

Council Code of Conduct

1.0 Introduction

Councillors are entitled to carry out their duties free from harassment and discrimination. The City of Mount Pearl (the "City") is committed to eliminating, where possible, or otherwise, minimizing the hazard of harassment, and discrimination in its workplace. The City seeks to provide a safe, inclusive, healthy, respectful and rewarding environment for its employees, Councillors, contractors and any other third parties under contract or agreement with the City. Violations of this Code of Conduct will not be tolerated.

The City requires all Councilors to ensure an inclusive; respectful; discrimination- and harassment-free work environment. Councillors are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are respect, integrity, honesty, impartiality, responsibility, and accountability.

The purpose of this Code of Conduct is to establish standards of conduct for Councillors. Part III of the **Municipal Conduct Act, 2022** (the "Act"), requires that municipalities establish a Code of Conduct to govern the conduct of members of Council, and sets out minimum requirements for the Code of Conduct. This Code of Conduct promotes an ethical, professional environment that is free from any form of harassment and discrimination, It is crucial that everyone, regardless of their role or position, conduct themselves in a professional and respectful manner in accordance with this Code of Conduct.

2.0 Application

This Code of Conduct applies to Councillors acting in their official capacity as Councillors, as well as a Councillor's off duty conduct that is sufficiently connected to the office of Councillor or that could reasonably discredit the reputation of the City.

Specifically, this Code of Conduct applies to the workplace and also to incidents, events and activities occurring outside the workplace, during or outside normal working hours, where such occurrences are committed or such events are attended as part of the individual's duties with the City. This includes, but is not limited to the following:

- conduct that is committed while an individual is acting on behalf of the City, is delivering or supplying goods or services to the City, or is reasonably perceived as representing the City;

- behaviours that may have a negative impact on the workplace or the City's reputation;
- conduct that could reasonably be associated with the workplace; and
- employment-related activities, including but not limited to fulfilling job responsibilities, social events, city functions, training sessions and seminars, provision of goods, services, facilities, accommodations and during work-related travel.

3.0 Definitions

- 3.1 Abuse of Authority:** is a form of harassment pursuant to this Code of Conduct and occurs when an individual improperly uses the power and authority inherent in their position to interfere with an employee or the employee's job, undermine the performance of that job, threaten the economic livelihood of the employee, or in any way interfere with or influence the career of the employee. It includes humiliation, intimidation, threats and coercion. It does not include normal managerial activities, such as counselling, performance issues and disciplinary matters provided these are being conducted in a non-discriminatory manner.
- 3.2 Bullying:** a repeated pattern of mistreatment aimed at a specific person or group. Bullying can also be considered harassment.
- 3.3 Bystander:** an individual who witnesses conduct which constitutes or which they reasonably believe constitutes a violation of this Code of Conduct by or against an individual to whom this Code of Conduct applies and who files a complaint under this Code of Conduct. A Bystander is not a Complainant but may be interviewed as a witness and will be required to participate in the resolution and investigation as requested.
- 3.4 Chief Administrative Officer:** The person appointed to the position of Manager under the City of Mount Pearl Act. If the City has not appointed a Chief Administrative Officer, the duties under this Code of Conduct shall be performed by the City Clerk. Also known as the CAO.
- 3.5 Complainant:** an individual to whom this Code of Conduct applies and who reasonably believes that they have been subjected to conduct which constitutes a violation of this Code of Conduct by an individual to whom this Code of Conduct applies and who files a complaint under this Code of Conduct.
- 3.6 Council:** includes the Mayor, Deputy Mayor, and all elected Councillors of the City of Mount Pearl.
- 3.7 Designate:** an individual authorized to act on behalf of another individual.
- 3.8 Discrimination:** includes any action, inaction or behaviour which intentionally or unintentionally denies a right, benefit or opportunity or status of an employee, or the unequal treatment of an employee or harassment on the basis of prohibitive grounds as defined under **Newfoundland and Labrador Human Rights Act, 2010**, which includes race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income or political

opinion. The City does not tolerate any form of discrimination or differential treatment based on a prohibited ground. The behavior need not be intentional to be considered discrimination. Discriminatory has a corresponding meaning.

