

## **DIRECTION AND DECISION**

### **Integrity Commissioner Code Complaint Report IC-35516-0425 Regarding Trustee Michelle Aarts**

**WHEREAS** Order in Council 865/2025 vests control and charge over the administration of the affairs of the Toronto District School Board (“TDSB”) in the Ministry of Education effective June 27, 2025;

**AND WHEREAS** pursuant to subsection 257.48 (2) of the *Education Act* (the “Act”), the Minister has appointed me, Rohit Gupta, as Supervisor of the TDSB, and has delegated to me the Minister’s powers and duties under Division D of the Act;

**AND WHEREAS** pursuant to subsection 257.43 of the Act, all decisions and actions I make as the Supervisor in relation to the affairs of the TDSB shall be deemed to have been done by and for the TDSB;

**AND WHEREAS** I have considered the attached Code of Conduct Complaint report, IC-35516-0425 from the Integrity Commissioner, regarding Trustee Michelle Aarts;

**AND WHEREAS** under new provisions of the *Education Act*, the Integrity Commissioner is now fully and solely responsible for determining whether there was a breach to the Board Member Code of Conduct and how best to address it with the statutory framework;

**AND WHEREAS** the Integrity Commissioner has determined that Trustee Aarts did not breach the Board Member Code of Conduct.

**NOW THEREFORE, be it resolved:**

- i. That the report be received;
- ii. That the report be published on the Board’s website in accordance with section 218.3.2 (11) of the *Education Act*.

Dated at Toronto, Ontario this 22<sup>nd</sup> day of July, 2025



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**Rohit Gupta**  
Supervisor

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**ADR**  
CHAMBERS

**Integrity Commissioner Office**  
for the Toronto District School Board

**MICHAEL L. MAYNARD**

Integrity Commissioner

E-mail: [integrity@adr.ca](mailto:integrity@adr.ca)

**JEFFREY SHAPIRO**

Senior Investigator

Office of the Integrity Commissioner

July 14, 2025

**SENT BY EMAIL TO:**

Trustee Weidong Pei

**AND TO:**

Trustee Michelle Aarts

**AND TO:**

Denise Joseph-Dowers

Senior Manager, Governance and Board Services

**Re: TDSB Code of Conduct Investigation Report (the "Report")**  
**File No. IC-35516-0425**

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**INTRODUCTION AND TERMS OF REFERENCE**

The Integrity Commissioner Office ("Office") for the Toronto District School Board ("TDSB" or "Board") is responsible to assist the Board maintain public accountability by enforcing its policy P075 – Board Member Code of Conduct ("Code"), including investigating and reporting on complaints made thereunder pursuant to the Procedure 708 – Complaint Protocol ("Complaint Protocol"). Mr. Maynard has served as Integrity Commissioner ("IC") for the TDSB since February 2022. In Ontario, public school boards

are subject to the *Education Act*<sup>1</sup> and its Regulations. Sections 218.1 to 218.3 of the Act, as well as O. Reg. 312/24<sup>2</sup> and O. Reg. 306/24<sup>3</sup> govern the Code of Conduct and investigative requirements applicable to all school boards in Ontario.

Unlike many previous cases reported by my Office, this matter falls under the new *Education Act* provisions which came into force on January 1, 2025. Among other things, the updated legislation now mandates that the Integrity Commissioner determines in their sole discretion whether a Member (“Trustee”) breached the Code of Conduct. The IC now also has statutory authority over the application of (a) sanction(s) should a finding of a Code contravention be made.

Weidong Pei (“Trustee Pei” or the “Complainant”), a Trustee of the Toronto District School Board (“TDSB” or the “Board”), submitted a Complaint alleging that Trustee Michelle Aarts (“Trustee Aarts” or the “Respondent”) violated section 6.11(a) of the TDSB’s the Code of Conduct (“Code”). This matter falls under the new *Education Act* process which came into force on January 1, 2025. The matter was not resolved at the Board level and in accordance with subsection 218.3(3)(b) of the *Education Act*, the Complaint was forwarded to the Integrity Commissioner’s Office by the Board Chair on April 8, 2025.

