to Trustee Weston’s tweet, as follows:

Where have we seen this before? A white male bullies & silences strong women & BIPOC, then orders evidence hidden, & covers his butt with a select legal opinion. Btw...the legal opinion speaks to liability reduction. If people weren’t bullied there’d be no liability.

[38] As noted above, the abusive tweets led the Chair and other trustees to limit access to their Twitter feeds to approved followers. On February 16, 2022, Trustee Ramsay commented that:

To parents, teachers and staff, @Scott Piatkowski has turned off the ability of citizens to share his Tweets, so here is a thread that flows from our Feb 14 meeting...

[39] On February 16, 2022, after the Chair had provided some of the hateful tweets to the respondent, Trustee Ramsay tweeted as follows:

Not a day goes by where I don’t see people making claims of ‘hate messages’ being directed at them. The claims are never accompanied by evidence or that they have been reported to the Police. Why is that?

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Trustee Ramsay's friend, Jamie Mask, replied to that tweet by suggesting that the claims are not reported to the police because making false reports to the police can result in mischief charges and that such claims "are intended to try and garner sympathy. Playing the victim card is used when people don't have valid arguments to support their position".

[40] Chair Piatkowski tweeted in reply that same day:

Yes, it's true. After receiving numerous explicit death threats (reported to the police) directly linked to hate campaigns amplified by my colleague (including after he was told about those threats), I did limit my Twitter account to approved followers, for my safety and my family's.

[41] Trustee Ramsay replied to the Chair:

As a former @WRPSToday Officer, I know reports of death threats are taken seriously. And, are thoroughly investigated with full cooperation of complainants (ie access to accounts where threats were received). Trust you will share results of investigation.

[42] The Complaint also notes that on February 17, 2022, Trustee Ramsay signed and forwarded a petition on Facebook entitled *Leave Woke Politics Out of Ontario Schools*. The petition is addressed to the Premier and Minister of Education and objects to the "politically biased teaching of children in our public schools." The petition is set out in full in the Complaint.

[43] Finally, the Complaint points to the respondent's tweets of January 31, 2022 in which he responds to a tweet by @WRDSB condemning "the images of hate carried through our nation's capital", in reference to the well-publicized trucker protest in Ottawa. Trustee Ramsay's responsive tweet stated:

The negative observations that is being promoted about the weekend events in our nation's capital underscores the importance of the conversations that still has to happen.

The complainant submitted that the respondent's endorsement of the petition and his tweets regarding the trucker protest constituted a breach of the Board's Bylaws.

B. Accusations of Unlawful/Unprofessional Conduct

[44] The complainant also submits that the respondent has accused other trustees of making decisions outside of and prior to the issues being tabled at a Board meeting and, further, of having failed to comply with Ministry directives and the law.

[45] At the Meeting of the Whole on February 14, 2022, during a discussion regarding whether a research report on school naming should be made public, the respondent supported disclosure of the report for a number of reasons and stated, in relevant part:

The question is are a group of trustees determining a course of action prior to it being discussed at the Board table? And I would suggest that is a valid concern that I'm certainly hearing from the community. I don't have an answer for them, but it does appear as if decisions or matters are being discussed prior to it being discussed at the Board table. Number three on my list here is how I believe, and I strongly believe, that many of our staff are being forced out of a balanced approach in a growing partisan divide amongst elected trustees of the Board. I've seen on more than one occasion where members of the senior team have been directed by this Board of Trustees, the majority of my colleagues, on more than one occasion to disregard Ministry directives and the law.

[46] Later in that meeting, the complainant responded to Trustee Ramsay's comments:

And then, finally, I would just like to express my concerns for Trustee Ramsay's accusations about decisions being made outside of the Boardroom and trustees somehow directing staff to break the law. I think if he has any evidence of this kind of serious activity happening at this Board then perhaps he should be considering doing something with that other than throwing accusations around. I don't think we want to be throwing around accusations about breaking the law quite so frivolously.

[47] The respondent was given an opportunity to speak again after the Chair cautioned him "to refrain from allegations of law-breaking and if he is aware of laws being broken that he approach the appropriate authorities with that evidence." Trustee Ramsay replied:

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Mr. Chair, I'm sorry. I just want to make it very clear to you, you are not going to tell me that I cannot respond to what my colleague Trustee Tremble and Trustee Weston just said. They called me a liar, so I will respond. They've asked for an answer. I will give an answer. I'll give two precise answers.

[48] Trustee Ramsay then referred to an alleged vote to exceed the Ministry directives on vaccination mandates for staff. The Chair corrected him to point out that the vote was whether to seek a legal opinion on available options. Trustee Ramsay replied "ok. I will move on". He then suggested that, at a recent meeting, "staff were directed to break the Ontario Health & Safety Act". When asked by the Chair whether the vote was to "break the Occupational Health & Safety Act", he responded "Well the direction that was given to staff compelled them to breach the Ontario Health & Safety Act and staff provided us with information that that is what would happen". Trustee Ramsay then accused Trustee Tremble of having said that she didn't care whether there were "any fines or WSIB implications". The Chair then asked the respondent to confine his comments to the motion.

[49] The allegations made by the respondent regarding the *Occupational Health and Safety Act* related to Ministry directives on masking. Trustee Ramsay's recollection of what was said and done is contested. It is important to note that the issue for the Board is whether Trustee Ramsay breached the Code of Conduct by raising the issue and alleging unlawful activity in a public meeting. The issue is not whether there was any merit to his allegations.

C. Confidentiality

[50] Sections 18 to 21 of the Code fall under the heading of "Respect for Confidentiality". In particular, the Code imposes a confidentiality obligation on anything raised at an *in camera* meeting of the Board and on confidential information, including personal information about an identifiable individual. Two breaches of confidentiality obligations are alleged in the Complaint. The first relates to the alleged disclosure by the respondent of confidential information communicated in an *in camera* session of the Board. The second relates to a public airing of a confidential staff matter.

