By-law 2019-16

A By-law of the City of Greater Sudbury to Adopt a Code of Conduct for Members of Council and Local Boards and Complaint Protocol

Whereas subsection 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") authorizes municipalities to establish a code of conduct for members of its Council and Local Boards, as that term is used in subsection 223.1 of the *Municipal Act, 2001*;

And Whereas pursuant to the *Modernizing Ontario's Municipal Legislation Act, 2017*, S.O. 2017, c. 10, the role of the Integrity Commissioner is expanded;

And Whereas the establishment of a Code of Conduct is consistent with the principles of transparent and accountable government;

And Whereas Council desires to help ensure that members of Council and of Local Boards conform to ethical standards of behavior in carrying out their duties;

And Whereas sections 8, 9 and 10 of the *Municipal Act, 2001* authorize municipalities to pass by-laws necessary or desirable for municipal purposes;

And Whereas section 5(3) of the *Municipal Act 2001*, provides that a municipal power shall be exercised by By-law;

And Whereas Council for the City of Greater Sudbury wishes to replace the Council policy known as the Code of Ethics in its Procedure By-law with a new Council policy known as the Code of Conduct for Members of Council and Local Boards and Complaint Protocol;

Now therefore Council of City of Greater Sudbury hereby enacts as follows:

Adopt Code of Conduct

1. Council for the City of Greater Sudbury adopts the Code of Conduct for Members of Council and Local Boards and Complaint Protocol attached as Schedule "A" to this By-law and forming a part of this By-law.

Repeal

2. By-law 2011-235, the City's Procedure By-law is amended by repealing Appendix B – Code of Ethics.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Effective

3. This By-law shall come into full force and effect on passage.

Read and Passed in Open Council this 19th day of February, 2019

Mayor

Clerk

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Schedule "A"
to By-law 2019-16 of the City of Greater Sudbury

Code of Conduct for Members of Council and Local Boards and Complaint Protocol

Part 1 – Code of Conduct

Purpose:

A legislated Code of Conduct helps to ensure that the members of Council and members of Local Boards, as defined in sections 1(1) and 223.1 of the *Municipal Act, 2001*, share a common basis of acceptable conduct in the individual conduct of their Official Duties. The Code of Conduct promotes public confidence that the City's elected representatives operate from a base of integrity, transparency, justice and courtesy.

Enforcement of the Code of Conduct by an independent Integrity Commissioner promotes public confidence in the process.

Definitions

1. For the purposes of this Code of Conduct:

(a) "**Applicant**" means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the *Municipal Conflict of Interest Act;*

(b) "**Application**" means a written request for an investigation with respect to an alleged contravention of the *Municipal Conflict of Interest Act*;

(c) "**City**" means the municipal corporation of the City of Greater Sudbury, or the geographic area of the municipal corporation of the City of Greater Sudbury, as the context requires;

(d) "**Complaint**" means a written request for an investigation with respect to an alleged contravention by a Member of the Code of Conduct or any other procedures, rules or policies governing ethical behaviour;

(e) "**Complainant**" means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of this Code of Conduct or any other procedures, rules or policies governing ethical behaviour;

(f) "**Confidential information**" includes but is not limited to information:

(i) in the possession of the City or Local Board that the City or Local Board is prohibited from disclosing, is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or any other applicable law, or has exercised discretion to refuse to disclose;

(ii) identifying a matter or pertaining to the substance of a matter discussed or considered, or pertaining to advice received, presented, reviewed or discussed in an In-camera meeting under section 239 of the *Municipal Act, 2001;*

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(iii) pertaining to matters of a type that could be discussed in an In-camera meeting under section 239 of the *Municipal Act, 2001*;

(iv) that is subject to solicitor/client privilege;

(v) that is of a personal nature to employees or clients of the City or Local Board; or

(vi) the publication of which may infringe on the rights of any person, including by example, the source of a complaint where the identity of the complainant is given in confidence.