3.9 Frivolous Complaint: a complaint that on its face has no merit or no prospect of success on the grounds that it has no basis in this Code of Conduct. Frivolous complaints differ from any unsubstantiated complaints. Unsubstantiated complaints are made in good faith, however insufficient evidence exists to either prove or disprove the veracity of the complaint. There will be no reprisal or discipline for unsubstantiated complaints made in good faith.

3.10 Harassment: may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment, interfering with an individual's work performance, adversely affecting an individual's employment relationship, or denying an individual dignity and respect.

Harassment may result from one incident, a series of incidents, or a pattern of behaviour. It may be directed at specific individuals or groups. The behavior need not be intentional to be considered harassment.

The **Newfoundland and Labrador Human Rights Act, 2010** prohibits discrimination and harassment based on a prohibited ground. Prohibited grounds under the **Newfoundland and Labrador Human Rights Act, 2010** include race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion. Harassment is a form of discrimination if it is based on any prohibited ground under the **Newfoundland and Labrador Human Rights Act, 2010**.

Some examples of harassment as defined in this Code of Conduct include, but are not limited to:

- verbal or written threats, intimidation, or abuse;
- public ridicule or humiliation;
- spreading malicious rumours or gossip;
- insulting, derogatory, degrading or offensive comments, insults, jokes, slurs or gestures;
- unwelcome remarks or jokes based on a prohibited ground under the Human Rights Act, 2010;
- displaying sexist, racist or other offensive pictures or posters;
- physical assault, including sexual assault, impeding or blocking movement or any physical interference with normal work or movement;
- refusing to work with another employee because of that other person's sexual orientation, disability, racial, religious or ethnic background;
- derogatory comments, taunts, threats, jokes, teasing or jeers about race, color, nationality or ethnic origin or about the adornments and rituals associated with cultural or religious beliefs;
- referring to a person using terms or pronouns that do not align with the person's

- affirmed gender;
- creating a hostile or offensive work environment;
- using offensive, humiliating, foul or obscene language or directing profanity or offensive language at another employee;
- negative stereotyping;
- racial or ethnic slurs; and
- bullying, belittling, demeaning or aggressive behaviour including offensive, malicious, intimidating, ostracizing, insulting or humiliating behaviour.

Harassment also includes sexual harassment and abuse of authority as defined in this Code of Conduct.

The City does not tolerate any form of harassment based on a prohibited ground or employment position (e.g. contractor, management, student, non-union, union, volunteer, etc.).

Harassment does not include reasonable action taken by a supervisor relating to the management and direction of an individual or the work force. Such actions, including the assignment of work, instructions, performance reviews, coaching, and disciplinary action, when conducted by a supervisor or manager in a respectful manner and in good faith, are within an employer's right to manage performance expectations and to impose discipline.

3.11 Malicious Complaint: a knowingly false or untrue complaint. Also known as a bad faith complaint.

3.12 Mediation: a method of resolving a complaint under this Code of Conduct. This process involves the use of a neutral third-party person who attempts to reconcile the matter between the Complainant and Respondent in an informal and expeditious manner where both the Complainant and Respondent agree to the mediation process.

3.13 Respondent: an individual to whom this Code of Conduct applies and against whom a complaint alleging a violation of this Code of Conduct has been made.

3.14 Sexual Harassment: is a form of harassment pursuant to this Code of Conduct and includes the following:

- engaging in a course of vexatious comment or conduct against an employee in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

The behavior need not be intentional to be considered sexual harassment.