On June 10, 2025, Mr. Maynard delegated to Mr. Jeffrey Shapiro, a Senior Investigator in the ADR Chambers Office of the Integrity Commissioner, to assist in investigating and preparing a report with respect to the Complaint. Messrs. Maynard and Shapiro have jointly prepared this report.

## INVESTIGATION

### *Investigation Process*

The applicable regulation, O Reg 306/24, s 5, provides that the investigating IC “may define the scope of the investigation”. In that regard, we followed an investigative process proportional to the issues and that ensured procedural fairness, including:

- Reviewing the written submissions and documents filed by the parties;
- Offering the Respondent a chance to respond to the allegations;
- Offering the Complainant a chance to reply to the Respondent’s Response;

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<sup>1</sup> *Education Act* - <https://www.ontario.ca/laws/statute/90e02#BK206>

<sup>2</sup> O. Reg. 312/24 - <https://www.ontario.ca/laws/regulation/240312>

<sup>3</sup> O. Reg. 306/24 - <https://www.ontario.ca/laws/regulation/240306>

- Reviewing the relevant portions of the Code of the Conduct, the *Education Act*, and Board policies as applicable;
- Conducting research as required;

The standard of proof being applied to this matter is the *balance of probabilities* standard.

## PARTY POSITIONS

### *Complaint*

The Complaint concerns two emails sent by Trustee Aarts to Trustees Pei and others on January 17 and 21, 2025. The Complainant submits they were “intemperate and insulting”, “vexatious, disrespectful, and posed in bad faith” and “abusive”.

The Complaint explains the backdrop to this incident began on January 16, 2025:

On January 16, 2025, Trustee Hastings and I filed a Notice of Motion indicating our intent to bring a motion to the TDSB Planning and Priorities Committee calling for the TDSB to endorse the Royal Ontario Museum’s exhibition titled *Auschwitz: Not Long Ago, Not Far Away*, and to encourage trustee’s staff to visit the exhibition, and for teachers to take their students there where age-appropriate and relevant to course content. [...]

In response to that motion, an exchange of four emails between the parties ensued, including the two that are subject of the Complaint.<sup>4</sup> The Complaint explains the first one as follows:

“On January 17, 2025 [in response to the motion], Trustee Aarts sent an email to Chair Shan, copying all Trustees. Trustee Aarts criticized me for not previously contacting or consulting with the Jewish Heritage Committee or “relevant staff” prior to bringing the motion... Trustee Aarts posed intemperate and insulting rhetorical questions:

*“Are the movers not aware of the JHC and their ongoing work?”*

*Which staff did the movers consult with to gather background information on the TDSB’s plans for International Holocaust Remembrance and whether*

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<sup>4</sup> The full emails were exhibits to the Complaint.

*or not the ROM's exhibit has been vetted for curriculum content and age-appropriateness?"*

The latter question was vexatious, disrespectful, and posed in bad faith because Trustee Aarts acknowledged in the same email that the ROM exhibition was in fact vetted.

*"The ROM's exhibit sounds amazing, and I have quickly learned by simply asking that it has been vetted and there is already a careful communication plan that clarifies the appropriate ages."*

*"And if staff were not consulted then why not?"*

*"Certainly, there have been past excursions within the TDSB that did not use this careful vetting process and have landed the TDSB in a great deal of trouble or ... negatively impacted students/communities. Indeed, we are reviewing excursion protocols as a result."*

On January 21, 2025, Trustees Pei and Hastings responded in what they describe as polite, respectful, and issue focused manner, noting that as Trustees, they are not obligated to obtain permission before filing a Notice of Motion. They "were astounded by the fact that there were objections to what we believed to be an entirely innocuous motion", and addressed Trustee Aart's objections, such as stating their "view that it is extremely unlikely that the Jewish Heritage Committee would object to our motion".