(g) "**Council**" means the Council of the City of Greater Sudbury;

(h) "**Family Member**" means a **child, parent or spouse** of the Member, as those terms are defined in the *Municipal Conflict of Interest Act:*

(i) "**child**" means a child born within or outside marriage and includes an adopted child and a person whom the parent has demonstrated a settled intention to treat as a child of their family;

(ii) "**parent**" means a person who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is the natural parent of the child; and

(iii) "**spouse**" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(i) "**Gift or Benefit**" means cash, fees, admission fees, advances, vouchers, invitations, services, hospitality, travel and accommodation, entertainment or other thing or consideration, given, donated, transferred or otherwise conveyed to a Member, unless the giver, donor, transferor or conveying person receives payment or other consideration of goods or property, of equal or greater value to the value of what was so provided;

(j) "**In-camera**" means the conduct of a meeting or part of a meeting, of Council or a committee of Council, which is closed to the public as permitted under section 239 of the *Municipal Act, 2001;*

(k) "**Local Board**" means a local board as defined in sections 1(1) and 223.1 of the *Municipal Act, 2001* and without limitation includes the Board of Management for any Business Improvement Area, the Committee of Adjustment, Fence Viewers appointed under the *Line Fences Act*, Livestock Valuators appointed under the *Protection of Livestock and Poultry from Dogs Act* but is not intended to include any advisory panel created by Council from time to time;

(l) "**Member",** means a member of Council, including the Mayor, or a member of a Local Board;

(m) "**Official Duties**" means the public duties or responsibilities of a Member in office and includes functions performed by Members necessary to demonstrate

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

responsible and accountable government with respect to matters within the City's or Local Board's jurisdiction and which are done for the purpose of providing good government with respect to those matters; and

(n) "**Social Media**" means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video.

Application of the Code of Conduct

2. This Code of Conduct applies to every Member. This Code of Conduct shall be applied to Members who are members of a Local Board and not members of Council with necessary modifications applied in the discretion of the Integrity Commissioner.

Framework

3.(1) The Code of Conduct operates as a supplement to the legislative parameters within which the Members must operate. Members must comply with statutes of the Provincial Legislature and of the Parliament of Canada that govern the conduct of Members of Council, including:

- the *Municipal Act, 2001;*
- the *Municipal Conflict of Interest Act*;
- the *Municipal Elections Act, 1996*;
- the *Municipal Freedom of Information and Protection of Privacy Act*;
- the *Ontario Human Rights Code*;
- the *Criminal Code* (Canada);
- *Occupational Health and Safety Act*; and
- *Public Enquiries Act*.

(2) The City's Procedure By-law as amended or replaced from time to time, governs the conduct of Council Members during meetings of Council and its Committees.

(3) Other City By-laws, rules, procedures and policies also govern the ethical behavior of Members of Council and supplement this Code of Conduct.

General Principles

4.(1) Every Member shall serve, and be seen to serve, the public in a conscientious and diligent manner.

(2) Every Member shall perform their functions with integrity, accountability and transparency and avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(3) Every Member shall perform their Official Duties in a manner that promotes public confidence.

(4) Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the By-laws, rules, procedures and policies of Council pertaining to their position as an elected official.

(5) Members should act in a manner which recognizes that the public has a right to open government and transparent decision making, while acknowledging all rules regarding confidentiality contained in this Code of Conduct and in other legislation.

Gifts or Benefits

5.(1) No Member shall accept a Gift or Benefit that is connected, directly or indirectly, with the performance of the Member's Official Duties, or which would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or where the Gift or Benefit is related to a public function would exceed what a reasonable member of the public would consider to be appropriate in the circumstances.

(2) For the purposes of subsection 5(1), a Gift or Benefit, provided with the knowledge of the Member, to a Family Member, to a member of staff of the Member, to any other person related to the Member, or to any other person, corporation or body with whom or which the Member is associated, that is connected, directly or indirectly, to the fact or performance of the Member's Official Duties, is deemed to be a Gift or Benefit to the Member.

