

CITATION: Prinzen v. Hastings and Prince Edward District School Board, 2026 ONSC 1232
DIVISIONAL COURT FILE NO.: 2962/26 and 3042/25
DATE: 20260310

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
Backhouse, Fregeau, Schreck JJ.

BETWEEN:)	
)	
RACHAEL PRINZEN)	Self-Represented
Applicant)	
)	
– and –)	
)	
HASTINGS AND PRINCE EDWARD)	<i>Jessica Koper</i> , for the Respondents
DISTRICT SCHOOL BOARD)	
)	
Respondents)	
)	
)	HEARD at Ottawa by videoconference:
)	February 23, 2026

BACKHOUSE J.

Overview

[1] The applicant, an elected school trustee of the Prince Edward District School Board (the “Board”), seeks to quash two decisions that she breached the Trustees’ Code of Conduct (the “Code”) by disclosing confidential information. Both decisions imposed a sanction of a 90-day bar prohibiting her from attending all or part of any meeting of the Board or its committees (the “Sanctions”). The applicant submits that the Board breached its duty of procedural fairness, that the decisions were biased, infringed her ss. 2(b), 7 or 15 *Charter* rights and were unreasonable.

[2] For the reasons set out below, the applications are dismissed except in regard to the Sanctions in both decisions which are varied to provide for time served.

Background

First Decision November 6, 2024

[3] On May 9, 2024, the applicant e-mailed various individuals—including the then-Minister of Education, parliamentary assistants and members of Provincial Parliament—raising several

concerns about the alleged conduct of the Board and certain Board members. She attached 45 documents that the Board claims contain substantial confidential Board information.

[4] A complaint was brought against the applicant alleging she breached nine sections of the Code. The Board retained an independent third party to investigate. The investigator interviewed the applicant and three additional witnesses.

[5] On October 24, 2024, the investigator delivered its report (the “First Report”) to the Board trustees which concluded that the applicant had breached five sections of the Code by disclosing confidential information. On November 6, 2024, all ten trustees, including the applicant, met *in camera* to consider the First Report. By majority vote, the Board passed seven motions finding that the applicant breached five sections of the Code. On November 26, 2024, the Board dismissed the applicant’s reconsideration request.

Second Decision on May 27, 2025

[6] On October 18, October 27, and November 2, 2024, the applicant sent three e-mails that the Board alleges contained personal information relating to the current and former Director of Education and confidential information relating to the Board’s audit committee. She sent these emails to individuals who, according to the Board, would not otherwise have received this information.

[7] A Board trustee filed a complaint on November 1, 2024, regarding the two October e-mails. On November 5, 2024, the trustee amended the complaint to include the November 2 e-mail. On November 9, 2024, the trustee further amended the complaint to specify the relevant Code sections (the “Second Complaint”).

[8] The Board retained a third-party investigator on December 6, 2024. The applicant provided a written response on February 11, 2025, and the investigator interviewed her and four other witnesses. On May 14, 2025, the investigator issued its final report which concluded that the applicant breached a section of the Code by disclosing highly confidential Board information and by threatening to disclose further confidential information (the “Second Report”). All ten trustees, including the applicant, met *in camera* at the May 26, 2025 Board meeting to review it at which time the Board adopted the Second Report’s findings and issued the “Second Decision,” passing three motions by majority vote.

[9] The Board again imposed the Sanction, this time effective August 25, 2025. After considering reconsideration submissions from the applicant, the Board confirmed this decision on June 24, 2025.

Preliminary Motion and Partial Sealing Order

[10] The Board brought a preliminary motion asking the court to order that the hearing proceed *in camera*, relying on the confidential nature of the information at issue and the confidential materials on which the applicant relies. The Board also seeks a permanent sealing order maintaining the current redactions to public court records.

[11] The applicant opposed the motion and seeks orders that the investigative reports and related records be made public.

[12] The hearing was conducted in public without making public those portions of the record which were redacted.

Issues

[13] The applicant raises the following issues in both applications for judicial review:

1. Did the Board breach its duty of procedural fairness in coming to the Decisions?
2. Were the Decisions tainted by a reasonable apprehension of bias or bad faith?
3. Did the Board's actions infringe on the applicant's ss. 2(b), 7, or 15 *Charter* rights?
4. Were the Decisions unreasonable?
 - (a) Did the Board exceed its statutory authority under s. 218.3(3) of the *Education Act* by imposing sanctions beyond the permitted scope?
 - (b) Did the Board lack jurisdiction to adjudicate the Second Complaint due to the transfer of authority to integrity commissioners under Bill 98? and
5. Should the record be made public?

Court's Jurisdiction and Standard of Review

[14] This court has jurisdiction to hear these applications pursuant to ss. 2 and 6(1) of the *Judicial Review Procedure Act*, R.S.O.1990, c.J.1.

