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**Investigation into a Complaint Pursuant to the Grand Erie District School Board Policy #4 –  
Trustee Code of Conduct**

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**PRIVILEGED & CONFIDENTIAL**

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## I. INTRODUCTION

Parker Sim LLP (the “Investigator”) was retained by the Grand Erie District School Board (the “Board”) to investigate a complaint dated February 13, 2024, delivered by Vice-Chair Brian Doyle against Trustee Carol Ann Sloat alleging that she improperly removed *in camera* documents from a special board meeting held on February 12, 2024.<sup>1</sup>

The Complaint alleges that in removing *in camera* documents, Trustee Sloat violated sections 1.1(c), 1.2(b), 1.3(a), 1.4(b) 1.4(e), and 1.5 (b) of the Grand Erie District School Board Policy #4 – Trustee Code of Conduct (the “Code of Conduct”).<sup>2</sup> In particular, the Complaint alleges that:

- Trustee Sloat was asked by the Chair to return the *in camera* documents at the end of a special board meeting on February 12, 2024, in response to which she yelled “call the police” and left the board room with the *in camera* documents.

The Complaint was delivered on or around February 13, 2024, pursuant to the Code of Conduct. In accordance with section 4.3(a) of the Code of Conduct, the Investigator conducted an initial assessment of the Complaint on February 28, 2024 and determined that an investigation was warranted as the allegations were not frivolous, vexatious, or more appropriately referred to another venue for resolution.<sup>3</sup>

The mandate, pursuant to section 4.4 of the Code of Conduct is to investigate the allegations and to make findings of fact.<sup>4</sup> Consistent with the Code of Conduct, our retainer letter confirms that legal analysis, including a credibility assessment, is outside the scope of our investigation report.<sup>5</sup> We were not requested, and therefore this Report does not offer an opinion as to whether Trustee Sloat has violated the Code of Conduct.

As is set out in more detail below, this Report focuses entirely on the evidence received and our assessment of the same to determine, on a balance of probabilities, whether or not the allegations are substantiated. In making factual determinations, we are bound by the civil

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<sup>1</sup> See Appendix A1: The Complaint Document of Vice-Chair Brian Doyle dated February 13, 2024.

<sup>2</sup> Note that the Complaint incorrectly refers to section 1.5(e) but relies on the language of section 1.5(b).

<sup>3</sup> See Appendix C: Letter to M Zega from C Parker dated February 27, 2024 re: Initial Assessment of a Complaint respecting Trustee Sloat, Grand Erie District School Board (the “Board”) Investigation.

<sup>4</sup> See Appendix D: The Board Trustee Code of Conduct Section 4.4(a) which provides that:

The report of the third party shall outline the finding of facts but no opinion as to whether the Code of Conduct has been breached. This will be determined by the Board of Trustees as a whole with the advice of legal counsel if necessary.

<sup>5</sup> See Appendix E: Letter from M Zega to C Parker dated February 14, 2024

standard of proof, namely whether the evidence is sufficiently clear, convincing, and cogent to conclude that it is more likely than not that a fact is true, or an event occurred.<sup>6</sup>

We conducted an investigation of the Complaint, which included interviews with Vice-Chair Brian Doyle on April 26, 2024, [REDACTED] on April 30, 2024, Trustee Sloat on May 29, 2024, and Chair Susan Gibson on May 31, 2024. During the course of our investigation, we also reviewed the relevant minutes of the Board's meetings as well as the Board's General Working By-Law-GB1.<sup>7</sup>

This Report begins with a description of the relevant context to this investigation a brief introduction to the parties, and an overview of the Board's relevant policies. Next, we set out a description of the evidence, followed by our factual determinations.

We want to thank you for entrusting us with this important and challenging investigation.

Do not hesitate to reach out if we can be of any further assistance.

## **II. BACKGROUND**

### **A. TRUSTEE SLOAT'S SANCTION**

On May 15, 2023, a special meeting of the Board was held to consider whether Trustee Sloat had violated the Code of Conduct. At the regular Board meeting on May 29, 2023 the Board made a motion and passed a decision to sanction Trustee Sloat following its determination that she violated the Code of Conduct. In particular, for the specific reasons that are unknown to the Investigator, the Board passed the following motion:

THAT the Board bar Trustee Sloat from attending 3 board meetings including in-camera meetings for May, June and September and bar from (*sic*) Trustee Sloat from sitting on all committees effective May 16 to the end of September 2023 and that she only receives public materials.<sup>8</sup>

We understand that at the outset of the Board meeting on May 29, 2023, Trustee Sloat sought to appeal the Board's May 15, 2023 decision. We further understand that Trustee Sloat's appeal was adjourned from May 29, 2023 to June 21, 2023 and the Board's decision on sanction, as reproduced above, was passed during the open session of the Board meeting on May 29, 2023. Following her appeal, the sanction imposed on Trustee Sloat was confirmed on June 21, 2023.<sup>9</sup>

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<sup>6</sup> *FH v McDougall*, 2008 SCC 53 at paragraph 46.