(3) Members are not precluded by this Code of Conduct from accepting:

(a) compensation authorized by law;

(b) such Gifts or Benefits that normally and reasonably accompany the duties of office and are received as an incident of protocol or social obligation;

(c) a political contribution accepted and reported in accordance with applicable law;

(d) admission to a widely-attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the Member, if attending or participating in the Member's official capacity, including:

(i) participation in an event as a speaker or panel participant by presenting information related to City matters;

(ii) performance of a ceremonial function appropriate to the Member's office;

(iii) attendance at an event that is appropriate to the official capacity of the Member.

(e) admission to a charity or community organization for whose benefit the event is

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

being held, and unsolicited by the Member;

(f) admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's Official Duties and in the interests of the City;

(g) services provided without compensation by persons volunteering their time;

(h) a suitable memento of a function honouring the Member;

(i) food, lodging, transportation and entertainment provided by federal, provincial or municipal governments or by political subdivisions of them;

(j) food and beverages consumed at banquets, receptions or similar events, if:

(i) attendance serves a legitimate business purpose;

(ii) the person extending the invitation or a representative of the organization is in attendance; and

(iii) the value is reasonable and the invitations infrequent; or

(k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.

(4) Except in the case of paragraphs 5(3) (b), (h), (i), (j) or (k), a Member shall not accept a Gift or Benefit worth in excess of two hundred dollars ($200.00) or Gifts or Benefits from one source during a calendar year in excess of two hundred dollars ($200.00). In the case of Gifts or Benefits of a type described in 5(3) (b), (h), (i), (j) or (k), if the value thereof, or if the total value of any one or more such Gifts or Benefits provided to or received by a Member from any one source during the course of a calendar year exceeds two hundred dollars ($200.00), the Member shall, within thirty (30) days of such provision or receipt, or of reaching or exceeding such amount, file a disclosure statement with the Integrity Commissioner. The disclosure statement shall indicate:

(a) the nature of every such, Gift or Benefit;

(b) its source and date of its provision and/or receipt;

(c) the circumstances under which it was provided and/or received;

(d) its estimated value;

(e) what the Member intends to do with the Gift or Benefit; and

(f) whether any Gift or Benefit is regarded by the Member as the property of the City.

(5) Every disclosure statement filed or required to be filed under subsection 5(4) shall be a matter of public record, and duly made available to the public.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(6) On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the Gift or Benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the Gift or Benefit, and in the further event that the Integrity Commissioner determines that the Gift or Benefit may create a conflict as described above, may request the Member to return the Gift or Benefit, or pay to the donor the value of any Gift or Benefit already consumed.

Confidential Information

6.(1) No Member shall, contrary to any applicable privacy law, disclose, release by any means or in any way divulge to any person or to the public, any Confidential Information, including without limitation any personal information as that term is used in the *Municipal Freedom of Information and Protection of Privacy Act*, acquired by virtue of their office, except when required by law or authorized by Council or the Local Board to do so.

(2) No Member shall misuse Confidential Information or other information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence, consultant's reports, draft documents, such that the use thereof may lead to financial or other gain of the Member or of any person related to the Member or cause detriment to the City, Council, a Local Board, the public or others.

(3) Except for information that is relevant to matters before Council, a committee of Council or the Local Board as the case may be, Members enjoy the same level of access right to information as any other member of the community and must follow the same processes as any private citizen. No Member shall access or attempt to gain access to Confidential Information in the possession of the City or Local Board, unless it is necessary for the performance of their Official Duties and not prohibited by Council or Local Board policy.

(4) Every Member shall ensure they comply with the *Municipal Act, 2001, Municipal Conflict of Interest Act, Municipal Freedom of Information and Protection of Privacy Act*, and other applicable legislation regarding open meetings, accountability and transparency.

