



Integrity Commissioner Investigation Report

Date	September 14, 2022
To	City Council
From	City Clerk's Office
Service Area	Office of the City Clerk- Council Reports
Item No.	CM22-24

RECOMMENDATION

The Integrity Commissioner recommends that City Council sanction Councillor Terina Shaw (Respondent) and require Councillor Shaw to receive some training or education on how to communicate effectively in a respectful and courteous manner.

ISSUE

Section 25(1) of *The Code of Ethics Bylaw, Bylaw No.2017-4* requires Council to consider and respond to an investigation report within 90 days after the report is provided to the Executive Committee by the Integrity Commissioner.

IMPACTS

Financial Impact

All services related to the investigation of this complaint pursuant to the Code of Ethics Bylaw, including all meetings and correspondence with the Complainant, Respondent, City Administration, City Council and all other witnesses and other interest parties; the review of relevant bylaws, policies and applicable laws; the gathering, review, analysis of evidence; consideration and drafting of the investigation report; and all other matters related to the investigation of the complaint took 38.7 hours of resource time and a total cost of \$13,702.95.

There are no accessibility, environmental, legal/risk, strategic/policy or other impacts.

OTHER OPTIONS

Option 1 (Recommended): Approve the recommendation from the Integrity Commissioner to sanction the respondent and require Councillor Shaw to receive some training or education on how to communicate effectively in a respectful and courteous manner.

Option 2: Impose another censure, sanctions or corrective actions allowed by law, in accordance with section 24(4) and 25(3) of the bylaw. Possible sanctions may include but are not limited to:

- (a) a reprimand;
- (b) requiring that the member apologize to those impacted;
- (c) requiring educational training;
- (d) removing the member from Council Committees or other bodies; or
- (e) dismissing the member from a position of chairperson of a Council committee.

Option 3: Impose no sanctions, censure or corrective actions.

COMMUNICATIONS

A public service announcement was issued on September 9, 2022 to advise that this report would be considered by City Council at its meeting scheduled for September 14, 2022. An extension to the deadline for delegations wishing to register to address City Council on this matter was extended to September 12, 2022 by 12 p.m.

DISCUSSION

A complaint has been made under *The Code of Ethics Bylaw* from Councillor Andrew Stevens against Councillor Terina Shaw. *The Code of Ethics Bylaw* for members of Council outlines the process on what happens next (Sections 24 to 27). There is an appointed Integrity Commissioner (Angel Kruk) who is tasked with taking on the investigation and determining validity of complaints. Only substantiated complaints are presented to Council, and any complaints found not to be substantiated for any reason remain confidential. A report of the Integrity Commissioner on any substantiated complaints first is presented in-camera at Executive Committee, followed by being presented publicly to City Council within 90 days.

In accordance with Section 24(2) of the Code of Ethics Bylaw, which requires the Integrity Commissioner to report to Executive Committee where they have found a violation of the Bylaw. The Integrity Commissioner filed the attached final investigation report that was conducted

(Appendix A) with the Office of the City Clerk on June 16, 2022 for consideration by the Executive Committee.

The Executive Committee considered the attached report (Appendix A) at its meeting in-camera on both July 6 and September 7, 2022. Section 27(3) of the bylaw permits Executive Committee to consider the investigative report in a private meeting for the purposes of receiving advice and deliberating on the report. When Council responds to an investigation report, it must do so in a public meeting, with the report being made available to the public.

The Integrity Commissioner has made an impartial ruling based on review of information, and City Council is only responsible for disciplinary action. Council may impose a censure sanctions and corrective actions recommended by the integrity commissioner or any other censure sanctions and corrective actions allowed by law.

Possible sanctions may include but are not limited to:

- (a) a reprimand;
- (b) requiring that the member apologize to those impacted;
- (c) requiring educational training;
- (d) removing the member from Council Committees or other bodies; or
- (e) dismissing the member from a position of chairperson of a Council committee.

City Council has no legal authority to remove a member of Council from office arising from a substantiated ethics bylaw complaint.

DECISION HISTORY

On July 6, 2022 Executive Committee considered item *E22-27 Integrity Commissioner Report* in private session.

Section 25(1) of *The Code of Ethics Bylaw, Bylaw No.2017-4* requires Council to consider and respond to an investigation report within 90 days after the report is provided to the Executive Committee.