[51] The alleged leak of confidential information from the *in camera* meeting is based on a January 25, 2022 tweet from Trustee Ramsay's close friend, Jamie Mask, stating:

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Translation

@wrdsb & @ScottPiatkowski found & paid a lawyer outside of their vendors of record to retroactively cover their butt. Ask yourself why they had the 'mens rea' to shop around for a legal opinion after the fact.
@Sflecce needs to step in.

The tweet from Mr. Mask attached a January 25 Statement from the WRDSB advising the Board had obtained an opinion from external legal counsel confirming that it had acted properly in terminating the delegation on January 17.

[52] The complainant disputes the suggestion that the lawyer was hired outside of the regular Board practice. However, the truth of the tweet is not the issue. Rather, the question is whether Trustee Ramsay breached the confidentiality of an *in camera* meeting by sharing his view of what occurred in that meeting with Mr. Mask.

[53] The complainant suggests that an inference can reasonably be drawn that confidential information was disclosed, given the close relationship between Mr. Mask and the respondent and the contents of Mr. Mask's tweet. Trustee Ramsay denies being the source of the information in the above-quoted tweet. As indicated above, Mr. Mask was asked for the source of the information in his tweet. His response was made by email on a without prejudice basis and with a demand that either his entire email be appended to the report, which was refused, or that no part of his response be referenced. For present purposes, it suffices to state that Mr. Mask supported the respondent's denial.

[54] On the basis of the current record, I cannot conclude, on a balance of probabilities, that the comments in Mr. Mask's email of January 25 resulted from the disclosure of confidential information to him by Trustee Ramsay.

[55] The second confidentiality issue involves the raising of a personnel matter at a public meeting on February 14, 2022. While Trustee Ramsay did not name the individual in the meeting prior to being ruled out of order, it was submitted that anyone familiar with the past history would have been aware of who was being discussed. More particularly, during Question Period, Trustee Ramsay asked a question regarding the criteria used to appoint lawyers to address issues regarding public statements by employees on social media. When asked to clarify his question, he started to read from an email he had received. It was apparent to the Chair and other trustees from the opening words of the email that Trustee Ramsay was speaking of a readily identifiable employee with whom Trustee Ramsay had an antagonistic history. The Chair directed that a personnel matter of that nature had to be dealt with *in camera*.

When Trustee Ramsay persisted, the Chair ruled him out of order. The employee will not be named in this report to protect their privacy.

[56] Although the individual employee might have been identifiable to some without being named, nothing was said by Trustee Ramsay prior to being ruled out of order that identified the particular issue which formed the basis for his question. While some well-informed observers might have been able to put two and two together, the casual observer would not appreciate who or what was being addressed from the exchange at the meeting.

V THE RESPONDENT'S POSITION

[57] Trustee Ramsay's Response is attached and should be reviewed carefully by all trustees. To summarize, the respondent believes that the Complaint is an attempt to stifle his right to freedom of expression under the *Charter of Rights and Freedoms* by weaponizing the Code to control the manner in which he carries out his "duty in good faith and reasonable diligence". He also relies on the statutory obligation under section 218.1(d) of the *Education Act*, R.S.O. 1990, c.E.2 ("the Act") to "bring concerns of parents, students and supporters of the board to the attention of the board".

[58] The respondent states that while he may "debate with vigour, and occasionally with rancour", his conduct does not violate the requirements of the Code of Conduct. He submits that, with respect to each of the allegations against him, he has been acting in accordance with his responsibilities as a trustee to debate issues of public interest and to respond to his constituents. He denies any breach of confidentiality and disclaims any responsibility for the tweets of others. To the extent that he retweeted the tweets or postings of others, he did so for informational purposes and is not responsible for the original message or article.

[59] The Response contains various statements in quotation marks, including the reference to acting in "good faith and reasonable diligence" and to debating "with vigour and occasionally with rancour". Those unattributed quotes appear to have come from the 2006 decision of the Alberta Court of Queen's Bench in *The Board of Trustees of the Calgary Roman Catholic Separate School District No.1 v. O'Malley*, 2006 ABQB 364. That case involved a trustee who was suing the Board. The issue before the Court was whether that trustee therefore had a conflict of interest. In that context, Justice McMahon stated (at para. 41):

The trustees collectively and individually owe a public duty to carry out their responsibilities and the work of the Board in good faith and with reasonable diligence. They are elected for that purpose. They need not be of like mind. They may hold strong and conflicting views. They may debate with vigour, and occasionally with rancour. There is no rule requiring trustees to like each other. But they do have one overarching responsibility – a shared public duty to advance the work of the Board to which they had the privilege of being elected. A trustee who chooses to personally engage his Board in litigation concerning the Board's fundamental operations places a private interest ahead of a public duty.

VI THE CODE OF CONDUCT

[60] Section 218.2 of the Act provides that a Board may adopt a Code of Conduct and section 218.1(h) of the Act requires the members of a Board to comply with that Code of Conduct.

[61] The Complaint alleges that the respondent's conduct violated one or more of the following sections of the Code of Conduct:

Integrity and Dignity of Office

1. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
3. Trustees shall be aware that as leaders of the Board, they must uphold the dignity of the office and conduct themselves in a professional manner when acting in the capacity of a trustee.
4. Trustees shall ensure that their public comments are issue-based and not personal, demeaning or disparaging with regard to fellow trustees, stakeholders or the Board as a whole.

Compliance with Legislation

12. Trustees shall understand and comply with the roles and duties of individual trustees, the Board of Trustees, senior staff, the Director of

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Education and the Chairperson of the Board as outlined in the *Education Act*, the Waterloo Region District School Board policies, procedures, Communications Protocol and Board Bylaws.

Civil Behaviour

13. No trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Board.

15. When expressing individual views, trustees shall respect the differing points of view of other trustees on the Board, staff, students and stakeholders.

16. Trustees shall at all times act with dignity and decorum and shall be respectful of other trustees of the Board, staff, students and stakeholders.

17. All trustees of the Board shall endeavour to work with other trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy and co-operation.