Use of City Property, Services and Other Resources

7.(1) No Member shall use or permit the use of, City land, facilities, equipment, supplies, services, City employees or other resources, including City-owned materials, websites, Council transportation delivery services, or Councillor global budgets, for activities other than the business of the City and in accordance with City policies.

(2) No Member shall obtain financial gain from the use or sale of any City-developed intellectual property, (including inventions and creative writings or drawings), computer program, technical innovation, or other item capable of being patented, in which property remains in the exclusive ownership of the City.

(3) Every Member shall avoid waste, abuse and extravagance in the provision or use of public resources.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2025

(4) Every Member shall comply with the City's policies on use of City property, use of technology, the Sale of Information Technology Equipment Policy and related procedures and guidelines.

Expenses

8. Every Member shall comply with City policies in effect from time to time governing expenses, including the policy for Payment of Councillor Expenses and Travel and Business Expense Policy, and related procedures and guidelines and ensure that conditions related to each expense are met.

Election Campaign Work

9. Every Member shall comply with the *Municipal Elections Act, 1996* and the City's policy on the Use of Municipal Resources by Candidates during a municipal election and shall not use municipal resources in respect of a Provincial or Federal election.

Business Relations

10.(1) No Member shall act as a paid agent before Council, its committees or an agency, board or commission of the City.

(2) No Member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

Conduct re Prospective and Future Employment

11. No Member shall allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their Official Duties.

Conduct in Office, Including at Council and Committees

12.(1) Every Member shall conduct themselves with decorum in the course of their performance, or required performance, of their responsibilities as a Member, and at meetings of Council, Committees of Council or meetings of the Local Board as the case may be, and other meetings, and in the case of Members of Council, in accordance with the provisions of the City's Procedure By-law, and other By-laws of the City, where applicable.

(2) Failure by a Member of Council to comply with one or more provisions of the Council Procedure By-law does not, in itself, constitute a contravention of this Code of Conduct, in circumstances in which it is open to the body and/or the person chairing the meeting, to take appropriate steps to call the Member to order, or otherwise deal appropriately with the contravention, and the Member complies with the decision of the body or chairperson, and otherwise with the requirements of the Council Procedure By-law.

(3) This section does not prevent a Member from requesting that Council or Local Board as the case may be, grant a specific exemption or exception from strict application of this Code of Conduct, or of any other City policy or procedure, amend this Code of Conduct, or take no action in respect of a contravention of it, and such an exception or decision may be limited as to time or scope, and subject to amendment or revocation by Council. Any such request to Council or a Local Board shall be made in a meeting open to the public.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Improper Use of Influence

13.(1) No Member shall use the influence of their office for any purpose other than the performance of the Member's responsibilities as a Member, and other Official Duties.

(2) In addition to the general requirement contained in subsection 13.(1):

(a) No Member shall use their status as a Member to influence, or try to influence, improperly, any action or decision of another person or entity to the private advantage of:

(i) the Member;

(ii) any Family Member;

(iii) any business or other associate;

or attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of constituents as part of their Official Duties;

(b) No Member shall hold out the prospect or promise of future advantage through or related to, the supposed influence of the Member, in return for any decision, vote, action or inaction; and

(c) Every Member shall comply with the Purchasing By-law and shall not attempt to influence the decision making process as it relates to the award of contracts or settlement of claims through personal contact or interaction with the parties administering or directly involved in such processes.

(3) For the purposes of subsection 13.(2), "private advantage" does not include an advantage that:

(a) affects a Member of Council, a Family member, City employee, friend or associate, as one of a broad class of persons; or

(b) concerns the remuneration or benefits of one or more Members of Council, as authorized by law.

(4) Members should not advocate on behalf of any person at a hearing of an adjudicative board or tribunal and should not contact any member of such a board or tribunal regarding any application before it.