<sup>7</sup> See Appendix K: Grand Erie District School Board, General Working By-Law – GB1 ("General Working Bylaw")

<sup>8</sup> See Appendix F: Minutes of the Regular Board Meeting on May 29, 2023, page 2.

<sup>9</sup> See Appendix G: Minutes of the Special Board Meeting on June 21, 2023.

It is not in dispute that Trustee Sloat filed an application to judicially review the Board decision to sanction her.<sup>10</sup> While her application for judicial review is not directly relevant to the present allegation other than informing the context of the parties' relationship at the time the alleged events took place, I note this because Trustee Sloat has raised, on a number of occasions, that she feels that the Code of Conduct complaints, including the Complaint by Vice-Chair Brian Doyle, are reprisal for her having challenged the Board's decision in May 2023 to sanction her.<sup>11</sup>

#### B. THE SPECIAL MEETING OF THE BOARD ON FEBRUARY 12, 2024

The Special Meeting of the Board on February 12, 2024 was an *in camera* meeting about a Code of Conduct complaint, and specifically a Code of Conduct complaint delivered by Trustee Thomas against Trustee Sloat.<sup>12</sup>

The consistent evidence received is that the materials circulated for that meeting were an agenda and a deck of slides setting out, among other things, the factual findings related to the Code of Conduct complaint by Trustee Thomas.<sup>13</sup>

There is no question that Trustee Sloat left the special meeting of the Board on February 12, 2024 with the deck of slides and her notes from the meeting.<sup>14</sup>

According to the approved minutes from Special Meeting of the Board on February 12, 2024, consistent with Trustee Sloat's evidence, the meeting started at 5:32pm and was adjourned at 7:15pm.<sup>15</sup> Trustee Sloat's evidence is that she left around 6:20pm,<sup>16</sup> approximately 55 minutes before the meeting adjourned. Chair Gibson agreed that the meeting continued without Trustee Sloat for a period of time, during which time the remaining Trustees discussed whether the Board

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<sup>10</sup> In response to Trustee Sloat's application for judicial review the Board filed a motion to stay the application on the basis that continuing it would amount to an abuse of process due to the improper disclosure of confidential Board information as part of the Application Record (the "Board's Motion"). Note that Trustee Sloat also filed a motion to stay the sanctions imposed on her, in support of which she delivered further materials that allegedly contained privileged and confidential *in camera* information. The Board's Motion was heard on October 4, 2023 and dismissed from the Bench by Justice MacNeil, who nonetheless confirmed that Trustee Sloat did include confidential information in her application and stay motion materials. Since Justice MacNeil's decision, we understand there to be a sealing order in place with respect to the application for judicial review and related proceedings.

<sup>11</sup> See Appendix A2: The Statement of Trustee Carol Ann Sloat signed June 3, 2024 ("Sloat Statement") and Associated Emails, page 1.

<sup>12</sup> See Appendix A2: Sloat Statement, page 2.

<sup>13</sup> See Appendix A2: Sloat Statement, page 2; Appendix A5: [REDACTED], page 2; Appendix A4: Gibson Statement, page 3.

<sup>14</sup> See Appendix A2: Sloat Statement, page 5; Appendix A5: [REDACTED], page 2; Appendix A4: Gibson Statement, page 1; Appendix A3: Doyle Statement, page 2.

<sup>15</sup> See Appendix H: Special Meeting Minutes from February 12, 2024.

