

What should the procedures be for addressing Code of Conduct violations look like?

Responses

Code of Conduct should be mandatory.

Have harassment policy in place - can enforce to staff but hard to enforce to councillor. So we should have progressive discipline (there should be dismissal for those that do not follow the Code of Conduct).

Seats should be vacated for breaches of the Code.

Code of Conduct should apply to everyone including residents, fire fighters, etc. (anyone you interact with).

In public places you should be able to issue fines for disrespectful behaviour and behaviour that violates Code of Conduct (apply to anyone).

Bring violations to the town.

Councillors, staff, and residents should have to make apologies.

Investigations should be taken care of by the town and by the RCMP if it is criminal.

There should be very clear sanctions.

Whatever entity reviews harassment on a provincial level should review it on a provincial level as well.

Appropriate penalties include dismissal, public shaming of some form (such as public report), and progressive discipline.

Should be able to issue warnings, but vacate the seat if it continues.

Public apology or have to vacate their seat.

MAE should be able to investigate allegations of harassment.

Provincial government should be more involved if town not adequately dealing with issues or if the whole council is violating the code.

Mixed - provincial government should step in and make decisions such as dismissing council members versus provincial government

should just give suggestions/do investigation but rest of power rests with council.

The code of conduct should apply to staff and council. x 6

Social media has so much to do with this.

Code of conduct should apply to everyone and the same one should apply to councillors and staff.

Most businesses have codes of conduct and there are consequences.

The procedure for addressing it depends on what the violation is.

We need more ways to penalize councillors for not meeting Code of Conduct.

There may need to be an independent appeals board for code of conduct violations.

Staff might be friendly with councillors which makes it difficult to make decisions.

Chain of reporting - outside worker could go to manager; if they don't get help, where do they go next? All of this has to be written down for each type of worker/councillor.

Complaints process - nothing in place right now. There needs to be a process from the department to deal with complaints against councillor.

Should be an independent body for reporting.

There should be an independent ombudsman to review violations.

A separate body outside of council should conduct the investigation.

If every municipality is doing their own thing, it's too hard to control - same code of conduct should be in place across the board, across the province.

There should be some sort of financial repercussions for councillors if they violate code.

Complaints involving employees could be dealt with in-house. If it escalates, or involves councillors, should go to MAE or an outside body.

MAE should be doing oversight.

There should be an onus on all councillors to be able to intervene.

Penalties should depend on the violation. Perhaps it could be tiered - first a warning letter, second, etc.. Three strikes and you're out.

If you're a councillor and you feel inhibited you may never have input.

Greenhorn gets on council for the first time - sometimes they don't have any concept whatsoever of how it runs or how it works. There should be a code of conduct across the board - councillors/staff should get a code of conduct book and they should have to sign it, just like their oath.

If the violation involves management or council, it should go to an outside body.

There should be a panel to look at code of conduct violations.

Code of conduct should apply to EVERYONE. Council and staff.

Should there be an appeal process? People should be able to defend themselves. Courts are expensive. Could be dealt with through a tribunal.

There should be a more interventionist role for MAE with regard to code of conduct.

Complaints should be investigated before it goes to a tribunal. Due process.

Define what is included in code of conduct so people know the consequences of their behaviour.

Government should establish code of conduct as it should apply to all councils across the province.

If not the chair, then the town clerk should be allowed to bring up violations of code of conduct.

Should be options for suspensions/reprimands/etc.

Code of conduct should apply to both councilors and staff of communities.

Could possibly include contractors (may be hard to enforce).

Process for an employee should be to go to a senior staff first and then council.

Councilor should go to mayor first if appropriate.

Internal process to resolve first.

LSD should have ability to go to MAE.

Need someone impartial to review violations – need to be someone qualified.

Need guidelines for penalties – harshness of penalty should be related to severity of violations.

Start with municipality - mission and mandate for council should state the core values.

Code of conduct should apply to council and staff at professional level. All town and council members.

Some towns have a safe and respectful workplace policy in place, as well as a complaints process that covers all staff (but not councils - although it should). It is working well.

Mandate and mission should give a general ideology as to how the town will deal with people and activities.

Mandate a code of conduct. (i.e. tax account, water shut off)

Need procedures for municipality - first to town manager, then to the next step.

Code of conduct should apply to staff and counsellors.

Suspension and progressive discipline in place as a penalty.

Process with a written complaint should be in place. A form could be developed.

Town manager/town clerk make decisions.

Public needs to know if you are making a complaint and also that any action may involve their name being revealed. There could be a code to protect people as some may feel threatened from complaint.