[15] The substance of the Board's decisions should be reviewed on a standard of reasonableness. The Board's balancing of the relevant *Charter* values with the statutory objectives should also be reviewed on a standard of reasonableness: *Sloat v. Grand Erie District School Board*, 2025 ONSC 4460, at para. 17 ("*Sloat 2025*")

[16] Regarding breaches of procedural fairness, this Court must determine whether the requisite level of procedural fairness was granted by applying the factors set out in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817. The question is whether the decision-making procedure was fair having regard to all of the circumstances: see *Afolabi v. Law Society of Ontario*, 2025 ONCA 257, at para. 60.

Issue 1: Procedural Fairness

[17] The applicant submits that the internal disciplinary process carried severe consequences, including her removal from elected office, reputational harm, and prejudice to the democratic rights of her constituents. She argues that several aspects of the process fell below the minimum standards of procedural fairness:

- The Board pre-determined the outcome by relying on pre-written resolutions.
- The Board caused delays: it did not provide full and timely disclosure of the Second Complaint until January 7, 2025, and the investigation did not begin until February 11, 2025.

- The Board did not permit the applicant to speak during deliberations.
- Trustees who pre-planned, initiated and advanced the Code complaints did not recuse themselves; instead, they participated in deliberations and influenced both the outcome and the sanctions.
- The Board denied her reasonable accommodations, including extensions needed to retain counsel.

No Breach of Procedural Fairness

[18] Both investigation reports, after providing their conclusions state that it is the trustees who are empowered by section 218.3(2) of the *Education Act*, R.S.O. 1990, c.E.2 (as it read then) to reach their own decision as to whether the Code has been breached and if the Board collectively so finds, then they are also entitled to determine the appropriate sanction for that breach.

[19] The pre-written motions for both complaints included alternative motions for a finding of no breach and were merely options for trustees to consider. The record shows trustees deliberated on each occasion.

[20] The three letters making up the Second Complaint were substantially the same. The applicant has not shown how any delay in receiving the amended complaint in January 2025 caused prejudice.

[21] The applicant was afforded opportunities to be heard, including providing written submissions to the investigators, participating in interviews, and later submitting written materials for reconsideration. The Code specifically provides that the trustee who is alleged to have breached the Code will not participate during deliberations or answer questions during the meeting when the trustees decide whether a breach of any relevant section of the Code occurred. In addition, the trustee who is alleged to have breached the Code shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction while the trustee who brought the complaint to the attention of the Board may vote on those resolutions.¹

[22] The Board denied the applicant's request to fund the applicant's legal fees which was made at the 11th hour and which is not an accommodation. The Board did not deny the applicant the right to retain counsel.

Issue 2: No Reasonable Apprehension of Bias and/or Bad Faith

[23] The applicant has not established that the complaints are personal to the trustees. Rather, the complaints relate to her breaches of the Code. The applicant has not met the legal test required to establish a reasonable apprehension of bias.

Issue 3: No breach of Sections 2(b), 7 and 15 of the Charter

[24] The applicant argues that the Decisions and Sanctions unjustifiably infringed her s. 2(b) *Charter* rights. She submits that her communications were core political expression made in her

¹ Code of Conduct, 14 f; ss.218.3 (2) of the *Education Act*, R.S.O.1990, c.E.2 in effect prior to January 1, 2025.

capacity as an elected trustee performing her duties under s. 218.1 of the *Education Act*. She maintains that the Board provided no meaningful justification for its decisions and failed to conduct any *Charter* analysis.

[25] The applicant further submits that the sanctions engaged her ss. 7 and 15 *Charter* rights, particularly given the Board's treatment of her as a disabled litigant seeking health-related accommodation during the appeal processes.

[26] The applicant's s. 2(b) rights were not engaged. The applicant agreed to be bound by the Code which included the confidentiality provisions. She could have challenged the Code as unconstitutional but she did not do so. The applicant remained free to express her opinions and the concerns she had without breaching her duty of confidentiality as a publicly elected trustee of the Board.

[27] It is unclear how ss. 7 and 15 were engaged or violated, given that the applicant did not request any health-related accommodations during the process.

Issue 4: Reasonableness

[28] The applicant argues that the Board's decisions are unreasonable because they lack justification, transparency, intelligibility, and fall outside the range of reasonable outcomes permitted by the statutory scheme.

