

## **Response to IC Draft Report CE051425(2)**

Dear Ms. Craig,

I have now read your process and findings regarding complaint CE051425(2). I appreciate the time and effort you undertook. I do, however, have concerns about aspects of the investigation and the resulting report. These concerns are based solely on material already submitted and do not introduce new evidence. I outline them below for your consideration.

### **1. Failure to Differentiate Respondents**

In my original statement, I noted two key points regarding Cr. Graham's conduct: first, that it was exaggerated in the complaint; and second, that her actions and mine were not coordinated. While I appreciate that you reached the same conclusion I did on the first point—that there was no actual yelling—I am concerned by the report's consistent reference to "the Respondents" as a collective. There appears to have been no effort to distinguish between the more rapid-fire questioning attributed to Cr. Graham and the approach I took: focused on clarifying procedural concerns, highlighting the implications of a break from Council direction, and noting calmly but firmly that the scenario the CAO cited as unexpected had in fact been discussed at length in advance.

Two councillors can be philosophically aligned and still act differently in tone, delivery, and purpose. Yet the report makes no attempt to analyze the probability of wrongdoing separately for each of us, nor do witness summaries suggest that witnesses were asked about respondents as independent actors. I also submitted on-camera footage showing how Cr. Graham and I conduct ourselves under pressure, suggesting it would offer a more objective comparison than retrospective hearsay of a closed session. The failure to distinguish between our behaviours makes it impossible to arrive at fair and accurate conclusions.

### **2. Weak Foundation for Balance of Probabilities**

I understand the challenge of making determinations based on probabilities, especially without recordings or other objective documentation. In fact, I brought a motion early in our term requesting that closed meetings be recorded, precisely so that assessments like this would not be left to memory and interpretation.

In this case, I believe the balance of evidence is weak. The report places considerable weight on the number of witnesses offering a similar version of events, but does not account for potential alignment among those witnesses. Cr. Graham's reply confirms what I have long suspected: that a voting bloc exists within Council. It is concerning if those councillors' perceptions of the meeting were given full weight without considering that dynamic. It undermines the overall credibility of the report. I would have hoped that the consistency of their accounts might have prompted greater scrutiny, not greater deference.

Credibility was assigned unevenly between the CAO and respondents. The report describes the CAO as “a consummate professional” acting under pressure, whose decision is based on good intentions and legal advice. I do not dispute her professionalism—but I am troubled that no such framing was extended to my conduct. When a senior staff member is portrayed as exercising sound discretion despite a deviation from Council’s direction, and a councillor raising concerns about that deviation is portrayed as potentially demeaning or disrespectful, it creates a lopsided picture of the events described. If the context of stress and the possibility of good intent were considered in evaluating the CAO’s choices, the same lens should have been applied to mine. The apparent lack of consistency in the grace or lack thereof allowed to parties erodes the credibility of the findings.

Additionally, the Chair did not call me to order during the meeting—something that should have carried weight in assessing whether my conduct rose to the level of a code violation.

The evidence used in this investigation includes a split witness response, a lack of real-time objection by the chair, and a biased portrayal of the respondents vs their alleged victim. It omits video footage of comparable disagreement, written report of a comparable integrity complaint, and the testimony that a bloc exists. I do not agree that the balance of probabilities credibly supports a finding of wrongdoing on my part.

### **3. Precedent Set by “Cross-Examination” Framing**

What I viewed as a process of clarifying concerns—asking a question, receiving an initial answer, and then clarifying my purpose and rephrasing my inquiry in the hopes of a more informative response—has been characterized not as “dialogue,” but as “cross-examination” and “interrogation.” This is concerning.

The report concludes that even without yelling or accusations, persistent questioning may constitute bullying. This framing, if upheld, sets a troubling precedent. I have been on the receiving end of very thorough and occasionally critical questioning from fellow councillors during debates on my motions. If a high volume of questions in otherwise acceptable presentation is grounds for an integrity violation, I worry that many future disagreements at the council table could trigger similar complaints.

### **4. Inconsistency with Prior IC Advice**

As you know, I have previously been investigated under similar circumstances and was cleared of wrongdoing. At that time, the Integrity Commissioner (from Aird Berlis) wrote that a person’s discomfort does not necessarily make a workplace unsafe, and that “remarks are not disparaging simply because they are critical.” I carefully applied those lessons in this instance: I kept a level tone, focused on procedural implications, and clarified points only when I believed my concerns were misunderstood. I acted in the belief that this was exactly what would be expected under the Code.

Being found in contravention for conduct so similar—without any clear explanation of how your interpretation of bullying or disparagement differs from that of my previous IC—is difficult to reconcile and, I believe, unfair.

## **5. Disproportionate Sanction**

This report opens the possibility of a 90-day suspension of remuneration—the harshest possible penalty—for what is my first ever finding of wrongdoing. That this is based not on hard evidence but on conflicting recollections and interpretations of tone is deeply concerning.

This report could have used the opportunity to recommend constructive next steps for Council, such as implementing closed-session recordings (as I previously proposed), clarifying expectations for respectful staff engagement, or distinguishing tone versus content standards in future guidance. Instead, the report leans to punitive action without suggesting how similar conflicts should be more clearly navigated in the future.

While I thank you for your effort in producing this report, I cannot accept that the investigation process you undertook was fair or reasonable, nor that it could have resulted in fair or reasonable findings. Further, I believe that your proposed response to these findings is unreasonable in its own right. I understand that these thoughts may not change your decision, and I accept that. I thank you, in any case, for giving them consideration, and I ask that they be included with the report for the consideration of my peers on council and the public.

Respectfully yours,

A handwritten signature in brown ink, appearing to read 'M. Griffin', written in a cursive style.

Morgaine Griffin