Respect for Confidentiality

18. Every Trustee shall keep confidential any information disclosed or discussed at any In Camera meeting of the Board in accordance with Section 207(2) of the *Education Act*, Closing of Certain Committee Meetings, and keep confidential the substance of deliberations of a private meeting, unless required to divulge such information by law or authorized by the Board to do so.

19. No trustee shall use confidential information for personal gain, to the detriment of the Board, or in a manner that undermines confidence in public education.

20. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a trustee becomes aware of because of their position, except when required by law or authorized by the Board to do so.

Upholding Decisions

22. All trustees shall accept that they have no individual authority as a trustee other than that delegated by the Board.

23. Each trustee shall uphold the implementation of any Board resolution after it is passed by the Board, in accordance with Section 218(1) of the *Education Act*, Duties of Board Members. A proper motion for reconsideration, if permitted by the Board's Operational By-Law, may be requested by a trustee.

24. A trustee must be able to explain the rationale for a resolution passed by the Board. A trustee may respectfully state his or her position on a resolution, provided it does not in any way undermine the implementation of the resolution.

25. Each trustee must be familiar with and comply with all Board policies, procedures, Board Bylaws and *Roberts Rules of Order* (as amended/revised from time to time).

[62] It is obvious that there is considerable overlap between the provisions of the Code and certain conduct may involve a consideration of one or more of the provisions.

VII CONCLUSIONS

[63] As noted above, the respondent acknowledges that the conduct alleged in the Complaint occurred and is reflected in the recording of the meetings and in the tweets and emails. However, he feels strongly that his right to freedom of expression is guaranteed by the *Charter of Rights and Freedoms* ("the Charter") and trumps any obligations he may have under the Code of Conduct.

[64] There is nothing per se inconsistent between the Code and the *Charter*. The Code simply imposes a set of rules which requires personal opinions be expressed in an appropriate manner which reflects and upholds the dignity and integrity of the office. The *Charter* does not allow an individual to say whatever they want, whenever they want, without regard for the rules of the forum in which they are speaking. Both can co-exist quite comfortably. There are also distinctions to be drawn between vigorous debate on policy issues and *ad hominem* attacks on other trustees and between conduct during and outside of meetings.

[65] As indicated above, pursuant to section 54 of the Code and section 218.3 of the Act, it will be up to the Board of Trustees to assess whether the respondent's conduct breached any sections of the Code and, if so, to decide on an appropriate sanction under sections 67 and 68 of the Code and section 218.3 of the Act.

[66] In assessing the respondent's conduct, it may be helpful to consider how similar issues have been addressed in the past. While each situation is different and must be assessed on its own merits, the non-binding jurisprudence can be instructive.

A. Social Media Use

[67] The tweeting or social media posting of offensive comments has been the subject of several Code of Conduct complaints to Integrity Commissioners. However, Integrity Commissioners act individually and independently of each other and there are widely diverging views on the limits of acceptable behaviour.

[68] For example, in *Miles v. Fortini*, 2018 ONMIC 22, a Regional Councillor complained that Councillor Fortini had contravened Brampton's Code of Conduct by repeatedly questioning, in news media and social media, a decision made by Council on a land acquisition. The Integrity Commissioner concluded that the respondent was entitled to express his opinions and had not been disrespectful of Council or its decision-making process, notwithstanding his comments that "Councillors don't know anything about the deal", "Campaign contributions can influence Councillors' decisions", etc.

[69] As another example, in *Chan v. Therrien*, 2021 ONMIC 6, a complaint was made against the Mayor of Peterborough for tweets she had posted in opposition to a pending rally led by Maxime Bernier of the People's Party of Canada and MPP Randy Hillier, to protest COVID-19 restrictions. The Mayor's tweets described the protest as "the travelling clown convention" and "selfish dullards". She also addressed a tweet to Mssrs. Bernier and Hillier, "I know you guys are bored but stay TF home". She also tweeted "these clowns don't GAF about your well-being". The Integrity Commissioner held that the Mayor had acted in her personal capacity, not on behalf of the City, and that her tweets were acceptable political expression, notwithstanding a Code of Conduct provision which provided that "a Member must not use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public".

[70] In *Parrish (Re)*, 2018 ONMIC 31 (CanLII) the Integrity Commissioner for the Region of Peel concluded that the applicable Code of Conduct had been breached by a Regional Councillor who sent text messages to her Board Chair describing a Deputy Chief with the Peel Regional Police in derogatory terms and suggesting that she was only promoted because she was “black and female”. In paragraph 49 of that decision, the Integrity Commissioner noted that the respondent Councillor acknowledged that “she is outspoken, and quick with her comments, but she believes she is entitled to speak her mind bluntly, even if it sometimes upsets or offends.” However, when the blunt talk took a plainly racist turn, it crossed a line and constituted a breach of the Region of Peel’s Code of Conduct.

[71] To the extent that any principle can be drawn from the decided cases, it is that each case turns on its own facts and the wording of the applicable Code of Conduct. It is also fair to observe that debate and comments on issues of public interest are less likely to be considered as breaches of a Code of Conduct than personal attacks on individuals. While trustees have a right to fairly express their opinions on matters that come before the Board and decisions made by the Board, personal attacks on fellow trustees are more difficult to justify.

B. Conduct at Meetings

[72] A number of Integrity Commissioners have determined that it is generally inappropriate for an Integrity Commissioner to entertain complaints regarding the behaviour of the participants at meetings of municipal councils or committees. While some Integrity Commissioners have entertained such complaints, there seems to be a trend in favour of leaving the policing of meetings to the individual chairing the meeting. For example, in *Dhillon v. Moore*, 2018 ONMIC 15 at para. 76, the Integrity Commissioner for the City of Brampton quoted, with approval, from a decision of the then Integrity Commissioner for the City of Toronto:

The strong policy principle behind this approach is that the Integrity Commissioner ought not to interfere with the conduct and management of any particular meeting. This makes good sense. The Speaker, or any Chair of a meeting, requires a certain degree of autonomy to ensure that a meeting is conducted in accordance with the procedural bylaw and as specifically stated therein, to oversee order and behaviour of members...So, if a councillor uses an insulting term against another councillor, in an effort to ensure decorum, the speaker might rule the question out of order and seek some remedial measure such as an apology or – in a serious case – an ejection from the meeting. In most cases these

REPORT OF THE INTEGRITY COMMISSIONER – CONFIDENTIAL

issues are resolved and the meeting proceeds. There would be little gained by a subsequent referral to the Integrity Commissioner to review the actions.

