

**MUNICIPALITY OF CENTRAL MANITOULIN**  
**REPORT ON COMPLAINT RE: D. SCOTT**

**EXECUTIVE SUMMARY**

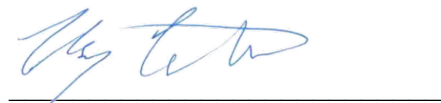
During the month of July 2024, the Integrity Commissioner received a Complaint naming Councillor D. Scott as Respondent and alleging breaches of the Municipality's Code of Conduct. The allegations related to the disclosure of comments made in closed session in violation of the applicable provisions of the Code of Conduct. Further, the allegations suggested that subsequent conversations in the Municipality's offices by various individuals were violations of the Code of Conduct attributable to the Respondent. The Complainant confirmed following the submission of the Complaint that the Respondent was Councillor D. Scott.

Following receipt of the Complaint the Integrity Commissioner interviewed the Complainant, requested relevant documents from the Municipality, and conducted interviews with the Respondent and other relevant witnesses identified through review of the documentation or arising from the prior interviews (including members of council and municipal staff). Where appropriate, the Integrity Commissioner interviewed witnesses suggested by parties/other witnesses in order to determine the relevant facts. Following the completion of the inquiry process, the Integrity Commissioner provided a preliminary copy of the report to the Complainant and Respondent for comment. The Complainant and Respondent were invited to provide comment if desired, but neither did so.\*

The Integrity Commissioner does not find that there has been a violation of the Code of Conduct by the Respondent as alleged in the original Complaint. The pivotal question in this Complaint was whether the Respondent can be determined to have shared confidential comments arising from a closed session with an individual not party to the closed session. It was clear following interviews that there was no direct account of any specific comments being shared with a non-party individual by the Respondent (or anyone else present in the closed session).

Accordingly, no recommendations are made for Council on any penalty as no violation of the Code of Conduct is found.

ALL OF WHICH IS RESPECTFULLY SUBMITTED



Zachary Courtemanche

As provided to the Municipality, August 19, 2025

\*the preliminary version of the report erroneously referred to the Complainant as the Applicant in a few instances, which have been corrected in this final version.

1. During the month of July 2024, the Integrity Commissioner received a Complaint alleging breaches of the Municipality's Code of Conduct. The allegations related to the disclosure of comments made in closed session in violation of the applicable provisions of the Code of Conduct. Further, the allegations suggested that subsequent conversations in the Municipality's offices by various individuals were violations of the Code of Conduct attributable to the Respondent. The Complainant confirmed following the submission of the Complaint that the Respondent was Councillor D. Scott.
2. Following receipt of the Complaint, the Integrity Commissioner interviewed the Complainant (as the individual will be referred to in this report, and who was an employee of the Municipality but is not a member of Council), requested relevant documents from the Municipality, and conducted interviews with the Respondent and other relevant witnesses identified through review of the documentation or arising from the prior interviews. Where appropriate, the Integrity Commissioner interviewed witnesses suggested by the Complainant, Respondent, or other witnesses in order to determine the relevant facts. A second interview was also conducted with the Respondent following the receipt of further information.
3. For ease of reference, this report has been labelled as CM-24-01.

## **THE RELEVANT PORTIONS OF THE CODE OF CONDUCT**

4. As a first step, it must be noted that the Complaint alleged breaches of the "Confidential Information" and "Interpersonal Behaviors" provisions of the Code of Conduct.
5. The Code of Conduct provides as follows with respect to confidential information:

### **Confidential Information**

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at in-camera and/or Closed Council meetings, as authorized by the Municipal Act, or that is determined to be confidential by the Clerk or as specifically declared by Council. A member of Council shall not, either directly or indirectly, release, make public, or in any way divulge such information to anyone, unless specifically authorized by Council as required by law to do so.

Specifically, members of Council shall not:

- Release any information in contravention of the provision of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, as amended;
- Release any information which is subject to solicitor-client privilege, unless specifically authorized by Council as required by law to do so;
- Misuse confidential information acquired by virtue of their position as an elected member that could cause a benefit or detriment to the Corporation, members of Council, staff, and the public.