Some examples of sexual harassment include, but are not limited to, the following:

- sexually suggestive remarks or gestures;
- unwelcome sexual advances or requests for sexual favors whether verbal, written, or physical;
- unwanted physical contact including touching, patting, pushing, pinching, physical assault or brushing against another employee's body;
- sexual, sexist, homophobic slurs or jokes, innuendoes or comments, unwanted invitations or insulting sounds causing embarrassment or offence;
- persistent unwanted contact or attention after the end of a consensual relationship;
- drawing attention to a person's sex, sexual orientation, nationality, ethnic origin, gender identity or gender expression with the intent, or with what ought to reasonably be understood as having the effect of undermining the person's role in a professional and business environment;
- unwelcome remarks, jokes, taunts, or suggestions about a person's body, attire, any part of their appearance, or sex life;
- staring, leering, whistling or unnecessary familiarity or unwanted physical contact such as patting, touching, kissing, pinching or hitting;
- displaying or distributing degrading, offensive, pornographic, sexually suggestive, or derogatory materials such as graffiti, objects, posters, written materials, or pictures;
- impeding or blocking movement or physical interference with normal work or movement;
- unwelcome inquiries or comments about a person's sex life;
- conduct made to an individual by another individual where the other individual is in a position to confer a benefit on or deny a benefit to the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or reasonably ought to know that it is unwelcome;
- a retaliation or threat of retaliation against an individual for rejecting a sexual solicitation or advance, including unfair evaluations or reprimands, reduced working hours, overtime, dismissals, discipline for a refusal to submit to sexual advances;
- comments, gestures, or contact of a sexual nature that might reasonably be perceived as placing a condition on an employee's employment or providing or denying an opportunity or benefit; and
- unsolicited and repeated use of inappropriate nicknames such as "dear", "darling" or "honey".

3.15 Workplace: means any place where City business or City work-related activities are conducted including over the telephone, email or electronic communication. It also includes, but is not limited to, the physical work premises, City vehicles, City work-related social functions, travel, conferences, seminars, training sessions, or in the provision of goods, services, facilities or accommodation.

4.0 Standards of Conduct

4.1 Standards of Professional Behaviour

- 4.1.1 Councillors must abide by this Code of Conduct.
- 4.1.2 Councillors must abide by the Council's Rules of Procedure.
- 4.1.3 Councillors shall file a disclosure statement in accordance with the Act.
- 4.1.4 Councillors must work in the best interest of the City without regard for their personal interests.
- 4.1.5 Councillors must act competently and diligently and perform at a level expected of those working in the public interest.
- 4.1.6 Councillors must be respectful of the presiding officer, their colleagues, staff, and members of the public at all times, including during Council meetings and proceedings of the City.
- 4.1.7 Councillors must be prepared for meetings, aware of agendas, informed of issues, and contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable.
- 4.1.8 Councillors must act in a manner which supports respectful, transparent, and informed debate.
- 4.1.9 Councillors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 4.1.10 Councillors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the City.
- 4.1.11 Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.
- 4.1.12 Councillors must cooperate with, and participate in, any mediation, Alternative Dispute Resolution (ADR), or investigation pursuant to this Code of Conduct as applicable.

4.2 Use of Influence

- 4.2.1 Councillors must only use the influence of their position for the exercise of their official duties.
- 4.2.2 Councillors must not use their authority or influence in a manner that could reasonably be perceived as an abuse of authority or as threatening, coercing, or improperly influencing the actions of a municipal official or in a manner which interferes with the municipal official's responsibilities.

4.2.3 Councillors are prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the Councillor in a conflict of interest.

4.2.4 Councillors must not communicate on behalf of the City unless authorized by Council or by virtue of a position or role the Councillor has been authorized to undertake by Council.

4.3 Misuse of Public Assets and Fraud

4.3.1 Councillors must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.

4.3.2 Councillors must ensure that the business of the City is conducted efficiently and must avoid waste, abuse, and extravagance in the provision and use of City resources.

4.3.3 Councillors must not request, use, or permit the use of City-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public.

