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# **INTEGRITY COMMISSIONER REPORT ON CODE OF CONDUCT COMPLAINT 2023-01**

AIRD & BERLIS LLP

Laura Dean

January 3, 2024

## INTEGRITY COMMISSIONER REPORT CODE OF CONDUCT COMPLAINT 2023-01

### A. INTRODUCTION

1. Aird & Berlis LLP was appointed as the Integrity Commissioner for The Corporation of the City of Guelph (the “**City**”) pursuant to subsection 223.3(1) of the *Municipal Act, 2001* on December 14, 2020, by By-law No. 20553.
2. A formal complaint (the “**Complaint**”) was received by the City and provided to our office on December 15, 2023. The Complaint alleges that a member (the “**Member**”) of a particular City Committee (the “**Committee**”) contravened the *Code of Conduct for Members of Council and Local Boards* (the “**Code**”) adopted by the Council for the City.
3. We have reviewed the Complaint and find that it does not disclose sufficient grounds to conduct an enquiry and have decided to summarily dismiss the Complaint. In these circumstances, pursuant to section 3.6 of the Integrity Commissioner Complaint Protocol (Appendix 1 of the Code), we are not required to prepare a report to Council.
4. Where we have determined that a complaint should be summarily dismissed, it is our practice to provide a formal notice of summary dismissal to the complainant setting out the reasons for our decision so that the complainant has a reasonable basis to understand how and why we arrived at our determination to not proceed to an investigation. To be clear, where a complaint is summarily dismissed, we have no obligation to provide notice of the complaint or our decision to terminate the complaint to Council.
5. However, in this instance, the Complaint was filed using the City’s online form and the Complainant did not provide any contact information (contact information is listed as optional on the form). Due to our inability to communicate directly with the Complainant, we have prepared this brief report to document our summary dismissal of the Complaint.
6. In light of our decision to summarily dismiss the Complaint, we have intentionally omitted the name of the Member and the Committee as well as the exact date of the Meeting.

### B. REVIEW OF COMPLAINT

7. The Complaint alleges that the Member contravened section 10 of the Code by virtue of their conduct at a particular meeting of the Committee (the “**Meeting**”) which took place in November 2023.

8. As Integrity Commissioner, one of our functions is to report on the application of the Code. The Code applies to members of Council and local boards. The Committee is a “local board” as defined in section 1 of the *Municipal Act, 2001*.
9. Section 10 of the Code provides:

**10. Conduct**

As a representative of the City, every member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, a member of staff, or a member of the public. A member shall not speak in a manner that is discriminatory to any individual based on that person’s race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability.

10. The Complaint alleges that the Meeting was dominated by the Member who threatened and intimidated everyone, Committee members specifically, to ensure they did not feel comfortable to disagree with the Member’s points.
11. We have reviewed a video recording of the Meeting.

**C. SUMMARY DISMISSAL**

12. Based on our review of the Meeting, we find that the Member did not violate Section 10 of the Code for the following reasons.
13. The Member was more outspoken and expressed more candid feelings about the particular exercise undertaken at the Meeting than other meeting participants. On more than one occasion at the Meeting, other members agreed with the opinions put forward by the Member. The Member did not treat any person inappropriately nor did the Member engage in abuse, bullying, intimidation, discrimination or harassment.
14. The Member did not use indecent, abusive or insulting words or expressions towards any person. We also find that the Member did not speak in a discriminatory manner.

**D. CONCLUSION**

15. For the reasons above, we hereby dismiss the Complaint.

16. We recommend that the City update its online Code complaint form to require complainants to provide contact information so that in future we may communicate directly with complainants.
17. This file is now closed.

Respectfully submitted,

AIRD & BERLIS LLP



Laura Dean

Integrity Commissioner for The Corporation of the City of Guelph

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