In turn, later that day:

"Trustee Aarts [then] wrote to the Chair and all Trustees of the Board. The response was filled with disrespectful, patronizing, judgmental and accusatory statements:

*"The questions I asked are about why you have failed to honor the work of dedicated volunteers."*

*Positive, respectful relationships are critical to the work of the Board. We build respectful relationships with community by asking them to collaborate with us, not by expecting them to get in line with our ideas as you indicate below."*

*You have been the most vocal in public when you think protocols have not been strictly followed, attacking staff or anyone you don't agree with. Yet below you state that you should be above protocols 'because you are a Trustee' and that the rest of us should also ignore protocols because you did."*

The so-called protocols to which Trustee Aarts refers, do not exist. Trustee Aarts also made a gratuitous evidence-free claim that I attack staff or anyone I don't agree with.

Trustee Aarts then accused me of "poor governance" based on a spurious accusation that our motion without checking that our motion "meets the criteria of TDSB policies". It's for the chair to decide whether a motion is or is not in order, not Trustee Aarts.

*YOU, as the mover, did not first check that your motion meets the criteria of TDSB policies. This is simply poor governance regardless of the subject matter.*

Trustee Aarts then accused me of bullying her and the entire board into accepting the motion, and of "harming relationships with dedicated communities".

You have worded your response to bully, me specifically but the entire board it appears, into supporting your actions.

What I do not support are actions by Trustees that ignore policies or that harm relationships with dedicated communities. If unanimous support for a motion is important to you then try collaborating, consulting, and practicing due diligence instead of bullying."

On January 23, 2025, Trustee Pei, apparently without Trustee Hastings, wrote to the Chair and "Trustees" that they are proceeding with bringing the motion. He commented that Trustees made and are free to debate and/or vote against it, noting that:

"Trustees who vote against the motion will have every opportunity to explain their position to the public and the press. I intend to publicize the motion on social media and elsewhere, and encourage members of the press to attend the meeting.

I will not engage further with the other remarks in the email correspondence below.

In sum, the Complaint points out that Trustee Aarts' emails made numerous comments which the Complainant interprets as being inappropriate and/or disrespectful. The Complaint concludes that these statements in Trustee Aarts emails "are contrary to Section 6.11(a)<sup>5</sup> of the Board Member Code of Conduct", which states:

"All Members of the Board have a duty to treat members of the public, one another, and staff members respectfully and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. This provision applies to all forms of written and oral communications, including via social media."

### *Response to Complaint*

Trustee Aarts' Response provided some background and responded to eight points of the Complaint. The Response also acknowledges deficiencies in her own correspondence.

In terms of background, she explained that her involvement in this matter came after Trustee Laskin reached out to her for assistance as an ally on behalf the TDSB's Jewish Heritage Committee regarding this motion, particularly as a social media group had gotten involved in the motion and that "the operator of the [social media group] regularly attacks Trustee Laskin and the other colleagues". The Response explained some politics surrounding the motion and the timing of the motion. The other points raised include:

1. Although the Complaint states, "On January 17, 2025 at 2:59 PM, Trustee Aarts sent an email to Chair Shan, copying all Trustees," the emails show she had not done so. In fact, it was Trustee Pei who included all Trustees in his responding email on January 21, 2025.
2. Although the Complaint states, "The latter question was vexatious and disrespectful, and posed in bad faith because Trustee Aarts acknowledged in the same email that the ROM exhibition was in fact vetted", Trustee Aarts' point was not whether the ROM exhibit had been vetted, but whether the movers had known

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<sup>5</sup> We note that the numbering supplied for this section was in effect until January 21, 2025. After that time, the Code, including the current version (i.e. revised May 21, 2025), now numbers this section 6.11.1.



the exhibit had been vetted before tabling a motion for Board endorsement. In other words, had the movers had consulted with anyone?