6. As it relates to “interpersonal behaviours”, the Code of Conduct provides as follows:

### **Interpersonal Behaviors**

#### **Ontario Human Rights Code**

Members of Council shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public with dignity, understanding, and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

### Discrimination

No member of Council shall discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

### Violence, Harassment, and Respect in the Workplace

No Member of Council shall engage in behaviour which is contrary to the Municipality's Respect in the Workplace Policy, and should be mindful of the application definitions as set out in the *Occupational Health & Safety Act*, as follows:

“workplace harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment;

“workplace sexual harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker 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
- (b) 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

“workplace violence” means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

For clarity, the exercise of performance management tools, and generally reasonable action taken by an employer relating to the management and direction of workers or the workplace is not workplace harassment.

#### Relationship with Staff

Members of Council shall be respectful of the fact that staff work for the municipality and make recommendations based on their professional and technical expertise as well as from a corporate perspective, without undue influence from individual members of Council. Many staff members are bound, through professional associations, to a strict code of ethics in the delivery of their services. Accordingly, members of Council shall not:

- Maliciously or falsely injure the professional or ethical reputation of staff;
- Compel staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; and,

- Use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties.

## BACKGROUND

7. Following review of the relevant documentation and interviewing the Complainant, Respondent, and relevant witnesses, it is appropriate to summarize the relevant facts as it relates to the matter.
8. It must be noted that, given that the Complaint is itself related, in part, to content arising from a closed session of council, this report will not detail specifics of the closed session. This report will also refer to some people without their names to the extent appropriate to preserve this confidentiality.
9. On June 20, 2024, the Municipality's Finance & Economic Development Committee met in a hybrid format at 7:00PM. Two members of the public were in attendance. During the meeting, a number of items were dealt with including a presentation by a member of the public. Following a series of agenda items, the meeting proceeded into a closed session. As per the meeting minutes, a motion was approved which read: "That we go in camera to discuss two matters under the Municipal Act Section 239 2(b), "Matters regarding and [*sic*] identifiable individual".
10. Following the closed session, the meeting came out of closed session and a series of motions were passed before the meeting was adjourned at 8:35PM.
11. The following morning, an individual with an interest in one of the agenda items from the June 20, 2024 meeting attended the Municipality's office. This report will refer to the individual as "Individual 1". Individual 1 met with the CAO/Clerk. As part of this meeting, Individual 1 was advised of the outcome of the motions which occurred at the end of the June 20, 2024 meeting. The outcome of these motions was not to the satisfaction of Individual 1, who (as it was reported) became incensed by the decision, ultimately leaving the Municipality's offices intending to meet with the Mayor. This meeting occurred

sometime later. It is understood that Individual 1 returned later in the day to apologize for the earlier interaction.

12. The following day, Saturday June 22, 2024, the Complainant received a series of text messages from a member of the community (referred to herein as “Individual 2”). Individual 2 advised the Complainant, in part, that “Someone on council told [Individual 1] what was said in the in camera meeting about [Individual 1]”. For clarity, pronouns have been replaced in this report with [Individual 1] in this quotation.
13. On June 25, 2024, the Municipality’s Office and Administration Committee met in hybrid format beginning at 4:00PM. As part of the meeting, a closed session portion was held labelled “Municipal Act, Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees”. The meeting was ultimately adjourned at 5:27PM.
14. On the morning of June 26, 2024, the Respondent and the CAO/Clerk spoke briefly on the telephone, during which time the Respondent advised the CAO/Clerk that he had spoken with Individual 1 as it related to a matter before Council. The call in question between the Respondent and Individual 1 took place on June 22<sup>nd</sup>, which was a returned call from the previous day. The Respondent asserted that the conversation was brief and did not include any sharing of confidential information. By that time, Individual 1 had previously spoken with the Mayor and the CAO/Clerk.
15. Finally, on June 27, 2024, Council met and approved several motions, including motions arising, at least in part, from recommendations following the past committee meetings.

## **FACTUAL DETERMINATIONS**

16. As above, the Integrity Commissioner interviewed the relevant parties and gathered the necessary documentation in order to assess the within Complaint. The collection of this information and consideration of the serious nature of the allegations took some time.

However, having collected and considered same, the following determinations have been made.