Respectfully Submitted,



Amber Ackerman, Interim City Clerk

9/9/2022

Prepared by: Amber Ackerman, Interim City Clerk

ATTACHMENTS

Appendix A - Integrity Commissioner's Report

DATE: JUNE 13, 2022

**RE: CITY OF REGINA CODE OF ETHICS BYLAW NO. 2017-4
INTEGRITY COMMISSIONER INVESTIGATION REPORT #2
CODE OF ETHICS COMPLAINT REG 22-01**

SUMMARY OF COMPLAINT AND ISSUES:

1. A complaint was submitted by Councillor Andrew Stevens (the “Complainant”) dated March 21, 2022, alleging that Councillor Terina Shaw (the “Respondent”) contravened the City of Regina (the “City”) Code of Ethics Bylaw No. 2017-4 (“Code”).
2. The Complaint made several allegations that Councillor Shaw contravened the Code, but this report covers the investigation of only one of the issues arising from the numerous allegations made by the Complaint. Further information can be found under the Analysis section of this Report.
3. This report describes the investigation and conclusions on whether or not the Respondent was in contravention of section 10 (Respect) of the Code by:
 - a. On January 19, 2022 posting a message using the chat function during a Microsoft Teams meeting that said ‘*Shannon can you please leave your lecturing to a personal conversation instead of wasting my time*’.

FACTS:

4. Effective January 1, 2022, I was appointed by Council as Integrity Commissioner for the City of Regina under the Code.
5. I received a written complaint originally dated March 18, 2022 from the Complainant. Section 20(2) of the Code requires complaints to contain certain mandatory information. After reviewing the Complaint, I contacted the Complainant about certain components of section 20(2) that were not contained in the Complaint or that were not properly developed. As a result, the Complainant revised the complaint on March 21, 2022 to include additional details. For the purposes of the investigation timelines described in the Code, I have treated the date of the Complaint as March 21, 2022.
6. The Complainant is a member of Council, currently in his second term. The Respondent is in her first term on Council.
7. On January 19, 2022, members of Council and City Administration participated in a virtual meeting with representatives of the Regina and Region Home Builders Association (“RRHBA”), where the RRHBA representatives presented their Accommodating Growth paper that related to future growth in the City. This virtual meeting was delivered through the Microsoft Teams platform that was

routinely used by Council for virtual meetings. The purpose of the meeting was for the RRHBA to present their paper to Council and receive feedback on the paper from Council members.

8. The virtual meeting was scheduled for 1 hour but it ran for approximately 1 hour and 12 minutes.
9. During the course of this virtual meeting, representatives from the RRHBA presented their Accommodating Growth paper, which was followed by a period of time for questions from members of Council. It is unclear exactly how much time was left at the end of the virtual meeting for questions. Verbal questions were asked by some members of Council. The chat function in Microsoft Teams was also available for any participant in the meeting to post comments or questions that were visible by all participants.
10. This virtual meeting was not recorded, but a copy of the chat messages posted were available for review. All members of Council have access to the chat messages, accessible at any time by them, even after the meeting.
11. There was no formal chair of this virtual meeting, but the Mayor acted as informal chair, guiding the question and answer portion of the meeting. The meeting was scheduled for an hour, but there was no formal protocol for the time any one member of Council had for questions or comments. The Procedure Bylaw did not apply to this informal briefing.
12. The protocol for asking questions on this virtual meeting was for a participant to use the 'raise your hand' function in Microsoft Teams, creating a queue for questions. Councillor Zachidniak raised her hand to make a comment, but was not the first member of Council in the queue.
13. Several members of Council posted comments on the chat board during the meeting and some asked verbal questions or made verbal comments to the presenters. Councillor Zachidniak was one of the Council members that made verbal comments about her feedback on the Accommodating Growth paper. Approximately 8 minutes prior to the end of the meeting, Councillor Shaw posted the following message on the chat board:

"Shannon can you please leave your lecturing to a personal conversation instead of wasting my time"
14. Immediately after that, Councillor Zachidniak posted the following comment in the chat:

"Terina, can you please be respectful to your colleagues"
15. Which was then followed by the following comment posted by the Respondent:

"respect our time and others who would like to ask questions"
16. Council members have received training on the use of Microsoft Teams and have been using it consistently for virtual meetings. Members of Council have been advised in the past by the City Clerk to be careful of what is posted in the chat during virtual meetings using the Microsoft Teams platform, given that the comments are viewable by all participants.
17. This was not the first time the Respondent had challenged Councillor Zachidniak on the amount of time she took for questions or comments at a meeting.