3. Trustee Pei did not answer her questions posed in the January 17 email, but instead sent his January response to all Trustees and several external Jewish organizations. He “refuted the need to consult community or policy and issued a challenge for Trustees to publicly support his motion. I felt the intent of the response was to attack or shame me for not supporting the ROM event (which was untrue) and bully me and others into silence on this matter.”
4. The Complaint asserts that trustees do not need permission to table motions. Yet, she did not ask if the movers “sought permission”, she asked if they had consulted anyone as required by policy.
5. The Complaint asserts “that it is extremely unlikely that the Jewish Heritage Committee would object to our motion”, yet, in fact, she had been asked by members of the Jewish Heritage Committee to do just that. Moreover, Trustee Pei’s assertion “that the JHC should be okay with something without first asking them” is dismissive of their identities and their work and contravenes the TDSB Equity and Community Engagement policies.
6. Trustee Pei improperly forward his January 17 response to all Trustees and stated that he copied several external organizations, which, together with his other comments, appears to have been done to bully her.
7. Although the Complaint states, “The so-called protocols to which Trustee Aarts refers, do not exist”, the Response submits they do exist – and listed 11 relevant policies, such as PR589, Vetting external presentations.
8. Although the Complaint states, “It’s for the chair to decide whether a motion is or is not in order, not Trustee Aarts”, Trustee Aarts had not mentioned that the motion was out of order. Her emails questioned the circumstances of the motion.

### ***Reply to the Complaint***

Trustee Pei did not provide a substantive reply to the response, simply stating on June 10, 2025 that due to illness and the press of business, that:

I apologize for returning your email late, ... I ...didn't realize my reply was due June 2, 2025. ... I am not satisfied with Trustee Aarts' explanation, and would like the integrity commissioner to continue his investigation and then make his decision accordingly.

## **ANALYSIS AND FINDINGS**

We find that the parties' submissions and the emails do not establish that Trustee Aarts breached of the Code, for the reasons that follow.

As threshold matters, the operative language of section 6.11.1 of Code applicable to this matter is "All Members...have a duty to treat...one another...respectfully and without abuse, bullying or intimidation...". There is little evidence that Trustee Aarts "abused, bullied or intimidated" Trustee Pei. It appears Trustee Pei's issue is whether Trustee Aarts violated her duty to treat him "respectfully". "Respectfully" or "respect" are not defined in the Code. Thus, we will consider them in their ordinary meaning.

We also note that the Code is written for human beings; it does not require perfection. There is room for interactions – at least occasionally and depending on the context – to be uncomfortable, unpleasant, imperfect, perhaps poor, without triggering the Code. Mistakes can be made. Correspondingly, a finding that the Code has not been breached in this matter is not synonymous with an endorsement of Trustee Aarts' emails. There is room for improvement in her emails, and indeed, she acknowledges as much in her Response, as she offers a few apologies.

We note that the parties to this matter all appear to agree that ultimately the TDSB should support attendance at the holocaust exhibit at the ROM. Both sides essentially identify it as an important and worthy cause for the TDSB. There does not appear to be any antisemitic undertones to the matter. Rather, the backdrop of the emails is more of a debate on the "what", "how", and "when" of the Board's approach to supporting the exhibit, particularly given that there is a committee working on it.

As a final threshold matter, this case highlights the difficulty in (1) resolving disagreements in email, and (2) using rhetorical questions in email.

Turning our attention to the emails and substance of the Complaint, starting with a big-picture approach, we find that Trustee Pei brought forth a motion with another Trustee concerning the ROM's holocaust exhibit. Trustee Aarts became aware a TDSB committee – the Jewish Heritage Committee ("JHC") – was already working on programing

involving that event, and so she reached out to the Trustee Pei raising concerns and seeking further information. Most of her email was a very reasonable attempt at broaching a potentially difficult issue, while a few parts were less than ideal, such as the use of rhetorical questions. In response, Trustee Pei did not then address the concerns, and instead pushed back, with subtly aggressive tones, sidestepping Trustee Aarts' concerns, and escalated the matter by copying all Trustees. Trustee Aarts wrote back in an overall respectful manner, but did include a few sentences that can cause friction. Trustee Pei again side-stepped the concerns in Trustee Aarts' letter.