Complaints should be processed by a 3rd party to ensure a reasonable output.

If code of conduct is violated having to vacate seat is ok depending on severity.

Code of conduct should include standards of behavior for use of language, bar talk, aggression, bullying, etc. Its difficult to address so we need a process in place.

Appeals process - should have the right to appeal to Municipal Affairs/outside agency (opportunity to explain your side of the story - different perceptions and interpretations of behavior).

Code of conduct for councillors should come from Municipalities NL, and for employees it can be dealt with by the Municipality. A clear appeals process is needed.

We need a process that does not fail.

Should be training/help available for violators. Different consequences for different actions. Penalties should be for all employees.

Staff is covered by unions, so depending on their rights and governance it could change the whole dynamics.

Council should be responsible for implementing this.

Code of Conduct would help people with expectations as well as a protection.

High penalty will act as a deterrent.

Public can make an appeal to government.

Code of conduct applies to council and management who attend council meetings.

Should exist for all employees.

If there is any concern it should be addressed by the Town Manager.

If there is any concern it is important to have investigation by an outside/independent entity.

Depends on the level the issue is at (employment level can deal with by senior staff).

Government should have a policy in place for councils.

Mayor has a role in dealing with interpersonal conflict on councils.

Penalties need to be defined by government and should be progressive like discipline but serious enough to deter behaviour.

May need to involve RCMP/justice system – definitely for anything criminal in nature.

Need to be able to prove that someone is in violation – need a process for that.

Look at procedures used in other places (i.e. schools).

Who should complaints go to? Maybe regional government staff (i.e. MAE Regional Manager).

Topics included in a code of conduct need to be clearly defined - procedures to deal with violations need to be clearly defined as well.

Mayor/councillors should take a leadership role to deal with violations.

Mayor/councillors need to be able to go to someone for support to deal with (i.e. MAE Regional Manager) if they cannot resolve it.

Need a hierarchy of support and enforcement.

Need an investigation process – see question above.

If code of conduct procedures/rules are put in place we need to make sure there is someone in place to enforce it.

Code should apply to everyone involved - council, management, staff.

Should apply to all staff and councillors.

All towns should have a mandatory code of conduct.

Should be an independent body in place to address complaints.

Needs to bind public as well.

All staff and council should be bound to the code.

Clear distinction between debate and harassment.

Brought to the council first in every situation.

There should be a staffer within the independent body to conduct investigations.

Senior staff person should be involved in issues for other staff.

Must have a clear definition of harassment.

Progressive discipline.

Seat should be vacated.

Need more dialogue between people.

Decision-making regarding penalties should be with the independent body.

Should be an independent group to address violations, such as an ombudsman.

Should be somewhere outside the council can to go - MAE should have someone trained in investigating such issues.

Penalties should be addressed using a set of parameters and precedents.

More awareness needed.

Education or training can be an appropriate penalty in some cases.

Needs to be addressed right away (do not let it fester).

Could have varying levels of punishment such as suspensions.

Everything should be documented (helpful to see patterns).

In the event of an independent body being established, there would still need to be an appeals process with another body.

Investigator needs to be trained well to ensure all parties are protected.

Need to offer training opportunities so people (councillors) understand breaches.

Each municipality should have a committee set up that complaints go to first and then investigate the complaint.

Penalties could range from mandatory training to fines, to vacation of office.

Sliding scale for penalties would range from education, training to vacating the seat.

Must be a balance between inappropriate behaviour and the duties and functions of council.

The council or committee should need to investigate.

There should be an office established to address Code of Conduct and Conflict of Interest related issues.

If you are not properly trained you could innocently breach the code.

If violation occurs, have provincial government kick them out.

Investigate first.

Depends on allegation and how serious it is. If really serious - out.

Provincial government should create a code that is the same for every community.

Everyone should be subject to code of conduct.

Dismissal should depend on what it is. Harassment means you should be gone.

Code should apply to senior community officials.

If not dismissal, should be suspension. Like any law it depends on nature of violation.

Officials handling funds should most certainly have them.

Investigation by a harassment advisor to determine if actual harassment.

If someone thinks they can get away with it, they will keep at it.

MAE should have authority/responsibility to determine breaches.

Code should apply to everyone working for and on behalf of community.

Apply to council and employees.

For residents, there is nothing council can do, that is where law comes in.

Outside view is needed to give impartial decisions. Has to be someone outside the community - non-biased.

If there is a complaint, you need to ask complainant how far they want to take it to ensure privacy.

Every town should have their own advisor for investigations who is outside of loop and has an unbiased opinion.

All parties involved should agree on discipline to be handed out.

Discipline should be progressive.