17. The pivotal question in this Complaint was whether the Respondent can be determined to have shared confidential comments arising from the closed session in the June 20<sup>th</sup> Committee meeting with Individual 1.
18. Arising from the various interviews conducted in this matter, such a determination cannot be made. While the text messages received from Individual 2 suggest that Individual 1 had been provided with confidential comments, it was clear following interviews that this was either hearsay or conjecture and there was no direct account of any specific comments being shared with Individual 1 by the Respondent (or anyone else present in the closed session).
19. It is clear that the interaction with Individual 1 in the Municipal Office on the morning of June 21, 2024 was troubling to the Complainant. Equally, the text message from Individual 2 was troubling to the Complainant. However, neither demonstrate evidence of a disclosure of any comments in a manner that would constitute a breach of the Code of Conduct obligations as alleged.
20. Rather, since the reaction by Individual 1 arose following being informed of the outcome of the motions from the June 20<sup>th</sup> meeting, there is no real nexus between that reaction and any disclosure of comments from closed session.
21. Additionally, the basis of concern about the Respondent specifically appears to arise from his admission to a telephone call between the Respondent and Individual 1, which the Respondent had advised the CAO/Clerk of on June 26<sup>th</sup>. The timing of this discussion understandably leads to some suspicion by the Complainant that confidential information had been shared. However, having interviewed the relevant parties there is no basis to conclude that comments were shared as alleged by the Complainant. In particular, no witness identified any comments of the sort being shared, and there is no allegation of



specific comments being disseminated contrary to the Code of Conduct and as alleged by the Complaint.

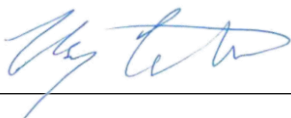
22. Looking to the language of the Code of Conduct, there does not appear to be any release of any information in in contravention of the provision of the *Municipal Freedom of Information and Protection of Privacy Act*, information subject to solicitor-client privilege, and/or any misuse of confidential information as contemplated by the language of the Code of Conduct.
23. As it relates to the allegations surrounding the “Interpersonal Behaviors” section of the Code of Conduct, a review of the Complaint and interviews with the Complainant demonstrate that the Respondent was not party to these alleged interactions (about which no finding of fact need be made). Further, to the extent that the alleged conduct may be claimed to impinge upon the professional reputation of staff, the Integrity Commissioner is unable to find that this occurred as there is no evidence of the disclosure of any comments made by the Complainant, and in any event no comments relating to the professional reputation of any staff.

## CONCLUDING REMARKS

24. For all the above reasons, the Integrity Commissioner is unable to conclude that a breach of the Code of Conduct occurred as alleged. Simply put, while it is clear that Individual 1 expressed significant dissatisfaction with Council and the Committee’s decisions, and may well have been upset with the Complainant in particular, there is no basis to conclude that this came about as a result of any violation of the Code of Conduct by the Respondent as alleged in the Complaint.
25. Since the Integrity Commissioner does not find that there has been a violation of the Code of Conduct by the Respondent as alleged in the Complaint, no recommendations are made to Council on any penalty where no violation of the Code of Conduct is found.

26. Notwithstanding the above, allegations of this nature are troubling. Members of Council should, in all respects, exercise caution and diligence with respect to the exercise of their duties. The closed session process provided under the *Municipal Act* provides for an important governance tool to ensure that the Municipality's work can be performed appropriately. To be effective, it must neither be abused nor breached. Members of Council must similarly be confident in each other's proper fulfillment of this role and these tasks in order for effective governance processes to unfold.
27. Despite the determinations above, the Complainant's raising of this allegation was appropriate, and the Complainant ought to be commended for raising the concern when it was brought to the Complainant's attention. The Respondent is also thanked for his cooperation throughout the inquiry process.
28. The Integrity Commissioner has considered the implications of subsection 223.8 of the *Municipal Act*, and has not found it to apply to the within matters.
29. Subsection 223.6(2) of the *Municipal Act* states that the Integrity Commissioner may disclose in this written report such information as, in the Integrity Commissioner's opinion, necessary. All the content of these reasons is, in the opinion of the Integrity Commissioner, necessary.
30. The Municipality is reminded that, pursuant to s.223.6(3), it shall ensure that the final report from this Complaint is made available to the public.
31. The Respondent and Complainant, should they wish to respond to the determinations in this report, ought to be permitted to do so.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**



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Zachary Courtemanche

July 4, 2025