4.4 Confidentiality

4.4.1 Councillors must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the City to do so.

4.4.2 Councillors must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.

4.4.3 Councillors understand and acknowledge that the collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the **Access to Information and Protection of Privacy Act, 2015**.

4.4.4 Confidential information means: information in the custody and/or control of the City that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the City generally considered to be of a confidential nature, including, but not limited to:

- a) Any matter that falls under the exceptions to disclosure identified in the **Access to Information and Protection of Privacy Act**, whether or not a request for access has been made.
- b) Personal information the disclosure of which would constitute an unreasonable invasion of privacy.
- c) Potential acquisitions or disposition of real property.
- d) Information which would reveal the substance of deliberation of a privileged meeting.

- e) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement.
- f) Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public.
- g) Employment and collective bargaining matters.
- h) Legal matters.
- i) Law enforcement matters.

4.5 Social Media

4.5.1 Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the Council, or the City into disrepute.

4.5.2 Councillors must conduct City business and official duties through official City accounts and devices. City business and the conduct of official duties shall not be done on personal devices or through personal accounts except where authorized by the CAO. Where personal devices or personal accounts are used for City business or the conduct of official duties then as soon as reasonably possible thereafter the business must be forwarded to an official City account and device.

4.6 Harassment, Discrimination and Bullying

4.6.1 The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.

4.6.2 Councillors must not engage in harassment, discrimination or bullying and must refrain from behaving in a manner that could be construed as harassment, discrimination or bullying.

4.6.3 Councillors shall treat members of the public, one another, staff, volunteers, contractors and any other third parties under contract or agreement with the City appropriately and without abuse, bullying, harassment, or discrimination and to ensure that their work environment is free from abuse, discrimination, bullying and harassment.

4.6.4 Councillors must take personal responsibility to develop and maintain respectful workplace relationships.

4.6.5 Councillors must attempt to resolve differences or conflict in a respectful manner.

4.6.6 Councillors must promote a harassment free and non-discriminatory workplace.

4.6.7 Councillors must immediately report instances, observations or experiences of violations of this Code of Conduct towards themselves or others in accordance with this Code of Conduct and provide information relating to any witnessed violation of this Code of Conduct.

4.6.8 Councillors must offer support to victims of violations of this Code of Conduct.

4.6.9 Councillors must be knowledgeable about this Code of Conduct and the types of behavior that constitute violations.

4.6.10 Councillors must participate in learning opportunities and training on the prevention, early intervention, and resolution of harassment, discrimination and bullying as directed.

4.7 Legislative Compliance

4.7.1 A Councillor must reasonably comply with all obligations imposed on Councillors by legislation, regulation, and City policy and procedures, including but not limited to:

- a) **City of Mount Pearl Act**
- b) **Municipal Conduct Act**
- c) **Municipal Elections Act**
- d) **Public Procurement Act**
- e) **Urban and Rural Planning Act, 2000**
- f) **Access to Information and Protection of Privacy Act, 2015**
- g) **Occupational Health and Safety Act**
- h) **Human Rights Act, 2010**, and,
- i) Any accompanying regulations .

4.7.2 Councillors are bound by and must comply with the conflict-of-interest provisions as contained in the Act and all associated procedures and penalties.

4.8 No Adverse Actions or Reprisals

4.8.1 Any individual who reasonably believes they have experienced behaviour which is contrary to this Code of Conduct has the right to make a complaint or enforce their rights under this Code of Conduct without threats, reprisal or retaliation.

4.8.2 Council or Councillors must take no action, and must to the best of their ability, ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

4.8.3 Any retaliation or reprisal will be subject to the penalties set out in section 15 of the Municipal Conduct Act.

4.9 Allegations in Bad Faith

4.9.1 The following actions are prohibited by this Code of Conduct:

- a) Making a knowingly false complaint;
- b) Bringing a complaint for malicious purposes;
- c) Making a frivolous complaint;

- d) Making a complaint in bad faith; or
- e) Knowingly providing false information during a process established pursuant to this Code of Conduct.

