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Integrity Commissioner Office
for Niagara Region

EDWARD T. MCDERMOTT
Integrity Commissioner
Region of Niagara

October 23, 2020

Ann-Marie Norio
Regional Clerk - Region of Niagara
Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio

Re: Code of Conduct Complaint Councillor Sandra Easton – IC-223-0720

I wish to advise that I have now completed my investigation with respect to the subject of the above referenced complaint and I am enclosing a copy of my final report, determination and recommendations with respect to the complaint.

I would advise that, in accordance with section 223.6(2) of the *Municipal Act, 2001* of Ontario, I have determined that all matters disclosed in the Report are necessary for the Report itself.

I am providing this Report to you for presentation to Council in open session in accordance with the provisions of the Municipal Act and the Region's Code of Conduct and investigation protocol. Would you please advise when this has been completed.

This matter is accordingly now concluded.

Yours very truly,

Edward T. McDermott
Integrity Commissioner, Region of Niagara

C.C. Emily Spanton and Councillor Sandra Easton



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SENT VIA EMAIL TO:

Emily Spanton
Councillor Sandra Easton

Dear Ms. Spanton and Councillor Easton

Re: Code of Conduct Complaint- Councillor Sandra Easton - IC-223-0720

The following constitutes my final report in response to a complaint of a contravention of the Region's Code of Conduct for Members of Council (The "Code") filed by Ms. Spanton against Councillor Sandra Easton.

1.0 Nature of the Complaint

1.1 This complaint is made against Region of Niagara Councillor Sandra Easton and arises out of the following circumstances as alleged in the Complaint.

In her written complaint dated July 28, 2020 the Complainant asserted that at a Special ("Virtual") Meeting of Council on July 23, 2020 (involving Niagara Region Police Services (NRPS), the Councillor made personal (and inappropriate) comments over those who then had the floor/microphone (i.e. Councillors AB and CD).

The main comment which the Complainant objects to involved a statement by the Councillor which was made while the Complainant's home Councillor (AB) was posing questions to Council received from his/her local Municipal Council. The statement

which was overheard (and to which the Complainant takes strong objection) was “There he/she goes ranting again!” According to the Complainant, her home Councillor was not “ranting” but was simply representing his/ her constituents and the Councillor’s comment was inappropriate, disparaging and disrespectful.

While the Complainant acknowledges that the Councillor did (towards the conclusion of the meeting of July 23, 2020) offer an apology in public to Councillor AB for her comments, the Complainant was not satisfied with the content of the apology which in her view did not sufficiently acknowledge the inappropriate behavior or accept accountability for her misconduct.

The Complainant also adverted to an incident at the same meeting where Councillor Sandra Easton was overheard commenting that Councillor CD “couldn’t help himself/herself” while he/she had the floor and was explaining his/her position on an issue before Council.

In support of her position the Complainant relies on the following section of the Code:

Respect, Truth, Honesty and Integrity

1. Members of Council shall respect the values of truth, honesty and integrity in all Niagara Region matters, issues and activities.
2. Members of Council shall not impose their personal, moral or religious standards on others as every person is an individual with specific rights, values, beliefs and personality traits to be respected at all times.
3. Members of Council shall respect the right to confidentiality and privacy of all clients, volunteers and employees and be aware of their responsibilities under relevant legislation, corporate and departmental policies, ethical standards and where appropriate, professional standards. No discussion regarding clients, volunteers or employees will be conducted other than with authorized persons in accordance with corporate and department policy.

While it is not clear from the wording of the complaint, it seems the Complainant also relies on the section of the Code dealing with Conduct which provides as follows:

Conduct

As representatives of the Region, every member of Council 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, any member of staff or any member of the public. A member shall not speak in a manner that is discriminatory to any individual based on the person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability. **Members shall be encouraged to disable the audible signals on their cell phones during any Committee or Regional Council meetings.**

2.0 Processing of the Complaint

2.1 Immediately upon receipt of the complaint (after receiving further required documentation from the Complainant) on August 5, 2020, I forwarded a copy of the materials to the Councillor for her review and written response.