[73] Section 9 of the Bylaws of the WRDSB provides for the duties of the Chair and includes the duty to “preserve order and decorum” (sec. 9.4 and 9.16) and to “ensure every trustee speaks only to the matter under discussion” (sec. 9.12). In the meeting of January 24, 2022, the Chair used his authority effectively to mute the respondent and restore order. After the initial disruption, the meeting continued to address the balance of the agenda without serious incident.

[74] While section 13 of the Code provides that conduct at meetings which “would discredit or compromise the integrity of the Board” can constitute a breach of the Code, the Board should consider whether the conduct of the respondent during meetings was sufficiently egregious to warrant a sanction under the Code or whether the conduct was adequately addressed by the exercise of the Chair’s powers during the meeting.

C. Criticism of Staff

[75] In *Berardinetti (Re)*, 2012 ONMIC 6, a member of staff complained that a Toronto Councillor had violated the Toronto Code of Conduct in criticizing that employee in a public forum as “completely unprofessional”, “unbecoming” and as having said things that were “not only not true, but beyond the pale”. The Integrity Commissioner held that the Councillor had breached the requirements of the Code, including that “all members shall show respect for the professional capacities of staff”. The Councillor conceded that her comments had been improper and the complaint was resolved with an apology.

[76] In conclusion, it remains for the Board to consider the facts as detailed in this report and to decide whether any violations of the Code have occurred and, if so, whether any sanction is warranted.

Dated May 31, 2022 at Toronto, Ontario.



Barry H. Bresner, LL.B., FCI Arb
ADR Chambers

Office of the Integrity Commissioner for the Waterloo Region District School Board

REPORT OF THE INTEGRITY COMMISSIONER – CONFIDENTIAL

Appendix A

Trustee Ramsay's Response to the Complaint

**TRUSTEE MIKE RAMSAY'S RESPONSE TO COMPLAINTS
OF
TRUSTEE LAURIE TREMBLE**

PART I: OVERVIEW

A. Overview

Trustee Laurie Tremble (Laurie) alleges that I, Trustee Mike Ramsay breached/violated the Code of Conduct Policy G201 (the "Policy") for members of the Waterloo Region District School Board (the Board). She claims that the alleged breaches/violations occurred through my participation in discussions at Board meeting/s, certain social media posts made by me, and my retweet of opinions and posts made by Journalists and others, and my responses to emails that I and other members of the Board received from fellow citizens. Laurie seeks to disregard the *Charter*, the *Education Act* and the Policy by bringing the complaints forward. The complaints are framed to appear as breaches even though their true purpose is to attempt to control how another elected member of the Board carries out their own duty in good faith and reasonable diligence.

Laurie's interpretation of the Policy is overbroad and arbitrary and infringes the *Charter*, the Education Act and is inconsistent with the intent of the Policy itself. As a member of the committee that reviewed the Policy, I can state unequivocally that it was framed to be neutral and as such, I feel strongly that the true purpose of the complaints is to weaponize the Policy in order to silence a dissenting voice.

With all of the foregoing in mind, it's worth reminding that the *Canadian Charter of Rights and Freedoms* is part of the Constitution of Canada and, as such, is part of the highest law in the country. It "has supremacy" or "takes precedence" over all other laws and policies made in Canada. This means that the decisions and practices of the Ministry of Education, Schools, and School Boards must be consistent with the rights enshrined in the Charter.

In particular

Section 2 (b) of the Charter of Rights and Freedoms states that

2. Everyone has the following fundamental freedoms:

- b. freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.**

It is also worth reminding that the Ontario *Education Act* (the “Act”) is the main piece of legislation, or “statute”, governing public education in Ontario. This legislation provides authority for the creation of all of the main features of the education system and sets out the core responsibilities of an elected Board member (Trustee). This means that the decisions and practices of School Boards *must* (my emphasis) be consistent with the *Act*.

In particular

Section 218.1 (d) states that

A member of a Board shall, bring concerns of parents, students and supporters of the board to the attention of the board.

The Act also allows boards to develop a Code of Conduct Policy. The WRDSB developed Policy G201.

In particular

Section 27 of the Policy states that a Trustee “who has reasonable grounds to believe” that another Trustee has breached the Board’s Code of Conduct may bring the alleged breach to the “attention of the Board” through the Chairperson of the Board. Mike acknowledges that this is consistent with section 218.3 of the Act.

I will now turn to the issues to be decided as they relate to the complaints from Laurie.

The issues to be decided are:

- 1. Whether a Trustee is entitled to his opinions and make them known to the public;**
- 2. Whether a Trustee is allowed to forcefully express his/her view without fear of being sanctioned under the Board’s Code of Conduct;**
- 3. Whether the Code of Conduct Policy G201 of the WRDSB takes precedence over the section 2 (b) of the Charter of Rights and Freedoms.**

With the issues to be decided in mind, I will (to the extent possible) attempt to make sense and respond to the allegations contained in all of the 36 pages.

I will begin by highlighting each alleged breach/violation claimed by Laurie. This will be followed by my response to each. For ease of reading, I will refer to page numbers from Laurie's complaints.