4.9.2 Should a Councillor or former Councillor make a frivolous or malicious complaint, or make a complaint in bad faith or that is knowingly false, the Complainant may be subject to the penalties set out in section 15 of the Act. Where the Complainant is not a Councillor or former Councillor, the Complainant may be subject to the penalties as decided by the CAO. There will be no discipline for complaints which are ultimately determined to be unsubstantiated but which were made in good faith.

4.10 Investigation

4.10.1 A Councillor shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the Act and regulations, and this Code of Conduct.

5.0 Other Remedies

This Code of Conduct is not intended to discourage an individual from exercising their rights under the **Newfoundland and Labrador Human Rights Act, 2010**, the **Criminal Code** (Canada) or any other law of the province or of Canada. Participation in the complaint process in no way restricts an individual's right to file a complaint, within the prescribed time limits, under relevant legislation if the legislation allows.

6.0 Collective Agreements and Legislation

If any portion of this Code of Conduct is inconsistent with a binding City collective agreement (where applicable) or applicable federal or provincial legislation, or is otherwise void, invalid, illegal or unenforceable, that portion of this Code of Conduct, and only that portion, shall have no application to the extent of the inconsistency. The remainder of this Code of Conduct or the application of such provision or portion thereof shall not be affected and shall continue in full force.

7.0 Code of Conduct Complaint and Investigation Procedure

7.1 Receiving a Complaint

7.1.1 A complaint may be filed for a violation of this Code of Conduct and such a complaint shall be filed with and administered by the CAO or their designate. As per section 14(6) of the Municipal Conduct Act a complaint filed under this section against a Councillor or former Councillor is not considered a workplace investigation for the purposes of section 33 of the **Access to Information and Protection of Privacy Act, 2015**. Where the CAO appoints a designate, any reference to the CAO in the process shall mean the designate.

7.1.2 Where a complaint relates to an alleged conflict of interest of a Councillor, the complaint shall be made and administered in accordance with the Act.

7.1.3 Where the Complainant is the CAO, the complaint shall be filed with the City Clerk and the City Clerk shall consult with and obtain the direction of the Department of Municipal and Provincial Affairs (the "Department") to determine an external party who will administer the complaint.

7.1.4 Where the Complainant is the CAO, the following process will still apply and whomever is directed by the Department through the above-referenced process will act as CAO for the purpose of administering the complaint.

7.1.5 The complaint shall be in writing.

7.1.6 Notwithstanding section 7.1.5, a complaint may be made by other means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint or where the CAO determines that it would be reasonable.

7.1.7 A complaint shall include the following:

- The Complainant's name, or in the case of complaint filed by a bystander, the bystander's name;
- The names of the person or persons the complaint is about and the names of any witnesses;
- A summary of the complaint, and any steps taken to resolve it;
- The date that the breach of this Code of Conduct occurred, if known; and
- A description of how the complaint can be resolved, if applicable.

7.1.8 Notwithstanding section 7.1.7, a CAO may accept a complaint confidentially or from a bystander where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest. A CAO may also, on their own motion, carry out a formal investigation under this Code of Conduct where the CAO reasonably believes there has been a violation of this Code of Conduct. The CAO will not be considered a Complainant in an own motion investigation.

7.1.9 Where a complaint is filed by a bystander, the CAO will contact the subject of the alleged conduct to discuss the complaint and offer to discuss options for resolution under this Code of Conduct. The subject of the alleged conduct shall decide whether to pursue the complaint as a Complainant. If the subject of the alleged conduct does not want to pursue the complaint, then no further processes shall happen, and the bystander will be advised that the complaint has been closed. The closure of a bystander complaint shall not prevent the CAO from initiating a complaint under section 7.1.8

7.1.10 A Complainant may withdraw their complaint in writing or by other means as per section 7.1.6. Notwithstanding, the CAO/investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

7.1.11 Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement, and notify the Department through the Minister's Office.