If person lodges complaint and doesn't like outcome of investigation, they need someone to go to. Doesn't have to be another level of

government, could be another person in town. Whoever you want to designate with responsibility.

Had a harassment advisor in the military. The advisor investigated and also had a third party review their investigation. If found valid, go to next step.

Everyone has a right to an appeal. Would have to use an outside party beyond the first layer investigation.

Who should make decisions on penalties? Could be whoever makes the decision (i.e. the advisor should be the one to advise on the penalty).

Everyone is responsible for enforcing.

Rules can apply to you and you can still investigate a complaint.

Has to be an outside party to protect both parties in a dispute.

Need to have someone not involved to investigate complaints. Needs to be another layer if one of the parties does not like response.

Like recent provincial government issue. Went to one lawyer, didn't like response, so went to another party.

Would have provincial government involvement if necessary.

There needs to be a standard set of rules for code of conduct, like how council members speak to each other for example. The code of conduct should be clear and they should be enforced internally by the council itself. Initial procedure for addressing code of conduct violation should begin with a complaint to the clerk and then it should be brought to the council for discussion. x4 There should be guidelines for council members to follow so as not to breach the code of conduct rules.

Other - municipal plan/strategic plan need to be identified and should be in alliance with the plan. Should be a consequence for members.

People should be removed if there is bullying. Need an outside person to conduct the investigation into code of conduct violations.

The tribunal should be set up and the penalties should be set up in the Act.

Depending on the seriousness of the event go to the police. Also need something in the legislation for staff in addition to council.

Council and staff - it should apply to everyone. Should not be guilty until proven. How might a complaints process work? Should be set up by the minister to review.

Appeal process - should be a board implemented with expertise (i.e. lawyers).

Consequence should fit the crime and progressively update punishment.

Need someone outside with the skills that would have no vested interest in the board.

There is a cost attached to a board of review and the municipalities cannot afford these things.

If it is in the legislation you will need to adopt it. Right now some are not adopting things even though they are given templates from Municipalities NL.

Need to have a good one to help gain the respect.

Direction has to come from government - after the violation it has to go back to a review board to determine guilt.

Has to go to a third party right away and not to any staff or council - too much connection within the communities.

Small communities cannot afford to have a lawyer on staff but a review board would be able to do this.

Code of Conduct - should apply to anyone that represents a local government in any shape and form (including contractors and volunteers).

Code of Conduct should be the same across the province.

Should apply to all council and staff, fire department, etc.

Municipality should be the first to investigate alleged violations of Code of Conduct and then it should go to Municipal Affairs and the provincial government.

Should be different avenues for complaints process.

Once there is an allegation, municipality conduct a review and depending on the nature of the violation will determine the next step - go to council, go to provincial government, go to third party, etc.

Training for code of conduct should be mandatory.

Penalty - up to suspension or dismissal.

Investigations could be handled by a regional committee or third party.

Have support for third party decision making.

Appeals process - depends on who you are (if you're in a union, in council).

Province does not have an overarching Code of Conduct right now but should.

Use standard Code from province as a guideline. Cannot be too specific because that would be too restrictive.

False allegation - person that makes it should be penalized.

Penalties should follow an established process.

Set of code of conduct that is consistent.

Who? - everybody.

All staff, council, and anyone else acting in the interest of the town (even contractors and volunteers).

Should apply to everyone (all staff, council, and anyone who deals with council).

Different weights on violations and penalties.

Volunteers could be dissuaded if they have to agree to a code of conduct.

See draft code of conduct as drafted by City of St. John's.

A committee should investigate and oversee - an external person and province determine who.

Start with internal investigation and move to external/ombudsman.

Who - outside agency, has to be outside.

Documented in writing.

Internal investigations can cause tense work relations.

Maybe Municipalities Newfoundland and Labrador (MNL) should conduct investigation.

Formal and informal processes depending on the situation.

Independent investigations.

Independent investigator should be involved depending on nature of violation (if more severe) and dependent on size of municipality (smaller would need more external support).

Higher tier violations should be dealt with by the province.

Have an outsider to come in and mediate investigation.

Need clear definitions (such as bullying, harassment, etc.) across the province.

If town has the human resource capacity they may be able to handle internally.

Have fines, suspensions and removal from council.

Appeals would need to be external (i.e. MAE).

Council should make decisions regarding penalties.

Appeals - to Supreme Court.

MAE should have authority to make decisions regarding penalties.

Social media should be included in the code.

Council along with the Municipalities Act.

Should be various levels of repercussions dependent upon the situation - levels should be spelled out.

MAE should enforce a code of conduct.