We'll now address a number of specific concerns raised in the Complaint.

Trustee Pei submits that the following questions posed in Trustee Aarts' January 17, 2025 email were "intemperate and insulting rhetorical questions":

*"Are the movers not aware of the JHC and their ongoing work?"*

*"Which staff did the movers consult with to gather background information on the TDSB's plans for International Holocaust Remembrance and whether or not the ROM's exhibit has been vetted for curriculum content and age-appropriateness?"*

These questions are rhetorical and, if taken alone, may be seen as intemperate. However, in context, a different view emerges. They appear after two very collaborative paragraphs which provide Trustee Aarts' basis for asking those questions. Trustee Aarts explained that she checked with the JHC, that they told her they had not been contacted and that "As was explained to me...the JHC and allied staff had already put significant work into...Holocaust Remember Day programing, including the ROM exhibit..." While we would advise Trustee Aarts to avoid the rhetorical form of questions, the questions are at least an attempt to make reasonable points in the context.

The Complaint also submits that the second of the two questions is also "vexatious, disrespectful, and posed in bad faith because Trustee Aarts acknowledged in the same email that the ROM exhibition was in fact vetted". Trustee Aarts submits, that Trust Pei is missing the point. We agree. Her point was that the TDSB has a vetting process, and based on information available to her, it did not appear that the Trustee Pei had vetted the Holocaust exhibit despite proceeding to bring the motion forward. Trustee Aarts' inquiry to Trustee Pei about vetting was valid and appropriate – although it could have been worded better. In fact, Trustee Pei's response proves her correct, in that at no time did he directly respond to her inquiry.

The Complaint describes his January 21, 2025 response as “polite, respectful, and focused on the issues”, and pointed out that as an elected Trustee he is not obliged to obtain permission from anyone before filing a motion. Trustee Aarts points out that this is not exactly correct. We agree. Trustee Aart’s email set the issue – she had information that a committee was already working on the same exhibit and thus it appears that Trustee Pei was proceeding without coordinating efforts. Both of Trustee Pei’s email responses failed to “focus” or otherwise address that concern, which in context is not polite. Likewise, while Trustee Pei may file a motion, Trustee Aarts’ issue was whether the motion complies with policies and whether it should be filed.

The Complaint states that “The so-called protocols to which Trustee Aarts refers, do not exist.” As noted above, in her Response, the Trustee Aarts cited over 10 of them. Trustee Pei did not reply to that submission, seemingly conceding that point.

The Complaint states that “Trustee Aarts also made a gratuitous evidence-free claim that I attack staff or anyone I don’t agree with” and similar comments. We give this concern the most weight. Often comments about another person’s historical actions are typically unnecessarily personal, beyond-the-line comments and certainly draw scrutiny. The context of the comment, however, follows from the prior email dealing with and following protocols. They are not personal in the sense of commenting about a person’s appearance or personality and the comment did not offer a personal insult or name-calling but rather offered a critical comment about board related actions / discussions and voting records. We caution against such “histories” and believe the point could have been made without discussing alleged history on these issues. However, we also acknowledge that perhaps the history and Trustee Pei’s alleged inconsistencies, if true, would strengthen Trustee Aarts’ point – but such could have been raised in less combative way.

We also note that while the Complaint alleged disrespectful tones, the Complainant’s own emails have a formal, almost stand-offish tone, lacking queues of seeking resolution between co-workers.

For instance, while the Respondent’s first email is addressed to Chair Shan, her second one starts, “Hi Weidong”. Both are ‘signed’ “Best Regards, Michelle”. In contrast, both of the Complaint’s emails are addressed to Chair Shan and signed “Trustee Weidong Pei...”; neither respond directly to Trustee Aarts more conciliatory tone in the second email or particularly matches her comments. His final email only states that he won’t engage.