7.1.12 A person may file a complaint within 12 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, financial impropriety, or where it is reasonable to do so, taking into account the public interest.

7.2 Informal Resolution

7.2.1 Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).

7.2.2 ADR must not be used where, at the discretion of the CAO there is a significant power imbalance between the Complainant and Respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.

7.2.3 Informal resolution efforts shall be concluded within 20 business days of the matter being referred to mediation or ADR, unless extended with consent of both parties and approval of Council.

7.3 Referral to Council - Resolution or Agreement of Facts

7.3.1 As per section 14(2) of the Act, where a complaint is successfully resolved during informal resolution or is not resolved but the Complainant and Respondent agree on the facts, the CAO shall provide Council with a written report.

7.3.2 The report shall, at a minimum, outline the agreed upon facts, the outcome of informal resolution, analysis (an assessment of the facts relative to this Code of Conduct), conclusion, and recommendations.

7.3.3 As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution either:

- a) dismiss the complaint, or
- b) make a determination that the Councillor contravened this Code of Conduct.

7.3.4 If Council finds a Councillor contravened this Code of Conduct, Council may, by resolution, take an action as set out in Section 15 of the Act.

7.4 Formal Investigation

7.4.1 Where the complaint is not resolved during informal resolution or the facts are not agreed on, the complaint shall be investigated by the CAO, their designate or the individual appointed under section 7.1.3, all of whom are referred to as the “investigator” hereafter.

7.4.2 Within five business days of the failure of informal resolution the investigator will notify the Complainant and Respondent that the matter has moved to formal investigation and provide each with a copy of the complaint. The CAO may extend this timeframe where it is reasonable to do so.

7.4.3 The Respondent may provide a written response to the investigator no later than 10 business days after receipt of a copy of the complaint. The Respondent shall be advised that their response will be provided to the Complainant.

7.4.4 An investigation shall be concluded within 40 business days of the failure of informal resolution. Upon request of the CAO, Council may approve up to an additional 40 business days for the completion of an investigation.

7.4.5 To complete the investigation, the investigator will interview the Complainant, the Respondent, and any witnesses or any other person deemed necessary by the investigator as part of the investigation. The investigator has the power to interview witnesses, take written statements and review documentation.

7.4.6 Information collected during the investigation will include the names of the parties involved, the date of the incident, the details of the incident, names of witnesses and information gathered from them, notes from interviews and meetings, associated documents or evidence and actions taken as a result of the incident or complaint and investigation. All information obtained from the interviews will remain as confidential as possible. As per section 14(6) a complaint filed under this section against a Councillor or former Councillor is not considered a workplace investigation for the purposes of section 33 of the **Access to Information and Protection of Privacy Act, 2015**.

7.4.7 The investigator will prepare a written report for Council within 20 business days of the conclusion of the investigation.

7.4.8 The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to this Code of Conduct), conclusion, and recommendations. The following format is flexible but may be of assistance.

- Introduction
- Executive Summary
- Investigative Process
- Background
- Events before the incident
- The incident(s) including the Complainant's allegation(s) and the Respondent's defence(s)

- Events after the incident
- Evidence
- Analysis
- Decision
- Recommendation(s)

7.4.9 As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution either:

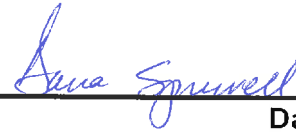
- a) dismiss the complaint, or
- b) make a determination that the Councillor contravened this Code of Conduct.

7.4.10 If Council finds a Councillor contravened this Code of Conduct, Council may, by resolution, take an action as set out in Section 15 of the Act.

8.0 Approvals

Approved by Committee of the Whole on February 28, 2023

Approved by Council on March 7, 2023



Dana Spurrell
Chief Administrative Officer

Signed: March 10, 2023

Date