<sup>16</sup> See Appendix A2: Sloat Statement, page 6.

would “rise and report” and also discussed the Trustee Sloat leaving the meeting with confidential records, being the events giving rise to the present Complaint.<sup>17</sup>

During her interview on May 29, 2024, Trustee Sloat raised an issue with the Board’s discussion after her departure on February 12, 2024, suggesting that it coordinated the plan to deliver a Code of Conduct complaint, in a further display of how she is treated differently from the rest of the trustees.<sup>18</sup>

The draft meeting minutes from the Special Meeting of the Board on February 12, 2024, as they are reflected in the February 26, 2024 Regular Board Meeting package are attached to this report.<sup>19</sup> These draft minutes were approved without amendment during the Regular Meeting of the Board on February 26, 2024, as reflected in item B-1(b) of the Minutes from the February 26, 2024 Board Meeting.<sup>20</sup>

As part of a Special Board Meeting on February 26, 2024, the Board reported its decision made *in camera* on February 12, 2024 that Trustee Sloat was in breach of sections 1.2(b) and 1.4(a) of the Code of Conduct. The Board passed the following sanction, by recorded vote, with only two trustees voting against:<sup>21</sup>

THAT the Board bar Trustee Sloat from attending all meetings of the Board including In-Camera, Special Board and Caucus meetings for March, April, and May 2024. As well bar Trustee Sloat from attending and sitting in all committee meetings effective November 30, 2024 to the end of May 2025. That she only receives public materials. For further clarity, attending meetings mean Trustee Sloat will not attend in person or virtually or by any other means. Trustee Sloat will also receive a public censure at a date to be determined.

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<sup>17</sup> See Appendix A4: Gibson Statement, page 3.

<sup>18</sup> See Appendix A2: Sloat Statement, page 6. Note that this issue is a theme of Trustee Sloat’s evidence. In respect of this particular Complaint, she notes that the Board did not rise and report publicly on its motion to sanction her immediately at the end of the *in camera* meeting, which Trustee Sloat asserts is in violation of the *Education Act*. Trustee Sloat also refers to the Board’s insistence on her strict compliance with the applicable rules or policies, including the policy related to *in camera* records, while it is allegedly more flexible with the application of policies and/or procedures to its own conduct, or the conduct of other trustees. Trustee Sloat points to, for example, the flexibility the Board is taking in respect of the investigation of Code of Conduct complaints against Trustee Sloat after the expiration of the prescribed timelines.

<sup>19</sup> See Appendix H: Special Meeting Minutes from February 12, 2024.

<sup>20</sup> See Appendix I: Minutes of the Regular Board Meeting on February 26, 2024

<sup>21</sup> Appendix J: Minutes of the Special Board Meeting on February 26, 2024

## C. THE PARTIES

### a. *Trustee Carol Ann Sloat*

Carol Ann Sloat is a Trustee of the Board representing Brantford. She first took office in December 2003 and has been a Trustee continuously since then. As noted above, Trustee Sloat was sanctioned by the Board on May 29, 2023 following its determination on May 15, 2023 that she violated the Code of Conduct. Between May 29, 2023 to February 27, 2024, Trustee Sloat has been the subject of seven (7) more individual Code of Conduct complaints.

### b. *Vice-Chair Brian Doyle*

Brian Doyle is a Trustee of the Board. He was first elected in 2006, approximately three years after Trustee Sloat. Trustee Doyle has been the Vice-Chair of the Board for three years.<sup>22</sup> Trustee Doyle and Trustee Sloat are colleagues, with no relationship outside the boardroom. Trustee Doyle advised that he has participated in complaints against Trustee Sloat in the past – once as a Complainant, and another time as a witness.<sup>23</sup>

### a. *Chair Susan Gibson*

Susan Gibson is a Trustee of the Board. She was first elected in 2018. Trustee Gibson has been the Chair of the Board for 3 years.<sup>24</sup> Chair Gibson was interviewed as a witness to the events on February 12, 2024 because she is alleged to have been the primary person to ask Trustee Sloat to leave the *in camera* documents behind.

### b. [REDACTED]

[REDACTED] is the [REDACTED]. [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

## D. THE POLICY AND INVESTIGATION PROCESS

<sup>22</sup> See Appendix A3: The Statement of Vice-Chair Brian Doyle signed April 30, 2024 (“Doyle Statement”) and Associated Emails, page 1.

<sup>23</sup> See Appendix A3: Doyle Statement, page 1.

<sup>24</sup> See Appendix A4: The Statement of Chair Susan Gibson signed June 1, 2024 (“Gibson Statement”) and Associated Emails, page 1.

<sup>25</sup> See Appendix A5: The Statement of [REDACTED] signed June 4, 2024 (“[REDACTED] Statement”) and Associated Emails, page 1.

The Investigator was retained to conduct a neutral and independent investigation of the Complaint in accordance with section 4.4 of the Code of Conduct. The following interviews were conducted, all via Microsoft Teams:

- Vice Chair Doyle was interviewed in respect of his Complaint on April 26, 2024.
- [REDACTED] was interviewed on April 30, 2024.
- Chair Gibson was interviewed on May 31, 2024.
- Trustee Sloat was interviewed on May 29, 2024.

