

**Report to the Council
of the Municipality of Sioux Lookout**

**Complaint Under
the *Code of Conduct*
regarding Nancy Roy,
Economic Development Committee Chair**

15 October 2015

By Warren Paulson
Integrity Commissioner

The Complaint

On 14 September 2015, I received a formal complaint from Mr. Gerson Agustin, Recreation and Culture Manager, regarding a Facebook post by Nancy Roy, Chair of the Economic Development Committee. The complaint alleged that Roy posted on a friend's Facebook page the following statements with regards to Sioux Lookout municipal employees and managers:

I hear ya guys - I agree it's a sad state - and you can see by the pics I post about the simple grass cutting and weeds - we pay as tax payers and they are sleeping at the cemetery while cutting grass so no wonder we have weeds all over the place.

Also have you ever watched the grass cutting equipment in the back of the town trailer - not tied down properly and bouncing from side to side — likely not legal — and that's a lack of supervision — it's not all about the shiny leather shoes when you are the director — a course on doing a good job and taking care and pride but it's not happening.

Agustin provided (in part) the following background in his complaint:

On September 3rd, 2015, I received ... a screen shot from Facebook that Nancy Roy wrote about me (see attached) and her concerns regarding “grass cutting and weeds” around town area. She went on to also write that my Grass Cutters at the Cemetery are sleeping, which again I disagree with and unnecessary comments. After digesting the information I received, I was very disappointed that an adult who is a Chair of the Economic Development Commission would use Facebook as a way to negatively attack me publicly rather than contacting me so I can address her concerns appropriately.

I love this community, this is my home and I will not stand by and continue to be harassed and bullied by Nancy Roy.

The Investigation

The investigation involved a request for written response from Roy, and telephone interviews with Agustin, Roy, and Mayor Doug Lawrance. The investigation also involved e-mail correspondence with the above, and Deputy Clerk Brian MacKinnon.

In a follow-up interview, Agustin stated that this was not an isolated incident, and that there had been other instances with other managers. He also stated that he did not approach her directly about the matter, as he thought it would lead to “a verbal altercation.”

Roy provided a written response to my request for a response to the complaint¹, which stated (in part):

First of all I am a volunteer on a committee in which I was appointed by the Mayor and Council following the last municipal election. A year has gone by and only recently did I learn that there was a Municipal Code of Conduct... It was Mayor Lawrence who brought the *Code of Conduct* to my attention but I still have not been given a copy to review.

1 Section 10.4 of the *Code of Conduct* requires the Integrity Commissioner to supply the Councillor or Board Member complained against a copy or summary of the complaint, with a request for a written response.

I feel that the person you are so secretive about and cannot reveal his or her name has jumped to conclusions with regard to my general Facebook comments. Does he or she assume that I was talking about him or her because I do not see a name anywhere and it could be anyone I was referring to.

The complainant has accused me of being above the law and a bully and that I have ruined his or her reputation for their family. One could argue that perhaps the reputation was perhaps tarnished and ruined long before this accusation.

I feel that whoever submitted this complaint must come forward and apologize for calling me a bully and above the law and using their position to have taxpayer money spent unnecessarily.

For the record, Mr. Paulson, I will continue to post pictures of grass growing above tombstones, grass and weeds growing up the town clock or anywhere I feel that our tax dollars need to be directed to get the job done.

Roy appended a longer version of the Facebook conversation. This conversation appeared on a friend's personal Facebook page, and appears to have included at least 23 other people besides Roy. The bulk of the comments by the others were negative of Sioux Lookout, though most only discussed high taxes. The thread shows one additional post by Roy, which occurs just prior to the posts referenced in the complaint: "Come help us make it better... I have a project in the works that need some painters... I love this town!"

There is little disagreement between Roy and Agustin regarding the facts. Roy does not deny making the comments in Agustin's complaint, though noted her additional and more positive comment. However, the narrative raises a few questions:

1. Was Roy aware of the *Code of Conduct*?
2. Would a reader of her comments be aware of who she is referring to in her comments?

Regarding the first point, it is possible that Roy was not aware of the *Code of Conduct*. In an e-mail from Deputy Clerk Brian MacKinnon, he explained that the municipality has a detailed process for providing boards and committees with relevant terms of reference on an annual basis, but also stated: "With respect to the EDC and whether or not (or the degree to which) the *Code of Conduct* was reviewed with newly appointed members in 2015, there is some uncertainty on this matter: our Economic Development Manager is relatively new to our organization, and I do have a copy of a recent e-mail from her advising that she was unaware of the requirement to review the *Code of Conduct* with the EDC, so it is entirely possible that a specific review/discussion with the EDC members did not occur." Likewise in an interview with Mayor Lawrance, he said that "our committees are only now getting up to speed on this." Finally, Roy attached the minutes of the September 22nd meeting of the Economic Development Committee, which indicates that no one on the committee has received a copy of the *Code of Conduct*. However, *Ignorantia legis neminem excusat* ("ignorance of the law excuses no one"). Committee members do have an obligation to make themselves aware of their responsibilities.