[29] The applicant submits that the Second Decision is unreasonable because, after January 1, 2025, the Board no longer had jurisdiction to determine Code breaches or impose sanctions. She argues that these powers transferred to integrity commissioners under the amendments to s. 218.3(16) through Bill 98 which provides:

Transition

218.3 (16) If a member of a board brings an alleged breach of the board's code of conduct to the attention of the board before the day section 24 of Schedule 2 to the *Better Schools and Student Outcomes Act, 2023* comes into force and the board has not, as of that day, made a determination in respect of the alleged breach, section 218.3 of the *Act*, as it read immediately before that day, applies in respect of the alleged breach.²

[30] The applicant further argues that the Board failed to provide its own reasons for either Decisions or the Sanctions. Instead, it adopted pre-written motions and conclusions without meaningfully engaging with the evidence, the reports' analysis, or the applicable statutory framework.

The Decisions are Reasonable

[31] The Board did not lack jurisdiction to proceed with the Second Complaint under the pre-January 1, 2025 statutory regime. Although there was an amendment of the second complaint on

² *Education Act, R.S.O. 1990, c.E.2-in effect on January 1, 2025.*

November 9, 2024 which was not brought to the applicant’s attention until after January 1, 2025 (after the amendments to the *Education Act* came into effect), the amendment was not substantive and only changed the numbered sections referring to the updated Code. Given this, I find that both complaints against the applicant were brought to the attention of the Board before January 1, 2025. The first complaint was determined by the Board prior to January 1, 2025. The second complaint was not. By virtue of the transition provision set out in s.218.3(16), the Board had jurisdiction to proceed with the Second Complaint under the pre-January 1, 2025 statutory regime.

[32] Unlike the two decisions in this court, in *Sloat v. Grand Erie District School Board*, 2024 ONSC 6209 (“*Sloat 2024*”) and *Sloat 2025*, the applicant and the trustees in this case were provided with the full First and Second Reports (82 and 75 pages in length respectively) in advance of the scheduled meetings when the trustees were going to meet and deliberate. The motions and decision letters show that the Decisions were based on the findings in the First and Second Reports.

[33] As noted in *Sloat 2024*, the Supreme Court has held that there is no duty to give formal reasons in a context where the decision was made by elected representatives pursuant to a democratic process (para. 73).

[34] The applicant did not dispute that she had disclosed confidential Board information to third parties. Her submission that the Decisions are unreasonable because they lack justification, transparency, intelligibility, and fall outside the range of reasonable outcomes permitted by the statutory scheme are bald allegations which have not been made out.

Were the Sanctions Unreasonable

[35] The applicant submits that the decisions are unreasonable because the Sanctions exceeded the limits in s. 218.3(3) of the *Education Act* without addressing the statutory constraints on the Board’s authority. Specifically, she argues that the Board acted beyond its jurisdiction by extending a sanction barring committee participation into a blanket prohibition on attending all Board and committee meetings for 90 days.

[36] S. 218.3(3) of the *Education Act* in effect prior to January 1 2025 provided:

218.3 (3) If the board determines under subsection (2) that the member has breached the board’s code of conduct, the board may impose one or more of the following sanctions:

1. Censure of the member.
2. Barring the member from attending all or part of **a meeting of the board or a meeting of a committee of the board.**
3. Barring the member from sitting on one or more committees of the board, for the period of time specified by the board. (Emphasis added)

[37] The Board argues that the phrase “a meeting” in subparagraph 2 of s. 218.3(3) of the *Education Act* does not restrict it to imposing a sanction for only a single meeting. It submits that this issue was decided by this Court in *Sloat 2024*, at paras. 69-71.

[38] In *Sloat 2024*, a number of complaints arising from alleged breaches which occurred on different dates were joined and were the subject of individual decisions. In the circumstances of that case, it was found that it would make no sense to find that the sanction that could be imposed would depend upon whether the complaints were heard singly in separate proceedings or joined (see paras. 69-71). This was *obiter* because in that case, the decisions and sanctions were quashed.

[39] In the case of *McNicol v. York Catholic District School Board*, 2024 ONSC 2919 (Div. Ct.), the York Catholic District School Board found that Trustee McNicol breached the *Trustee Code of Conduct* when she made disparaging comments about “Italian trustees”. Initially, she was barred from attending all board meetings until the end of her term. This sanction was reduced to barring her from one meeting after the board received a legal opinion that section 218.3(3) of the *Education Act* only allowed a sanction that barred a trustee from attending one board meeting.

[40] The Board cites *Del Grande v. Toronto Catholic District School Board*, 2023 ONSC 349 aff’d 2024 ONCA 769 aff’d 2024 ONCA 769 as support for its argument that members can be barred under s.218.3(3) prior to its amendment from attending more than one board meeting. The sanction upheld by the Divisional Court and the Court of Appeal did not bar Mr. Del Grande from attending any board meetings (para. 29 of the Divisional Court decision, para. 12 of the Court of Appeal decision). Rather, he was barred from sitting on committees and from being appointed to any representative position on behalf of the board for a period of three months. The Court of Appeal found at para. 45 that the sanctions did not prevent him from continuing in his functions as a trustee, including taking positions on matters before the Board.