PART II: THE COMPLAINTS, MY RESPONSES AND THE LAW

B. Integrity and Dignity of Office

Claims relating to pages 1-13 of the complaint and are connected to tweets/retweets, my signing of a petition from citizens and my expressions at Board meetings that are now being put to me and ultimately the community as breaches of sections 1, 3, and 4 of the Policy. These provide that:

1. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
3. Trustees shall be aware that as leaders of the Board, they must uphold the dignity of the office and conduct themselves in a professional manner when acting in the capacity of a Trustee.
4. Trustees shall ensure that their public comments are issue-based and not personal, demeaning or disparaging with regard to fellow Trustees, stakeholders or the Board as a whole.

Response

I do not deny posting my own tweets that largely encouraged parents, students and staff to read an opinion piece that appeared in the Record Newspaper about the "lack of consultation" at the Board.

I also do not deny that I retweeted and quoted tweets that appeared in the twitter accounts of Journalists Jonathan Kay and Sue-Ann Levy that were critical of the behavior of Board Chairperson Piatkowski. One piece opined that "Waterloo School trustees continue their woke war on critics" that were largely based on the Board's handling of criticism.

In addition, I do not deny signing a petition from citizens that called on Premier Ford and Education Minister Lecce to “stop the politically biased teaching of children in our public schools”.

I do not deny that I attempted to make a statement at the January 24, 2022 meeting and that I continued speaking after I was ruled out of order by the Chairperson. I was simply trying to comment on a number of issues before the Board, including the Chairperson's decision to unfairly stop a delegation from speaking at a previous Board meeting.

At the same meeting, I expressed concerns about staff of the Board “being forced out of a balanced approach in a growing partisan divide amongst elected trustees...”, and I also expressed concerns about my inability to explain to many members of the community about how the Board arrived at certain decisions that impacted them and their families.

*As the tweets/retweets, signing of the petition and expressions at the Board meeting were done on the basis of my understanding (which I maintain is a correct understanding), I cannot be said to have acted in a way that did not inspire public confidence in the “**Integrity and Dignity of Office**”. Sections 1, 3, and 4 of the Policy are therefore not engaged, or if they are engaged, they do not rise to the level of breaches.*

C. Compliance With Legislation

Claims related to pages 13 to 18 of the complaint:

The tweets were put to me as breaches of sections 12, and 25 of the Policy and parts of By-laws 5.1 and 5.10. These provide that:

12. Trustees shall understand and comply with the roles and duties of individual Trustees, the Board of Trustees, senior staff, the Director of Education and the Chairperson of the Board [sic] of the Board as outlined in the Education Act, the Waterloo Region District School Board policies, procedures, Communications Protocol and Board Bylaws’.
25. Each Trustee must be familiar with and comply with all Board policies, procedures, Board By-laws, and Roberts Rules of Order (as amended/revised from time to time).

Response

I do not deny responding to and being critical of a tweet from the Board's Communications Office that described the recent lawful protests as “images of hate” that were carried through the streets of “our nation's capital”.

I responded by suggesting that "it will become increasingly difficult to continue labeling lawful protesters....our friends and neighbours seeking balance" (many from BIPOC communities) as racists and white supremacists".

The tweets were also put to me as breaches of legislation, part of Bylaws 5.1 and 5.10 and communications protocol, but failed to specify the portions of legislation, by-laws and protocols that were allegedly breached. Please identify and I will respond accordingly.

As the tweets and my endorsement of the "Change.org petition were sent on the basis of my understanding (which I maintain is a correct understanding), it cannot be said that I was not in compliance with Legislation.

Sections 12, 25, of the Policy are therefore not engaged, or if they are engaged, they are not breached.

D. Civil Behaviour

Claims related to pages 15, 16, 17 and to the top of page 18 of the complaint

The claims were put to me as breaches of sections 13, 15, 16, and 17 of the Policy. These provide that:

13. "No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Board."

15. "When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and stakeholders."

16. "Trustees shall at all times act with dignity and decorum and shall be respectful of other Trustees of the Board, staff, students and stakeholders."

17. "All Trustees of the Board shall endeavour to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy and co-operation."

Response

My conduct and expressions were based on my understanding (which I maintain is a correct understanding) that "Trustees collectively and individually owe a public duty to carry out their responsibilities in good faith and reasonable diligence, and that they are elected for that purpose. They need not be of like mind. They may hold strong conflicting views. They may debate with vigour, and occasionally with rancor". I cannot be said to have breached/violated civil behavior norms. Sections 13, 15, 16 and 17 of the Policy is therefore not engaged, or if it is engaged, it is not breached.

E. Respect For Confidentiality

Claims related to pages 18 to 24 of the complaint

These were put to me as breaches of sections 18, 19, and 20 of the Policy. These provide that:

#18 "Every Trustee shall keep confidential any information disclosed or discussed at any in Camera meeting of the Board, in accordance with Section 207(2), of the Education Act, Closing of Certain Committee Meetings, and keep confidential the substance of deliberations of a private meeting, unless required to divulge such information by law or authorized by the Board to do so."

#19 "No Trustee shall use confidential information for personal gain, to the detriment of the Board, or in a manner that undermines confidence in public education."

#20 "Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of their position, except when required by law or authorized by the Board to do so."

Response

I do not deny the long-time friendship between me and Mr. Jamie Mask that extends back to our service as Police Officers.

I am aware of a statement made by Director Jeewan Chanicka at a Committee of the Whole Board meeting that was held on January 24, 2022. The statement is as follows:

"External legal counsel (My emphasis) confirmed that the board has reduced liability to the board by putting a stop to the delegation and not sharing the video, and that further the board has taken the necessary steps to reduce harm to WRDSB students, staff and community and reduce its legal exposure. The board has been advised that by taking these steps it is in adherence to board bylaws, board policies, the Ontario Human Rights Code, the Education Act and Ministry of Education directions, and as such the board has complied with its obligations and responsibilities as required by law".

I am also aware of a January 25, 2022 tweet (top of pages 18 and 20 of the complaint) that appears to be from Mr. Mask's twitter account.

It was "translated" as follows:

"@wrdsb & @scotpiatkowski found & paid a lawyer outside of their vendors of record to retroactively cover their butt. Ask yourself why they had the 'mens rea' to shop around for a legal opinion after the fact. @sfleece needs to step in."