Only Trustee Sloat participated with counsel.

Prior to each interview, an explanation of the importance of confidentiality was provided and each interviewee was asked to sign a confidentiality agreement or confirm their understanding and agreement with a confidentiality agreement already executed.<sup>26</sup> At the outset of each interview, the importance of confidentiality was reiterated, and each party was invited to express any questions or concerns. Trustee Sloat, at that outset of her interview on May 29, 2024, expressed that she had “plenty of concerns with confidentiality but will abide by what I signed [being the Confidentiality Agreement dated August 23, 2023].”<sup>27</sup>

Following each interview, a witness statement was prepared.<sup>28</sup> This was delivered to each interviewee who was asked to carefully review the statement, note any inaccuracies, and sign and date the statement, if accurate.<sup>29</sup> All interviewees returned their signed statement without significant amendment or clarification.<sup>30</sup>

### **III. THE CODE OF CONDUCT**

While it is not part of our investigation to determine whether the allegations, if substantiated, amount to a breach of the Code of Conduct, we note that the Complaint identifies the following provisions of the Code of Conduct as engaged by Trustee Sloat’s alleged behaviour:

- Section 1.1(c): All Trustees of the Board shall accept that authority rests with the Board of Trustees, and that a Trustee has no individual authority other than that delegated by the Board.

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<sup>26</sup> See Appendix B: Signed Confidentiality Agreements

<sup>27</sup> See Appendix A2: Sloat Statement, page 1.

<sup>28</sup> See Appendix A: Complaint Document, Signed Statements, and Associated Emails

<sup>29</sup> Appendix A: Complaint Document, Signed Statements, and Associated Emails

<sup>30</sup> See Appendix A2: Sloat Statement Signed June 3, 2024; See Appendix A3: Doyle Statement Signed April 30, 2024; See Appendix A4: Gibson Statement Signed June 1, 2024; See Appendix A5: [REDACTED] Statement Signed June 4, 2024.



- Section 1.2(b): Trustees shall treat other Trustees and staff of the Grand Erie District School Board with respect and in a cordial and professional manner, in writing and in action.
- Section 1.3(a): Trustees shall maintain confidentiality of privileged information discussed in closed sessions. Such information includes, but is not limited to:
  - The security of the property of the school board;
  - Intimate, personal, or financial information about an identifiable individual or an identifiable group;
  - The acquisition, disposal, or development of a school site;
  - Negotiations with employees of the school board;
  - All legal issue affecting the school board.
- Section 1.4(b): Trustees shall fulfill all duties as set out in Section 218.1 of the Education Act.
- Section 1.4(e): Trustees shall base their actions on unimpeachable conduct, acting at all times with utmost good faith in accordance with their fiduciary duty to act with a view to the best interests of Grand Erie District School Board.
- Section 1.5(b): Trustees shall work with other Trustees in a spirit of respect, openness, courtesy, cooperation, and proper decorum, despite differences of opinion that may arise during debate.

Note that because it is outside the scope of this investigation, we did not consider what other provisions, if any, of the Code of Conduct may apply to the conduct outlined in the allegations.

#### **IV. THE ALLEGATIONS**

Per the complaint delivered by Vice-Chair Doyle, the allegation is that Trustee Sloat removed confidential in camera documents from a special board meeting and when asked to return the documents responded, “call the police!”

#### **V. THE EVIDENCE**

##### **A. CREDIBILITY AND RELIABILITY**

As noted above, it is beyond the scope of this Report to make any findings in respect of the credibility or reliability of the parties or witnesses. Given the concessions made by Trustee Sloat and the preponderance of evidence gathered, we do not believe that credibility or reliability are of significant impact to our ability to determine whether Trustee Sloat left the Special Meeting of the Board on February 12, 2024 with confidential, *in camera* information and whether in doing so she yelled “call the police!”

However, there are areas of disagreement between Trustee Sloat and the balance of the witnesses, which we cannot reconcile without engaging in a credibility or reliability analysis of the evidence received. These issues include:

1. Whether Chair Gibson asked Trustee Sloat to turn in her *in camera* documents prior to leaving the Special Meeting of the Board on February 12, 2024;
2. Whether anyone was collecting the *in camera* documents at the time Trustee Sloat left the boardroom;
3. Whether there is a practice to return *in camera* records at the end of an *in camera* meeting; and
4. Whether there was a practice to make the Code of Conduct materials available to Trustee Sloat through counsel.