[41] Apart from whether s. 218(3) permitted the Board to impose sanctions which exceeded barring the applicant from more than one Board meeting, there is another issue with respect to the severity of the sanctions imposed. While the Board submits that the findings in the Investigative Reports which were adopted by the Board justify the Sanctions, to which this court ordinarily gives deference, there is nothing in the record in this case to explain how the Sanctions that were imposed were reached.

[42] In this case, the sanction options that were put before the Board in both complaints simply reproduced s. 218 (3) as it existed prior to the January 1, 2025 amendments and advised that the Board shall not impose a sanction which is more onerous but may impose one that is less onerous. There is nothing in the record to show where the 90-day penalty that was imposed in each Decision may have come from. That does not necessarily mean the Board could not consider sanctions on its own. But this raises the question of whether in choosing the maximum sanction available to the integrity commissioner under the new regime in effect January, 2025, the Board did so by reference to those amendments which were not applicable to the Board or code violations prior to January, 2025.

[43] The new regime for sanctions which came into effect January 1, 2025 is set out in s.218.3.1. It provides:

218.3.1(1) If the integrity commissioner determines, following an investigation under subsection 218.3 (7), that the member has breached the board’s code of conduct, the integrity commissioner may impose one or more of the following sanctions:

1. Censure of the member.
2. Requiring the board to reduce the member's honorarium by an amount not exceeding the prescribed amount, requiring the member to return any excess already paid to the member and authorizing the board to recover the excess from the member.
3. Barring the member from attending all or part of one or more meetings of the board or one or more meetings of a committee of the board, **for the period of time specified by the integrity commissioner up to a maximum of 90 days** or the balance of the member's term of office, whichever is less. (Emphasis added)
4. Barring the member from sitting on one or more committees of the board, for the period of time specified by the integrity commissioner, up to a maximum of 90 days or the balance of the member's term of office, whichever is less.
5. Barring the member from becoming the chair or vice-chair of the board or of any committee of the board, or removing the member from any of those positions.
6. Barring the member from exercising the privileges of a board member or acting as a board representative, or removing the member from a position the member holds as a board representative.
7. Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the integrity commissioner, is reasonable and appropriate in the circumstances.
8. Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the integrity commissioner, would promote compliance with the board's code of conduct.

[44] Indeed, the Board supported the reasonableness of the sanctions imposed on the basis that they are consistent with the new regime effective January 1, 2025. The Board argued in its factum:

[48] Finally, while it was not in force at the time, the Respondent notes the sanctions imposed in this case are consistent with the new regime for the enforcement of trustee code of conducts in the Education Act effective January 1, 2025, which states that a trustee found to have breached the code of conduct may be sanctioned from attending meetings of the board for up to a maximum of 90 days.

[45] This lends credence to the concern that the Board in choosing the maximum sanctions available to the integrity commissioner under the new regime, did so by reference to the amendments not applicable to these complaints. This would render the Sanctions unreasonable.

Normally that would result in an order remitting the matter to the Board with the benefit of these reasons to reconsider the sanctions. However, since January 1, 2025, jurisdiction over Code matters has devolved to the Integrity Commissioner and the Board no longer has jurisdiction over such matters.

[46] The Sanctions have been stayed by order of Jensen J. (February 13, 2025 - first Sanction) and Labrosse J. (May 26, 2025 - second Sanction) such that the applicant has served 38 days. Whatever the appropriate period is for the suspensions, in our view it would not exceed 38 days. In all the circumstances, it is practical and appropriate to vary the Sanctions to the 38 days of time served.

Conclusion

[47] The applications to vary the Decisions are dismissed. The applications to vary the Sanctions are varied to time served.

[48] The applicant’s request that the First and Second Reports and related records which contain confidential information be made public is dismissed. A permanent sealing order maintaining the current redactions to public court records which contain confidential information is granted.

Costs

[49] Both the applicant and the Board seek costs in this matter. As the more successful party, the Board shall be entitled to costs from the applicant in the all-inclusive amount of \$7,500. The applicant has sent a costs outline to the attention of the panel which was not filed by the date of hearing in accordance with the *Rules* and accordingly has not been considered.

Backhouse, J.

I agree _____
Fregeau, J.

I agree _____
Schreck, J.

Released: March 10, 2026

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Backhouse, Fregeau, Schreck JJ.

BETWEEN:

RACHAEL PRINZEN

Applicant

– and –

HASTINGS AND PRINCE EDWARD DISTRICT
SCHOOL BOARD

Respondents

REASONS FOR DECISION

BACKHOUSE J.

Released: March 10, 2026