It is not clear what conduct of mine could be said to be related to a protected characteristic of the Director's statement and or the apparent response from Mr. Mask.

Sections 18, 19, and 20 of the Policy are therefore not engaged, or if they are engaged, they are not breached.

F. Upholding Decisions

Claims related to pages 25 to 29 of the complaint

The claims relate to my response to emails that were received from the public. They are now being put to me as breaches of sections 22, 23, 24 and 25 of the Policy. These provide that:

#22 "All Trustees shall accept that they have no individual authority as a Trustee other than that delegated by the Board."

#23 "Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board, in accordance with section 218(1), of the Education Act, Duties of Board Members. A proper motion for reconsideration, if permitted by the Board's Operational By-Law, may be requested by a Trustee."

#24 "A Trustee must be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution."

#25 "Each Trustee must be familiar with and comply with all Board policies, procedures, Board Bylaws, and Roberts Rules of Order (as amended/revised from time to time)".

Response

My conduct and expressions were based on my understanding (which I maintain is a correct understanding) and submits that there is no basis for the allegations that were put forward by Laurie. In many respects, the allegations could be construed to be an attack [even though that may not have been the intent of Laurie] on the validity of one of the core responsibilities of a Trustee, which includes responding to the queries of constituents.

Further, before any Board resolution can be implemented, it must be ratified at the monthly meeting of the Board.

And, even if it was ratified, it is accepted that a Trustee can state why he/she supported a resolution provided that he/she is respectful and does not do anything to prevent its implementation (i.e., taking the Board to Court). It should be noted that by explaining to constituents why I did not support a particular resolution does not undermine its implementation.

I submit that I strive to explain the rationale for resolutions passed by the Board.

I further submit that I am in compliance with the policies and procedures of the Board even when I debate with vigour and occasionally with rancor. Nothing I did rises to the level of a breach.

Sections 22, 23, 24, and 25 of the Policy are therefore not engaged, or if they are engaged, they are not breached.

The Law (Not meant to be exhaustive)

The Supreme Court has maintained that the connection between freedom of expression and the political process is “perhaps the linchpin” of section 2(b) protection (*R. v. Keegstra*, [1990] 3 S.C.R. 697; *Thomson Newspapers Co. v. Canada (A.G.)*, [1998] 1 S.C.R. 877; *Harper v. Canada (Attorney General)*, [2004] 1 S.C.R. 827). Free expression is valued above all as being instrumental to democratic governance.

Conclusion

I feel that appalling levels of intimidation, fear and coercion are driving the discussion about racism and discrimination in our community and indeed across our country. In many ways, my tweets, retweets, responses to emails, and my signing of a petition from concerned citizens were simply attempts to explain how I reached this understanding that this is taking place. Stating my understanding cannot be a breach of the Code of Conduct Policy. Simply put, the claims by Laurie runs counter to my right to Freedom of Expression which is guaranteed by the Canadian *Charter of Rights and Freedoms* in my role as an elected member of the Board.

The complaints also appear to be an attack on the core responsibilities of an elected Trustee, and it is difficult to fathom how an individual or a group of Trustees could bring an unbiased mind to judging my performance of my Board responsibilities.

There is sufficient information for you to find that an elected Trustee can in fact “form views and opinions and declare themselves on issues of public interest without fear” of a Code of Conduct Complaint or the potential sanctions that flows from it.

I believe that most of you are aware that I have always formed my views and opinions in ways that respected the differing points of view, while keeping in mind that Trustees need not be of like mind. The fact that I have never filed a complaint against another Trustee under the Policy, amply demonstrates the respect that I have for the “differing viewpoints” of others. In doing so, we must keep in mind that there is also no rule requiring Trustees to like each other.

I have been re-elected on more than 5 separate occasions to serve the citizens of Kitchener as Trustee. At the last election I received over 10,000 votes. The next election will take place this coming October. At that time, the citizens of Kitchener will have an opportunity to pass their own judgement on me.

All of which is respectfully submitted this 22nd day of April 2022.

Michael Ramsay

Mike Ramsay, Trustee

REPORT OF THE INTEGRITY COMMISSIONER – CONFIDENTIAL

Appendix B

Trustee Ramsay's "Response to Request for Clarification and Summary of Telephone
Visit of April 27, 2022 "

RESPONSE TO REQUEST FOR CLARIFICATION AND SUMMARY OF TELEPHONE VISIT OF APRIL 27, 2022

Good Morning Mr. Bresner:

I am writing further to our telephone visit on April 27, 2022. You requested that I provide you with clarification as it relates to the timing etc. of 2 Tweets that were referred to on pages 8 and 9 of the complaint from Laurie Tremble. And, further, that I provide you with contact information for Mr. James Mask. I have been in touch with Mr. Mask and he has agreed to be contacted via email to: jamiemask@live.ca

You wanted to know the date and time of the Tweets that were posted on my Twitter Social Media Account.

I have shared four "Exhibits" which I would suggest are relevant to our telephone visit. They are marked as Exhibits "A1", and "A2" and "B1" and "B2".

Exhibit "A1" is a copy of the Tweet (partial screen shot) that Laurie included on page 8 of her complaint and which she claims was posted on my Twitter Social Media Account. And, Exhibit "A2" is a copy of the actual Tweet (screen shot) as it appeared on my Account.

As you will notice, the time and date is missing from Exhibit "A1", and in addition, a sentence ("Trust you will share results of investigation") was also removed from the bottom of the Tweet. This becomes more relevant because of the claim ("[Followed by this tweet on February 16, 2022, seeming to suggest that Chairperson Piatkowski's report to the police was without merit]") Tremble makes at the bottom of page 8 that gave the impression that the Tweet was posted prior to another Tweet that appears on page 9 of the complaint.

As you will also notice on Exhibit "A2", the time and date stamp of **1:18 PM Feb 16, 2022** is a copy of the actual Tweet that was posted on my Twitter Social Media Account.