While identified in the evidence outlined below, for the reasons already articulated, we do not profess to resolve these discrepancies.

B. TRUSTEE SLOAT REMOVED CONFIDENTIAL INFORMATION FROM THE BOARDROOM FOLLOWING THE SPECIAL MEETING OF THE BOARD ON FEBRUARY 12, 2024

*a. Vice-Chair Doyle*

Vice-Chair Doyle's evidence is that at the end of the Special Meeting of the Board on February 12, 2024, Trustee Sloat was told she could leave, but told she had to leave her *in camera* documents behind.<sup>31</sup> According to Vice-Chair Doyle, Chair Gibson said to Trustee Sloat that she had to leave the documents behind, in response to which Trustee Sloat said something like "call the police if you don't like it."<sup>32</sup>

Vice-Chair Doyle's evidence is that just "as has been the case since I got on the Board, every document handed out *in camera* had to be returned."<sup>33</sup> Vice-Chair Doyle described the process of returning *in camera* documents, as follows:

The process has always been we either walk the documents to our secretary of the meeting or the administrative assistant, [REDACTED] who looks after minutes, or she [REDACTED] gets up and walks around the room and gathers them.<sup>34</sup>

<sup>31</sup> See Appendix A3: Doyle Statement, page 2.

<sup>32</sup> See Appendix A3: Doyle Statement, page 2.

<sup>33</sup> See Appendix A3: Doyle Statement, page 2.

<sup>34</sup> See Appendix A3: Doyle Statement, page 2.

Vice-Chair Doyle states that Chair Gibson “did centre out Trustee Sloat” the second time she made an announcement to return the *in camera* documents, which is when Trustee Sloat made her comment about the police.<sup>35</sup>

According to Vice-Chair Doyle, “lawyers have assured everyone that the information can be shared as needed... it is available to be shared but cannot be physically taken out of the room.”<sup>36</sup> Vice-Chair Doyle explained that there is a policy that prevents Trustees from removing *in camera* documents from the building, which he confirmed by email after his interview is section 3.3 of the General Working Bylaw.<sup>37</sup>

Vice-Chair Doyle’s evidence is that he also made a comment to the effect of “you know you can’t leave with the documents Carol Ann” or “c’mon Carol [Ann], you know you have to leave them behind,” but she proceeded to leave.<sup>38</sup>

Vice-Chair Doyle explained that everyone was seated when Trustee Sloat got up to leave, noting that he sits to the right of Chair Gibson who is on the other side of the boardroom table from Trustee Sloat.<sup>39</sup>

b. [REDACTED] and Chair Gibson

[REDACTED] and Chair Gibson both confirmed their attendance at the Special Meeting of the Board on February 12, 2024.<sup>40</sup> While [REDACTED] and Chair Gibson differed in their recollection of some of the details,<sup>41</sup> they both agreed:

- Trustee Sloat was asked to return the *in camera* documents;<sup>42</sup>
- Chair Gibson asked Trustee Sloat to return the *in camera* documents before she left the room;<sup>43</sup>
- Trustee Sloat refused to return the *in camera* documents;<sup>44</sup>
- In refusing to return the *in camera* documents, Trustee Sloat shouted something to the effect of “call the police!”;<sup>45</sup>
- Trustee Sloat left the boardroom with the *in camera* documents;<sup>46</sup>

<sup>35</sup> See Appendix A3: Doyle Statement, page 2.

<sup>36</sup> See Appendix A3: Doyle Statement, page 3.

<sup>37</sup> See Appendix K: page 7 of 22.

<sup>38</sup> See Appendix A3: Doyle Statement, pages 3 and 4.

<sup>39</sup> See Appendix A3: Doyle Statement, page 4.

<sup>40</sup> See Appendix A4: Gibson Statement, page 1; See Appendix A5: [REDACTED] Statement, page 1.

<sup>41</sup> For example, Chair Gibson could not remember if anyone else spoke to Trustee Sloat to request the return of the documents, while [REDACTED] evidence is that external counsel for the Board, who was in attendance at the meeting, also asked Trustee Sloat to turn in the *in camera* documents.

<sup>42</sup> See Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>43</sup> See Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>44</sup> See Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>45</sup> See Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>46</sup> See Appendix A4: Gibson Statement, page 3; See Appendix A5: [REDACTED] Statement, page 2.