ANALYSIS:

18. Section 21 of the Code requires me to conduct an initial complaint classification prior to deciding whether or not to investigate a complaint.
19. Pursuant to section 21, I began a review of the Complaint to determine if there was another process or forum that would be more appropriate to deal with the Complaint and if the subject matter of the Complaint is on its face, a complaint with respect to non-compliance with the Code.
20. The Complaint contained multiple allegations that the Respondent has violated the Code. I determined that most of the other allegations in the Complaint were either more appropriately dealt with by another forum or process, or that the subject matter of the allegation was not on its face, a complaint with respect to non-compliance with the Code. After those allegations were separated from the Complaint, two issues were left to be investigated.
21. The Code requires confidentiality and in addition, section 24(3) states that where a complaint is dismissed, I am not to report to the Executive Committee. As a result, I have prepared a separate report dealing with allegations that were not investigated, as well as other allegations that were investigated and found to be unsubstantiated. That report has been provided to the Complainant and the Respondent.
22. Section 27 of the Code states that an investigation report provided to the Executive Committee shall only disclose such matters as in my opinion, are necessary for the purposes of the report. I have taken this into consideration when considering the content of this report and have only disclosed the information that I believe to be necessary to support the conclusions.
23. As required by the Code, the Respondent was given an opportunity to respond in writing, to the allegations under investigation from the Complaint and the Complainant was then given an opportunity to reply in writing to the Respondent's response.
24. During the course of the investigation for this issue, I interviewed four people and reviewed any documents submitted by the Complainant with the Complaint. I also gathered some relevant documents and information from certain members of City Administration.
25. The Respondent was provided with a copy of this report and an opportunity to provide comments prior to any further distribution of it.
26. The Complainant alleges that the Respondent's comments to Councillor Zachidniak in the chat during the January 19, 2022 Microsoft Teams meeting (reproduced above under 'Facts') violated section 10 (Respect) of the Code.
27. Section 10 (Respect) of the Code states as follows:

- 10(1) *Members shall treat every person, including other members, municipal employees and the public, with dignity, understanding and respect.*
 - (2) *Members shall not engage in discrimination, bullying, harassment or use derogatory language towards others in their roles as members of Council.*
 - (3) *Members shall do the following:*
 - (a) *respect the rights of other people and groups;*
 - (b) *treat people with courtesy;*
 - (c) *recognize the importance of the different roles others play in local government decision making.*
28. The purpose of the Code is to outline basic ethical standards and values for members of Council and to act as a guide to members on their obligations while fulfilling their duties and responsibilities as elected officials.
29. ‘Respect’ is defined in the Merriam-Webster Dictionary as ‘*to consider worthy of high regard*’. The Oxford Dictionary defines ‘respect’ as ‘*a feeling of admiration for someone or something because of their good qualities or achievements*’. The word ‘courtesy’ is defined in the Oxford Dictionary as ‘*polite behaviour that shows respect for other people*’.
30. The Respondent does not refute the fact that she made the comments in the chat during the January 19, 2022 virtual meeting.
31. The Complainant mentioned that this incident in isolation may not appear problematic, but that in his view, it was indicative of a pattern of behaviour by the Respondent where she has a tendency to lash out at people in a disrespectful manner.
32. The Complainant felt that these comments reflected poorly on Council and on the Respondent. They were made during a meeting related to Council business, at the request of the RRHBA, not at a social event and as a result required more professionalism than was shown by the Respondent.
33. The Respondent said that she was unaware that the chat was visible to all participants, she thought only Councillor Zachidniak could see her comments. She admitted to not being good with the Microsoft Teams platform and with technology in general.
34. The Respondent did not have a good recollection of the specific details surrounding the January 19, 2022 meeting. In fact, most of the people I interviewed did not have a good recollection of the events that occurred at this virtual meeting that occurred approximately four months prior.
35. The Respondent believed the purpose for her chat comments were that Councillor Zachidniak was taking up too much of the time allotted for questions, not leaving sufficient time for other members of Council to ask questions. The Respondent was of the view that Councillor Zachidniak’s comments were often lengthy in nature, not always respectful of other people’s time. She also thought that Councillor Zachidniak may have been making specific comments targeting or lecturing

the Respondent specifically, but she could not recall any details on what those comments may have been. I did not find any other evidence to suggest that Councillor Zachidniak's verbal comments prior to the Respondent's chat message were in any way specifically targeting the Respondent.