Exhibit "B1" is a copy of the Tweet that Laurie included on page 9 of her complaint. The time and date is missing from her submission.

As you will notice on Exhibit "B2", the time and date stamp of **12:36 PM Feb 16, 2022** is a copy of the actual Tweet that was posted on my Twitter Account with the time and date included.

In addition to the foregoing, I wish to also further summarize our discussion by providing you with some additional thoughts as they relate to the process leading to the development of your report and some things that I would respectfully submit that should be considered as they relate to the scope of your jurisdiction.

In our telephone visit I reminded you that I was a member of the Committee that reviewed Policy G201 (the "Policy") and I also reminded you that it was framed to be neutral but is now being weaponized for another purpose that was not contemplated. I was pleased to learn from you that in your role and purpose you intended to share/highlight "the high bar" (*Charter*) that the Board is required to meet when you submit a final report that will "outline the finding of facts, but not contain a

recommendation". Your role in this is very important, as to how you interpret inconsistent or conflicting provisions of the Policy.

That said, I respectfully submit that there is nothing in the policy that prevents you from doing an investigative analysis in a manner that reflects the intention of the Policy and ultimately provide a basis for the Board to make a decision that is based on the facts, a reasonable application of the facts to the allegations of what the breaches were in the complaints, and which are consistent with the principles of Administrative Fairness and Natural Justice.

If it is your determination that the prescribed steps were followed, from the filing of the complaint, and the steps followed for a "Formal Review Inquiry", then I respectfully draw your attention to Section 54 of the Policy which states as follows:

The final report shall outline the finding of facts, but not contain a recommendation or opinion as to whether the Code of Conduct has been breached. This will be determined by the Board of Trustees as a whole.

Section 58 of the Policy states as follows:

Trustees shall consider only the findings in the final report when voting on the decision and sanction. If a trustee choses to undertake their own investigation it would be considered a breach of the Code of Conduct by the trustee who undertakes their own investigation.

Section 59 of the Policy states as follows:

If the Board of Trustees determines that there has been no breach of the Code of Conduct or that a contravention occurred although the trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, no sanction shall be imposed.

With respect to Section 54 in the context of Section 58 and Section 59 of the Policy as a whole, there is no "fact finding of the Board of Trustees". The fact finding would be that of the Integrity Commissioner and not the Board of Trustees. As such, I would respectfully suggest that you are required to submit a "final report" that "outline the finding of facts". Therefore, I would further respectfully suggest that your report must/should indicate whether or not the factual evidence indicates "there has been no breach of the Code of Conduct or that a contravention occurred although the trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith". This would be consistent with the purpose of an inquiry.

In addition, I am hoping that you will remind the Board of Trustees in your report that Chair Piatkowski's own response/investigation submission is in violation of Section 58 of the policy and nothing contained therein should be considered in their determination.

Thank you for your time and your work on this.

Respectfully submitted this 28th day of April, 2022

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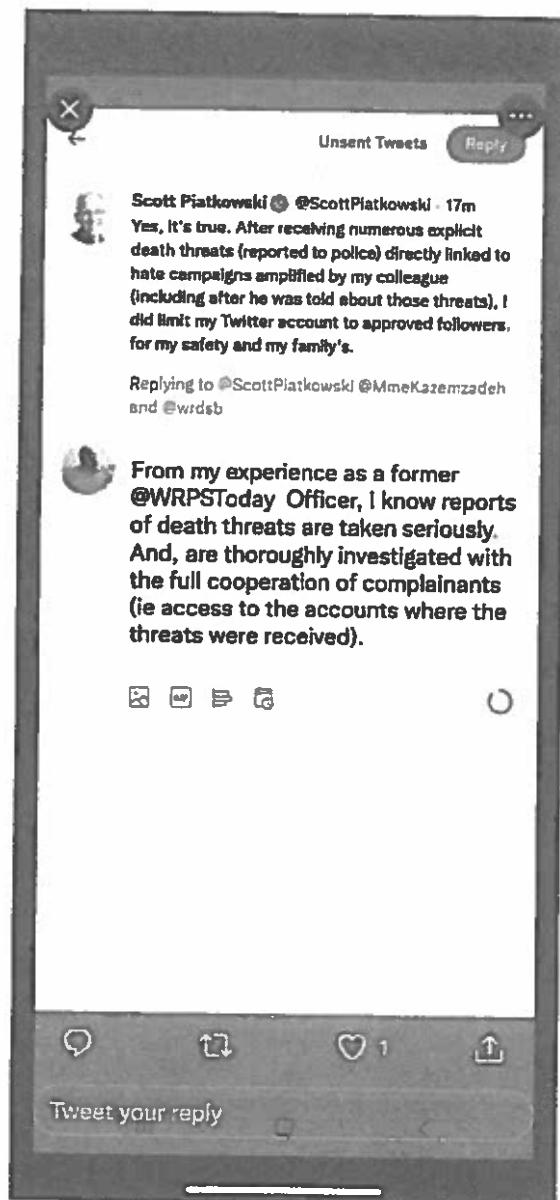
Mike Ramsay

Trustee, Kitchener

Waterloo Region District School Board

EXHIBIT "A1"

[Reply by Chair Piatkowski & Trustee Ramsay's response also on February 16, 2022]



[Followed by this tweet on February 16, 2022, seeming to suggest that Chairperson Piatkowski's report to the police was without merit.]

11:20

85%

EXHIBIT "A2"

← Tweet

Open app



Scott Piatkowski ✓
@ScottPiatkowski

...

Replying to @MmeKazemzadeh @_MikeRamsay and @wrdsb

Yes, it's true. After receiving numerous explicit death threats (reported to police) directly linked to hate campaigns amplified by my colleague (including after he was told about those threats), I did limit my Twitter account to approved followers, for my safety and my family's.

1:18 PM · Feb 16, 2022 · Twitter Web App

6 Likes



Tweet your reply

Reply



Mike Ramsay @_MikeRamsay · Feb 16

...