- Trustee Sloat was agitated when she left – [REDACTED] described her as having “holler[ed]” call the police, and Chair Gibson said Trustee Sloat was “quite frustrated... she left in a huff.”<sup>47</sup>

Both [REDACTED] and Chair Gibson also agreed that typically the Board would make these types of records available to Trustee Sloat, through counsel. When asked if Trustee Sloat had ever been allowed to leave with *in camera* information related to a Code of Conduct complaint, Chair Gibson explained:

I’m not sure if at the very beginning Mark [Zega] may have said “yes,” but that it would have to be confidential and returned, but then we got into a process that it was happening between the lawyers. We’ve learned along the way as we’ve done more of these types of things.

I don’t doubt that she [Trustee Sloat] would have known that that was the process – being that the lawyers would exchange the information.<sup>48</sup>

*c. Trustee Sloat*

Trustee Sloat does not dispute that at the Special Meeting of the Board on February 12, 2024, following the Board’s decision in respect of the Code of Conduct complaint she went to leave with the *in camera* documents when “someone yelled ‘return the documents’” which she did not return.<sup>49</sup> Trustee Sloat agreed that the package received that evening were *in camera* documents which included slides related to the Code of Conduct complaint from the Board’s external counsel.<sup>50</sup> Trustee Sloat did not recall who asked her to leave the documents, describing the sequence of events as follows:<sup>51</sup>

**6. At that meeting on February 12, 2024, you mentioned that someone asked you to leave the documents - who?**

I don’t remember who said “what about the notes” but it was probably Doyle – but I can’t be sure, it was somebody and then a couple more and I just said “no.”

**a. Did anyone come to collect the notes from you?**

I got up to leave, then someone said that [“what about the notes”], and [REDACTED] came up the side, I can’t remember if she was there or if it was someone else.

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<sup>47</sup> See Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>48</sup> See Appendix A4: Gibson Statement, pages 2-3

<sup>49</sup> See Appendix A2: Sloat Statement, pages 2 and 5.

<sup>50</sup> See Appendix A2: Sloat Statement, page 2.

<sup>51</sup> See Appendix A2: Sloat Statement, pages 4 and 5.

**b. Did you say anything else other than “no”?**

Yeah, I said “call the cops” –

I meant if I was being such a bad person then call the police if I’m breaking the law.

It is pretty tough when you’re all alone – when there are 11 trustees, two admin assistants and 9 superintendents. So yeah, some days you’re a little guarded in your responses.

**c. Did you get a response?**

They’d have to talk to me to get a response

Trustee Sloat denied that Chair Gibson made any announcements to her directly, or otherwise, and was emphatic that “no one was collecting the documents.”<sup>52</sup> According to Trustee Sloat, she left the meeting around 6:20pm, after which per the approved Minutes of the Special Meeting of the Board on February 12, 2024 the Board stayed *in camera* until about 7:15pm.<sup>53</sup>

When asked about the Board’s “normal practice” for handing *in camera* documents at the end of a meeting, Trustee Sloat was evasive and denied that there was any normal practice at comparable Code of Conduct meetings.<sup>54</sup> Trustee Sloat said that “there is a different practice if it is a regular *in camera* board meeting, but I haven’t been to one of those for a year, so I don’t know how it’s changed.”<sup>55</sup> The Investigator put section 3.3 of the General Working Bylaw to Trustee Sloat, and specifically, the following language:

*In-camera agenda items will be accessible online and not printable. Numbered hardcopies will be made available to trustees prior to an in-camera meeting. Such copies shall be collected at the conclusion of the in-camera meeting. Trustees shall not retain or possess in-camera materials after an in-camera meeting has concluded. This applies to any in-camera attachments and minutes.*<sup>56</sup>

Trustee Sloat confirmed that she was familiar with this provision but said that she had not been to an *in camera* meeting – other than the Code of Conduct meetings – since April 2023.

When directly asked if this was the process used at the Code of Conduct meetings since April 2023, Trustee Sloat’s evidence is that “the last three times I was allowed to leave with the slides

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<sup>52</sup> See Appendix A2: Sloat Statement, page 5.

<sup>53</sup> See Appendix A2: Sloat Statement, page 6.

<sup>54</sup> See Appendix A2: Sloat Statement, page 2.

<sup>55</sup> See Appendix A2: Sloat Statement, page 2.