36. I accept the fact that the Respondent may not be good with technology, but whether or not she knew the comments were viewable by anyone other than Councillor Zachidniak does not have any impact on the fact that she made the comments. The number of people who saw the comments does not necessarily change whether or not the comments were a violation of the Code.
37. As elected officials, members of Council are held to a high ethical standard. The quality of public administration and the reputation and integrity of the City depends on the conduct of elected officials. Members of Council are leaders in our community and ought to be setting a good example by treating each other with respect and courtesy.
38. These statements made by the Respondent directed at another member of Council certainly do not display any admiration or feelings of high regard. The word 'lecturing' in the manner used by the Respondent has a negative connotation. Suggesting that someone who is speaking is 'wasting my time' also does not have a positive connotation. Neither of these phrases are polite or courteous.
39. Councillor Zachidniak had a right to be speaking at the meeting, like every other member of Council. The comments made by the Respondent did not respect the right of other people, in this case Councillor Zachidniak, to provide comments on the Accommodating Growth paper, which was the purpose of the meeting - to get feedback on the paper. The Respondent's comments were also not courteous, as required by section 10(3) of the Code.
40. The Respondent was not chairing the meeting and it was not within her role to monitor the timelines. That is not to say that the Respondent's concerns were not valid or that she did not have a right to express displeasure with the time being taken by Councillor Zachidniak, but there was a respectful way of communicating that and the Code requires no less. The words used by the Respondent did not communicate her opinion in a respectful manner and she did not treat Councillor Zachidniak with respect and courtesy as required by section 10 of the Code.

CONCLUSION

41. I find that Councillor Shaw violated section 10 (Respect) of the Code by making comments that did not treat Councillor Zachidniak with respect and courtesy.

RECOMMENDED SANCTIONS

42. Section 24(2) of the Code requires that if I have determined that a complaint is substantiated in whole or in part, I must report my findings to the Executive Committee, including the terms of settlement or recommended censure, sanctions or corrective action.
43. Section 24(4) requires that any recommended censure, sanctions or corrective actions be permitted in law and must be designed to ensure the inappropriate conduct does not continue.

44. Section 25(3) of the Code lists some of the sanctions that Council may consider where there has been a violation of the Code, including but not limited to, a reprimand, apology, educational training, removing the member from committees or dismissing the member from a position of chairperson of a committee.
45. In this case, the violation related to comments made by the Respondent that amounted to treatment of other people that was not respectful or courteous. This was not the first time the Respondent made comments that were not well received by others. As stated above, the Complainant often refers to a pattern of conduct created by the Respondent. Although such pattern of conduct is not relevant to whether or not each allegation amounted to a violation of the Code, in my view it may be relevant when considering censure, sanctions or corrective actions designed to ensure the inappropriate conduct does not continue.
46. Members of Council can and should freely discuss and debate whatever topics are before them. Section 10 of the Code requires that respect and courtesy also be a part of that discussion and debate.
47. The comments made by the Respondent were not part of a heated debate, they were directed at another member of Council who was doing what was asked of her at the meeting – providing feedback on the topic in question. If the Respondent was concerned about time, she could have communicated that to the other member of Council in countless other ways that still voiced her concern, but in a respectful manner. When I questioned the Respondent about how she could have gotten her concerns across in a different way, she could not think of an alternative way, which tells me that this method of communication is common for her and that she could benefit with some training or education on effective communication. I do not think the Respondent is malicious or has any intent to offend other people. I think she may just be used to communicating in a more abrupt manner and now that she is in a more public role, she could benefit from some training or education on communicating in a more respectful manner.
48. I would recommend that the Respondent receive some training or education on how to communicate effectively in a respectful and courteous manner.

ANGELA KRUK
INTEGRITY COMMISSIONER
CITY OF REGINA