Somewhat to my surprise, that response on August 12, 2020 included copies of letters (dated August 10, 2020) from the Councillor to Councillors AB and CD. Those letters contained an acknowledgement by her of the substance of the statements which form the basis of the Complaint and that such conduct was inappropriate. The letters also set forth a fulsome and genuine apology (which she had made both verbally and in writing) to the two Councillors referenced by the Complainant. The Councillor also undertook to her two colleagues to strive to set an example for appropriate behavior for a Councillor in the future.

I was subsequently provided with communications from Councillors AB and CD to the Councillor in reply to her letters of August 10, 2020. They both expressed their gratitude for her comments and assured her that they were not offended by her comments but did appreciate the high degree of integrity she displayed and their ongoing respect for her as a person and colleague.

2.2 Faced with this response I then inquired of the Complainant if her concerns/complaint had been satisfied by the Councillor's actions.

In her response, the Complainant took the position that while she "accepted the verbal and written apology to Councillor AB, she would like to see an apology during Council

to illustrate the inappropriateness of the behavior to all Councillors". In the words of the Complainant:

"Councillor AB deserves a heartfelt apology- so too, do the people of municipality."

The Complainant did indicate her concerns about comments involving Councillor CD had been satisfied by the apology of the Councillor to him/her and did not think that matter needed to be pursued further so I have determined that element of the complaint has been resolved.

2.3 I also offered to interview both parties by telephone and receive any additional comments and submissions they may wish to make verbally. They were then each given a draft copy of this report and invited to provide their submissions with respect to the Report before it was finalized and delivered to the Regional Clerk.

3.0 Analysis and Decision

3.1 In my view, no further analysis of this complaint is required as the matter has been dealt with in a direct and fulsome manner by the Councillor who still enjoys considerable respect from the peers she is alleged to have diminished by her comments.

3.2 The Complainant was offered the opportunity to resolve this matter in accordance with the positive response by the Councillor. She however indicated she would prefer to see a further open apology before Council.

I do not agree with such an approach and find there is no point in pursuing this investigation further as, in my view, the unfortunate comments and the manner in which they were made, have been acknowledged by the Councillor who made a public apology at the meeting at which the comment about Councillor AB was made and has followed it up with verbal and written apologies to both Councillors named by the Complainant.

It should also be noted that the comments complained about were made in her own home and in circumstances where she was unaware they were being overheard as she believed her microphone to the virtual meeting of Council was muted (which turned out not be the case). The fact that she was live and her comments had been picked up was only ascertained when she (during the meeting) received a text to that effect. She then realized the comment about Councillor AB (which was never intended to be public) may have been heard by others and immediately made a public apology to Councillor AB about it before the meeting ended.

In my view, the actions of the Councillor in recognizing her comportment was inappropriate and taking steps to address the situation, were commendable. Her proactive and genuine response to a regrettable situation should serve as a positive message to all members of Council that everyone deserves to be treated with respect and dignity.

Accordingly, while I do agree with both the Complainant and the Councillor that her comments were inappropriate in the circumstances, and did therefore constitute a contravention of that portion of the Conduct section of the Code, I do not recommend any form of penalty be imposed by Council against the Councillor. It should also be understood that under the provisions of the Municipal Act and the Code, I have no power or authority to order any apology (public or otherwise) be made by a Councillor. Nor, by the way, does Council although it could presumably ask a Councillor to make one.

I have therefore determined that, inasmuch as the Councillor has of her own volition determined her remarks were inappropriate and has, as outlined above, offered a full apology which has been accepted by Councillors AB and CD, I consider the issue of an apology is now moot and this matter should not be pursued any further.

4.0 Publication of Decision:

4.1 I therefore request the Clerk to place this Report on the public agenda as I believe it is important as future guidance for all Councillors and residents of the Region should circumstances like this arise in the future.

Yours very truly,



Edward T. McDermott
Integrity Commissioner, Region of Niagara