

Complaint Intake and Investigation Process*

*Schedule B to Agreement with Closed Meeting Investigator
approved by Council on December 12, 2007
(Amended in accordance with By-law 26-2015)

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| Role of the Investigator | 1. The role of the Investigator is to enhance the openness, transparency and accountability of City Council and local boards and its committees. Any uncertainty or ambiguity in the process outlined in this protocol is to be resolved in a way that will advance this role. |
| Review Request | 2. An individual, who has grounds to believe that a meeting or part of a meeting of Council or local board, or its committees has not been conducted in accordance with the <i>Municipal Act, 2001</i> or the applicable procedure by-law, may request an investigation. |
| Investigation Request | <p>3. The investigation request must be in writing and must set out the grounds for why the person believes the meeting has not been conducted in accordance with the <i>Municipal Act, 2001</i> or the applicable procedure by-law.</p> <p>4. A complaint shall include the date of the meeting, disputed grounds on which a closed meeting was called and the circumstances of the request.</p> <p>5. All requests must be signed by an identifiable individual (which includes the authorized signing officer of an organization) and include the name, mailing address, and a contact telephone number for the individual.</p> <p>6. <i>(Deleted in accordance with By-law 26-2015)</i></p> |
| File with City Clerk | 7. The request must be filed with the City Clerk who will record the receipt of the request in a log and forward the request to the Investigator. |

Jurisdiction

8. Where appropriate, the Investigator will determine if the request is within the Investigator's scope of authority.
9. The Investigator will advise the individual if a request is not within the Investigator's scope of authority.

When the Investigator will not Conduct an Investigation

10. If the Investigator is of the opinion that the investigation request is outside the scope of the Investigator's authority, or that there are insufficient grounds for an investigation, or the matter that forms the basis of the request has already been the subject of an investigation, or the investigator has reasonable grounds to believe that the request is of a frivolous or vexatious nature, the Investigator will not conduct an investigation. Where any of the above becomes apparent in the course of an investigation, the Investigator will terminate an investigation.
11. The Investigator will report to Council or the local board on matters where an investigation was not carried out or terminated before completion setting out his opinion and the reasons for it.

Investigation

12. The Investigator will investigate all requests in an independent manner.
13. Every investigation will be conducted in a fashion sensitive to confidentiality concerns where appropriate.
14. Upon receipt of the request, the Investigator will proceed as follows:
 - Request the meeting record for the closed meeting at which the relevant matter was considered from the City Clerk. The meeting record shall consist of a copy of the resolution moving into closed session, a copy of the closed meeting agenda, a copy of any report on the matter considered at the closed meeting, unless the report is subject to solicitor-client privilege, and a copy of the minutes of the closed meeting.
 - Review the meeting record, to determine if the closed meeting was justified based on the reasons for a closed meeting set out in the Act and the procedure by-law.
 - Interview, as necessary, meeting participants to clarify or elaborate on the meeting record, or to obtain any other relevant information. The Investigator will liaise with the City Clerk to set up appointments for interviews, which may be in person or by telephone at the discretion of the Investigator.
 - The Investigator may gather information from such persons as he or she thinks fit, and may make such inquiries as he or she thinks fit.
 - If the Investigator receives two or more requests for an investigation into the same subject matter, the Investigator shall consolidate the requests into one investigation.

Investigator Powers	15. It is not necessary for the Investigator to hold any hearing and no person is entitled as of right to be heard by the Investigator.
Report and Recommendations	<p>16. The Investigator shall report his or her response to the request for investigation and the reasons for it to City Council and/or the local board within a reasonable time, and may make such recommendations as he or she thinks fit, including any corrective action. Where the circumstances warrant, the Investigator may divide his or her report and provide a response to the request for investigation with reasons within a reasonable time and provide recommendations in a subsequent report within 30 days of the first report being submitted.</p> <p>17. The Investigator may address in his or her report any instances of interference or obstruction encountered during the investigation.</p> <p>18. All reports made by the Investigator will be available to the public through the City Clerk's Office.</p> <p>19. The City Clerk or local board shall provide a copy of the report to the person making the investigation request.</p>
Privilege	20. Anything said or any information supplied or any document or thing produced by any person in the course of any investigation by the Investigator is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.