Finally, Trustee Aarts submits that Trustee Pei's January 21 email is an attempt to bully *her*. She notes that he forwarded the email thread to all Trustees and stated that he copied several external organizations. In fact, Trustee Pei stated that he had copied several external Jewish organizations and then stated the expectation "that this motion will be approved unanimously by all Trustees of the Board. We don't understand how any Trustee could possibly vote against it." While we won't impute motives to Trustee Pei, the tone of the letter is easily interpreted as a subtle threat, whether intentional or inadvertent.

At the end of the day, we don't find Trustee Aarts' emails sufficient to establish a breach of the Code. She might have communicated better but so might have Trustee Pei. The circumstances of this case appear to be more in line with a conflict over communication styles and word choices than a bonafide Code of Conduct issue.

## DECISION

For the reasons stated above, we have determined that Trustee Aarts has not breached section 6.11.1 of the Code<sup>6</sup>.

### *Trustee Review and Comments*

As there is no statutory or policy requirement to distribute an advance draft of this report to the parties, and we have not found a breach, we will not distribute an advance draft.

## CONCLUSION

It has been determined that Trustee Aarts did not breach the Code.

There is no longer any requirement for the Board of Trustees to consider Integrity Commissioner reports or make decisions related to their findings. In the past, the Board was the statutory decision-maker, weighing the findings and recommendations of the Integrity Commissioner and deciding on the question of breach and (if necessary) imposing appropriate sanctions. That process has been replaced under the new *Education Act* provisions which came into force on January 1, 2025. The Integrity Commissioner is now fully and solely responsible for determining whether there was a breach, and how best to address it within the statutory framework. Through the issuance of this report,

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<sup>6</sup> Or the corresponding section of the "Old Code", as referenced.

Mr. Maynard has now carried out his statutory duty as required by the terms of his appointment under the *Education Act*.

A copy of this report has been provided to the Complainant and Respondent by our Office.

We acknowledge that the Board is currently under Ministry supervision, which also contributed to a delay in releasing this report. We ask the Senior Manager of Governance and Board Services to distribute this report as appropriate and in accordance with current protocols. We also request that this report be published on the Board's website in accordance with section 218.3.2 (11) of the *Education Act*, which states:

A board shall keep records and publish information on its website about each of the following:

1. A matter referred to an integrity commissioner under subsection 218.3 (3).
2. A decision of the integrity commissioner under subsection 218.3 (8).
3. A determination of an integrity commissioner under section 218.3.1.
4. A determination by a panel under subsection (7) or (8).

### ***Notice - Right of Appeal***

Section 218.3.2 (1) of the *Education Act* establishes the right of appeal. It states:

#### **Appeal**

Either the board or the member whose conduct was the subject of the integrity commissioner's determination under section 218.3.1 may appeal the determination, the sanctions imposed, or both, and the board and the member are the parties to such an appeal.

#### **Board resolution to appeal**

(2) The member whose conduct was the subject of the integrity commissioner's determination shall not vote on a board resolution to determine whether the board will appeal that determination under subsection (1).

### **Notice of appeal**

(3) The board or the member who appeals the integrity commissioner's determination shall give written notice of the appeal to the other party and the Deputy Minister no later than 14 days after receiving written notice of the integrity commissioner's determination, or within such other time period as may be prescribed by regulation.

The timeline for giving a notice was altered by O. Reg. 306/24, as follows:

### **Notice of appeal**

For the purposes of subsection 218.3.2 (3) of the Act, the appellant shall give the written notice of appeal referred to in that subsection no later than 15 business days after receiving written notice of the integrity commissioner's determination.

We now consider this matter to be concluded.

Yours Very Truly,



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Michael Maynard  
Integrity Commissioner



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Jeffrey Shapiro  
Senior Investigator