Replying to @ScottPiatkowski @MmeKazemzadeh and @wrdsb

As a former @WRPSToday Officer, I know reports of death threats are taken seriously. And, are thoroughly investigated with full cooperation of complainants (ie access to accounts where threats were received). Trust you will share results of investigation.



2:24



Tweet



Mike Ramsay @_MikeRamsay · 4d

Not a day goes by where I don't see people making claims of "hate messages" being directed at them. The claims are never accompanied by evidence or that they have been reported to the Police. Why is that?

16

3

46



Jamie Mask ●●

@jmask

Replying to @_MikeRamsay

Because false reports to police can result in Public Mischief charges. False reports on Twitter are used to justify locking out comments and are intended to try and garner sympathy. Playing the victim card is used when people don't have valid arguments to support their positions.

10:40 PM · 0000 00 10 · Twitter for Android

Tweet your reply



He appears to believe that this type of vitriol, which he encourages by retweeting aggressive tweets sent to fellow trustees, is acceptable.

11:27  84% 

EXHIBIT "B2"

 Tweet

Open app



Mike Ramsay
@_MikeRamsay

...

Not a day goes by where I don't see people making claims of "hate messages" being directed at them. The claims are never accompanied by evidence or that they have been reported to the Police. Why is that?

12:36 PM · Feb 16, 2022 · Twitter Web App

 View Tweet analytics

3 Retweets 45 Likes



Tweet your reply

Reply



Jamie Mask  @jmask · Feb 16

...

Replying to @_MikeRamsay

Because false reports to police can result in Public Mischief charges. False reports on Twitter are used to justify locking out comments and are intended to try and garner sympathy. Playing the victim card is used when people don't have valid arguments to support their positions.

 2 5

JUNE 6, 2022
SPECIAL IN CAMERA BOARD MEETING

The Waterloo Region District School Board held an In Camera Board Meeting this evening at 6:00 p.m. via video conference, with the following members in attendance: S. Piatkowski (Chairperson), J. Herring, K. Meissner, C. Millar, M. Ramsay, K. Smith, L. Tremble, C. Watson, J. Weston, C. Whetham and K. Woodcock.

Student Trustees K. Soror and N. Vishkin were not in attendance.

The following senior administration members were in attendance: j. chanicka (Director of Education and Secretary), L. Read and G. Shantz.

Other staff in attendance: S. Reidel.

Guests in attendance: Barry Bresner, LL.B, FCI Arb, Arbitrator/Mediator/Investigator, ADR Chambers Inc. and E. Roher, Senior Counsel and National Leader of the Education Law Group, BLG.

CALL TO ORDER

Chairperson S. Piatkowski called the meeting to order at 6:02 p.m.

APPROVAL OF AGENDA

A. Moved by J. Weston, seconded by J. Herring:

That the agenda of the June 6, 2022, Special In Camera Board Meeting be deemed to meet the legislative requirements for discussion in camera.

-Carried-

DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest.

OTHER BUSINESS

TRUSTEE CODE OF CONDUCT COMPLAINT

Chairperson S. Piatkowski noted that all trustees received copies of the initial complaint and the Integrity Commissioner's report. Barry Bresner, the Integrity Commissioner, was present to answer any questions about the report and E. Roher, legal counsel, was present to assist with questions of process.

Chairperson S. Piatkowski provided an opportunity for questions about the process. It was shared that trustees will first be able to ask the Integrity Commissioner questions about the report. Trustees will then deliberate on the report and suggest how they would like to proceed. Decisions

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will be made in public but the content of the report will remain In Camera. Based on Board Policy G201 - Trustee Code of Conduct, Trustee M. Ramsay is not able to participate in deliberations, answer questions or influence the outcomes of the votes, and neither he nor Trustee L. Tremble will be able to vote on the motions. It was confirmed by legal counsel that all other trustees were eligible to vote based on the Education Act and the Trustee Code of Conduct.

Trustees were provided an opportunity to ask questions of clarification about the Integrity Commissioner's report. The report laid out facts but, as per Board Policy G201 - Trustee Code of Conduct, did not provide any recommendations.

Barry Bresner left the meeting at 6:27 p.m.

Chairperson S. Paitkowski noted that the voting would occur in public and that a recorded vote would occur.

Trustees were provided with an opportunity to each state their opinions in regards to the issues and whether or not a breach of the Trustee Code of Conduct had taken place.

At the request of a trustee, E. Roher further elaborated on the Canadian Charter of Rights and Freedoms and limitations on freedom of expression.

Trustee C. Watson called a Point of Order concerned that the question asked bordered on legal advice and that no legal advice should be given. E. Roher confirmed he only provided facts from Board Policy G201 - Trustee Code of Conduct and the Canadian Charter of Rights and Freedoms.

Trustees continued stating their opinions in regards to the issues and whether or not a breach of the Trustee Code of Conduct had taken place.

B. Moved by J. Weston, seconded by C. Millar:

That the Waterloo Region District School Board of Trustees find Trustee Mike Ramsay in breach of Board Policy G201 - Trustee Code of Conduct.

The above motion was confirmed by E. Roher to be appropriate based on the Education Act. This resolution will be voted on in public session.

Trustees were reminded that the content of the report will remain confidential and that they are required to uphold the decisions of the Board.

Trustee M. Ramsay moved a motion to waive his right to confidentiality. Chairperson S. Piatkowski noted that as there was already a motion on the floor, this was out of order. It was also confirmed that an individual does not have the right to waive confidentiality for something deemed in camera. This is not a provision provided for in Board Policy G201 - Trustee Code of Conduct.

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The available sanctions were reviewed by E. Roher and he answered questions of clarification. Trustees were reminded that all decisions must be passed by a two-thirds majority and that no debate related to the content of the report can occur in the public meeting.

RISE AND REPORT

C. Moved by K. Woodcock, seconded by C. Millar:

That we rise and report in public session.

-Carried-

Trustees rose at 7:57 p.m. to report in public session at the Board Meeting.