<sup>56</sup> See Appendix K: page 7 of 22.

and my notes.”<sup>57</sup> According to Trustee Sloat, “they’ve changed [the process] every time we’ve done a Code of Conduct, but it’s right in the slides that I can retain the information...”<sup>58</sup>

Trustee Sloat’s evidence that there is no process for returning *in camera* documents turns on her believe that “the story has changed... the actions have changed every time I’ve gone there for these Code of Conduct appeals.”<sup>59</sup>

When asked if she is familiar with the practice of providing these *in camera* Code of Conduct documents through counsel, Trustee Sloat avoided providing direct answers, noting “I have taken my notes home all four Code of Conduct meetings.” When pressed by the Investigator, Trustee Sloat responded “[i]t’s been a long time and a crappy time – I have slides.”<sup>60</sup> After significant follow up, Trustee Sloat acknowledged that on at least one occasion she received the *in camera* records related to a Code of Conduct meeting “from Mr. Zega” but that “the next two, they were never sent through Mr. Zage, so I shared my copies with legal counsel.”<sup>61</sup>

Trustee Sloat avoided acknowledging any practice of sharing these records through counsel.

### ***i. Findings***

As noted above, we are not empowered to conduct any legal analysis, including the evaluation of the credibility or reliability of the evidence received. This means that we cannot reconcile discrepancies in the evidence unless there are objective records available to use as corroboration. As noted above, there are discrepancies with respect to:

1. Who asked Trustee Sloat to return the *in camera* documents;
2. Whether anyone was collecting the *in camera* records prior to her departure from the meeting that evening;
3. Whether there was an established practice to allow Trustee Sloat to keep *in camera* records after comparable Code of Conduct meetings; and
4. Whether there was an established practice to share the *in camera* records with Trustee Sloat through counsel.

It is not our opinion that reconciling these discrepancies is integral to the findings to be made in respect of the allegations that Trustee Sloat removed *in camera* information from the boardroom and yelled “Call the Police!” on her way out.

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<sup>57</sup> See Appendix A2: Sloat Statement, page 2.

<sup>58</sup> See Appendix A2: Sloat Statement, page 2.

<sup>59</sup> See Appendix A2: Sloat Statement, pages 2-3.

<sup>60</sup> See Appendix A2: Sloat Statement, page 4.

<sup>61</sup> See Appendix A2: Sloat Statement, page 4.

There is significant consensus between the interviewees – including Trustee Sloat – in respect of the events involving Trustee Sloat at the end of the Special Meeting of the Board on February 12, 2024.

As a result, and relying on the consistent, clear, and cogent evidence of the interviewees, we find that:

- *in camera* records were distributed to persons in attendance at the Special Meeting of the Board on February 12, 2024;<sup>62</sup>
- Trustee Sloat was asked to return the *in camera* documents before she left the room;<sup>63</sup>
- Trustee Sloat refused to return the *in camera* documents;<sup>64</sup>
- In refusing to return the *in camera* documents, Trustee Sloat shouted something to the effect of “call the police!”;<sup>65</sup>
- Trustee Sloat left the boardroom with the *in camera* documents;<sup>66</sup>
- Trustee Sloat was agitated when she left.<sup>67</sup>

We note that Trustee Sloat and Chair Gibson gave evidence that Trustee Sloat was probably allowed to keep *in camera* records from a prior Code of Conduct meeting and that the process of dealing with *in camera* documents at the end of Code of Conduct meetings has evolved over time. To use Chair Gibson’s language the Board has “learned along the way as we’ve done more of these types of things.”<sup>68</sup>

## VI. CONCLUSION

With the foregoing in mind, we conclude that the allegation is substantiated: Trustee Sloat removed *in camera* records from the Special Meeting of the Board on February 12, 2024 and when confronted with a request to return the same, Trustee Sloat yelled something to the effect of “Call the Police!”

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<sup>62</sup> See Appendix A2: Sloat Statement, page 2; Gibson Statement, page 1; See Appendix A5: [REDACTED] Statement, page 2.

<sup>63</sup> See Appendix A2: Sloat Statement, page 2; Appendix A3: Doyle Statement, page 2; Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>64</sup> See Appendix A2: Sloat Statement, page 5; Appendix A3: Doyle Statement, page 2; Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>65</sup> See Appendix A2: Sloat Statement, page 5; Appendix A3: Doyle Statement, page 2; Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>66</sup> See Appendix A2: Sloat Statement, page 5; Appendix A3: Doyle Statement, page 2; Appendix A4: Gibson Statement, page 3; See Appendix A5: [REDACTED] Statement, page 2.