Regarding the second point, a cursory look at the Sioux Lookout organizational chart² on the website suggests the Recreation and Culture Manager. However, in an interview with Mayor Doug Lawrance, he stated that it could refer to one of a few people. Clearly, the reference is to a senior manager of the

² The Sioux Lookout organizational chart is posted on the website:
<http://www.siouxlookout.ca/en/your-local-government/organizational-chart.asp>

Municipality of Sioux Lookout, however.

This leads us to the final two questions:

1. Did Roy violate the *Code of Conduct*?
2. What is an appropriate sanction?

Did Roy violate the Code of Conduct?

Sections 4.2(i), 4.2(ii), 4.3(i), 4.3(ii) and 4.3(iii) of the *Code of Conduct*³ are all relevant here. Paraphrased, they read:

- 4.2(i) Board members shall treat staff appropriately to ensure the Municipal work and volunteer environment is free from abuse, bullying, intimidation, discrimination and harassment.
- 4.2(ii) Board members shall not use indecent, abusive or insulting words or expressions toward staff.
- 4.3(ii) Board members shall be respectful of staff's professional capacities and responsibilities.
- 4.3(iii) Board members shall not maliciously or falsely injure or impugn the professional or ethical reputation of a member of staff.

Roy's comments were disrespectful towards senior staff, particularly when she wrote: "It's not all about the shiny leather shoes when you are the director." The fact that the staff member in question is not clearly identifiable does not take away from the fact that they were potentially malicious, and could have the effect of lessening people's opinions of Sioux Lookout managers and of the municipal government as a whole.

What is an appropriate sanction?

If Roy did contravene the *Code of Conduct*, what is an appropriate sanction? From the interviews, it is clear that Roy is an outspoken advocate for her community. She has also sat on this board for less than one year, and has yet to familiarize herself with all of its duties and responsibilities. She may only now be learning how open and transparent municipal politics — including committee work — is. That said, Roy appears not to respect that she is the member of a team, that team being the Sioux Lookout municipal government. As such she has an obligation to treat its members with respect, and to promote the organization rather than denigrate it.

The audience of the comments is relevant. The damage caused by malicious statements increases with the audience size. Roy made the statements as part of a series of posts among some 23 other people on a friend's Facebook page. The situation was not unlike what might happen at a coffee shop, except that on social media, one has little control over how far and wide one's comments travel. A committee member making comments about the municipality ought to be aware of the span of social media.

While this report is only able to deal with the allegations in the complaint, it appears that this is not a one-off occurrence. By itself, the violation is not severe enough to warrant her removal from the board. However, she should be reminded in no uncertain terms that as the chair of a key committee, this behaviour should not become a pattern.

³ *The Code of Conduct for Members of Municipal Council and Members of Council Boards, Committees and Commissions*, effective April 19, 2012 (By-Law #6-12)

Summary of Findings

The summary of my findings is as follows:

1. Roy did make the statements alleged by Agustin in his complaint.
2. Some 23 people, plus other “friends” of that Facebook page would have read the comments.
3. The comments were likely directed at Agustin as Recreation and Culture Manager, but that may not have been clear to a casual reader. What would be clear is that the comments referred to municipal senior managers.
4. The comments violated sections 4.2(i), 4.2(ii), 4.3(ii) and 4.3(iii) of the *Code of Conduct* in that they were disrespectful of municipal staff.
5. Roy's aggressive manner made it difficult for Agustin to approach her directly to address the matter.
6. Roy may not have been aware of the *Code of Conduct*, but nonetheless should have been aware of the need to treat staff with respect, and to be publicly supportive of the organization to which she is a member.

Conclusion and Recommendations

The Integrity Commissioner recommends:

1. THAT Sioux Lookout Council adopt the finding that Nancy Roy violated the *Code of Conduct*, in particular sections 4.2(i), 4.2(ii), 4.3(ii) and 4.3(iii).
2. THAT Sioux Lookout Council impose the following sanctions, permitted by Section 11.1 and 11.2 of the *Code of Conduct*.
 - a) THAT Nancy Roy, Economic Development Committee Chair, be reprimanded for making public statements disrespectful of municipal staff.
 - b) THAT Nancy Roy, Economic Development Committee Chair, be requested to provide an apology to Gerson Agustin for her statements.

This concludes my report.



Warren Paulson
Integrity Commissioner

Contact:

wpaulson@shaw.ca

Telephone: 807-597-6989