

## **Appendix C: Recommended Complaint and Investigator Process**

1. Municipality or village will appoint a person or entity other than a Council Member or an employee of the municipality to receive and investigate complaints.
  - a. The person or entity appointed must have experience in conducting investigations and in applying the principles of natural justice and procedural fairness. No conflict of interest can exist between the investigator and the parties involved.
  - b. Municipalities must include the investigator's contact information on their publicly accessible website.
2. A complaint must be submitted to the investigator no later than 6 months from discoverability.
  - a. Any complaints brought forward during the municipal election period of nomination day until ordinary polling day will not be investigated until the election has concluded.
3. When a complaint is received by the investigator, the investigator shall notify the CAO/clerk of the fact that a complaint has been received.
4. Investigator will determine if there is validity to the complaint. If no validity, then complaint can be dismissed.
5. If the investigator finds that the complaint is valid, the investigator shall notify the member who is the subject of the complaint that a complaint has been made about them, and it is proceeding to an investigation.
6. The investigator will begin their investigation and notify Council/the Commission through a confidential email or in camera of the fact that a complaint is proceeding to the investigation phase.
7. The investigator shall protect the confidentiality of the complainant, the subject(s) of the complaint, and all persons involved in the investigation, to the greatest extent possible, while still applying the principles of natural justice and ensuring procedural fairness.
8. The investigator shall present a report to Council, no later than 6 months from the time the complaint is brought forward, on the investigation and include a

recommendation regarding the validity of the complaint and, if applicable, a recommendation regarding an appropriate sanction.

- a. If complaint is brought forward during the municipal election period of nomination day until ordinary polling day it will not be investigated until the election has concluded. Investigations already in progress at the time of nomination day will continue;
  - b. Council may grant the investigator an extension on when the report can be brought to council for extenuating circumstances, including a delay during a municipal election period;
  - c. Council is able to discuss the investigators report in camera; and
  - d. The member who had the complaint lodged against them will have the opportunity to review and respond to the information in the investigator's report, and make submissions to Council, prior to the Council's vote.
9. Council determines if a breach occurred and determines the sanction(s) to impose. If a councillor is the subject of the complaint or has made the complaint under the Code the councillor shall:
- a. In the case of a closed meeting, leave the room in which the meeting is held
  - b. In the case of a public meeting, either leave the room or remain in the room in the part of the room for general public; and
  - c. Refrain from voting on any question relating to the matter
10. Any breach of the code determined by councils shall automatically retrigger the required Code of Conduct training.
11. The section under the Code of Conduct the complaint was lodged and the investigators recommendations are made public.
12. The decision or penalty of Council/Commission on a Code of Conduct matter is final and binding on all parties.