<sup>67</sup> See Appendix A2: Sloat Statement, page 5; Appendix A3: Doyle Statement, page 5; Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>68</sup> See Appendix A4: Gibson Statement, page 2.

As previously stated, in concluding that the allegations are substantiated, we offer no opinion as to whether the conduct amounts to a violation of any of the provisions of the Code of Conduct.

I will pause here to note that there is clear frustration expressed by all interviewees as to the state of the relationship with Trustee Sloat. This seems to be both a real barrier to meaningful dialogue between the parties, and certainly a real barrier to any genuine understanding between them. I note this because it is clear that this frustration impacts the way each of the interviewees perceives the behaviour of the other. An illustration of this is around the subjective interpretation of Trustee Sloat's comment on her way out of the boardroom: "call the police!"

According to Trustee Sloat, she meant "if I was being such a bad person then call the police if I'm breaking the law."<sup>69</sup> Trustee Sloat went on to explain: "[i]t is pretty tough when you're all alone – when there are 11 trustees, two admin assistants, and 9 superintendents...[s]o year, some days you're a little guarded in your responses...[i]t felt like everyone was ganging up on me... so I was a bit anxious..."<sup>70</sup>

In contrast, Vice Chair Doyle understood Trustee Sloat's outburst to mean the following:

Well basically, you are pretty much assured that she's not going to change her mind. It's one of those pretty harsh [things to say] "call the police if you don't like it."

At that point you realize that there is no sense talking her down or following her out the door because she's not going to hand it over.

It's too bad, but that's the way it went down.<sup>71</sup>

Similarly, Chair Gibson and [REDACTED] characterized Trustee Sloat as being "clearly frustrated" and hollering – language that is in contrast to Trustee Sloat's perspective of being the victim, and unfairly targeted.<sup>72</sup>

By way of further illustration, I note the following:

- [REDACTED] expressed concerns about retribution by Trustee Sloat.<sup>73</sup>
- Chair Gibson explained that "this has been very difficult for everyone around the Board table... [p]eople recognize that there is a care for students and that ...there just needs to

<sup>69</sup> See Appendix A2: Sloat Statement, page 5.

<sup>70</sup> See Appendix A2: Sloat Statement, page 5.

<sup>71</sup> See Appendix A3: Doyle Statement, page 6.

<sup>72</sup> See Appendix A4: Gibson Statement, page 2; See Appendix A5: [REDACTED] Statement, page 2.

<sup>73</sup> See Appendix A5: [REDACTED] Statement, page 1.



be more education about the Board's role in governance, and that has been a big challenge... [i]t's been really really hard... [w]e have struggled a little bit with Trustee Sloat and her understanding the governance process and what our role is day to day.<sup>74</sup>

- Vice-Chair Doyle expressed similar concerns about the relationship with Trustee Sloat, stating "...the only things that really bothers me is the whole respect thing... [t]here are times where I won't agree with whoever, but you still have to show respect and that's where this went off the rails... [t]here's not a lot of respect between Trustee Sloat and the rest... [i]t is sad because when I got on the Board, she was pretty solid...[i]t just doesn't make for a nice working environment when before you get into the room you know there's going to be problems."<sup>75</sup>
- As has been noted in a prior report, it was clear during our interview that Trustee Sloat is distraught by the experience of facing numerous Code of Conduct violations. Trustee Sloat characterized the outstanding Code of Conduct Complaints as reprisal against her for having challenged the Board's decision to sanction her.<sup>76</sup> On at least a couple of occasions during our interview, Trustee Sloat got emotional, teared up, or tried to hold back emotions. It is clear that Trustee Sloat feels isolated from the Board; in answering whether she got a response from anyone in the boardroom after her comment to "call the police" Trustee Sloat said "[t]hey'd have to talk to me to get a response."<sup>77</sup>

I make the above observations to illustrate the tension, miscommunication, and missed communication between Trustee Sloat and the rest of the Board. Without suggesting a solution, I note that the lack of self-reflection about Trustee Sloat's conduct, coupled with the merry-go-round of Code of Conduct complaints is only exacerbating the tension.

Do not hesitate to reach out should we be of any further assistance.

Thank you again for entrusting us with this important investigation.

Yours truly,



**Cenobar Parker**

Parker Sim LLP

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<sup>74</sup> See Appendix A4: Gibson Statement, pages 3-4.

<sup>75</sup> See Appendix A3: Doyle Statement, pages 5-6.

<sup>76</sup> See Appendix A2: Sloat Statement, page 1.

<sup>77</sup> See Appendix A2: Sloat Statement, page 5.