Conduct Respecting City Employees

14.(1) Only Council as a whole and no single Member, including the Mayor, has the authority to direct employees, approve budgets, policy, and other such matters, unless specifically authorized by Council.

(2) Every Member shall be respectful of the role of City officers and employees to provide professional service and advice based on political neutrality and objectivity, and without undue influence from any one or more Members. Members shall refrain from any conduct

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

which may deter, interfere or unduly influence employees in the performance of their duties, obligations and any standards of conduct prescribed for the employee's profession.

(3) No Member shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical reputation, or the prospects or practice, of any one or more City employees.

(4) No Member shall ask, expect or take any step to compel, any City officer or employee to engage in any partisan political activity, or be subjected to threat or discrimination for refusing to do so.

(5) No Member shall make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice.

(6) No Member shall use, or attempt to use, the Member's authority or influence for the purpose of intimidating, threatening, coercing, or otherwise improperly influencing any City employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

Discreditable Conduct

15.(1) Every Member shall:

(a) treat other Members, City officers and employees, and members of the public, appropriately, and without abuse, intimidation, harassment or violence; and

(b) make all reasonable efforts to ensure that their work environment is free from discrimination, harassment and violence.

(2) Every Member shall act in compliance with the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, and where applicable, the City's Workplace Violence, Harassment and Discrimination Prevention Policy and Program.

Respect for Decision Making Process

16.(1) Every Member shall accurately and adequately communicate the decisions of Council or the Local Board, as the case may be, even if they disagreed with the decision of Council or the Local Board, as the case may be, such that respect for and trust and confidence in the decision-making processes is encouraged.

(2) Every Member should refrain from making statements known to be false or with the intent to mislead Council or the Local Board as the case may be, or the public.

(3) Every Member shall encourage public respect for and compliance with City processes, by-laws and policies.

Social Media

17. Every Member shall comply with the Social Media Policy annexed hereto as Appendix 1 to this Schedule.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Comply with Policies and Procedures

18.(1) Every Member shall adhere to such by-laws, policies and procedures adopted by Council or the Local Board as the case may be, that are applicable to them, whether or not specifically identified herein.

(2) Nothing herein prevents a Member from requesting that Council or the Local Board grant an exemption from a policy.

Integrity Commissioner

19.(1) The Code of Conduct is administered by the City's Integrity Commissioner, appointed by Council to perform, in an independent manner, the functions of an Integrity Commissioner under section Part V.1 of the *Municipal Act, 2001.*

(2) Any Member seeking clarification of any part of this Code of Conduct is encouraged to consult with the Integrity Commissioner by way of written request for advice. Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

(3) The Integrity Commissioner, is not restricted to looking at the pecuniary interest of the Member, and for clarity, the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner, while carrying out their responsibilities regarding the Code of Conduct.

(4) The Integrity Commissioner shall provide the following services:

(a) The application of this Code of Conduct for Members.

(b) The application of any procedures, rules and policies of the City and local boards governing the ethical behaviour of Members of Council and of Local Boards or of either of them.

(c) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members of Council or of Local Boards.

(d) Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member. All requests for such advice and the advice in response thereto, shall be provided in writing.

(e) Requests from Members for advice respecting their obligations under a procedure, rule or policy of the City or of the Local Board, as the case may be, governing the ethical behaviour of Members. All requests for such advice and the advice in response thereto, shall be provided in writing.

(f) Requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*. All requests for such advice and the advice in response thereto, shall be provided in writing.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(g) The provision of educational information to Members, the City and the public about the City's Code of Conduct for Members and about the *Municipal Conflict of Interest Act.*

Investigations under the Code of Conduct

20.(1) The Complaint Protocol set out in Part 2 of this document shall govern allegations of wrongful behavior or activity under the Code of Conduct in Part 1 of this document (the "Code of Conduct". Every Member shall respect the procedures established in the Complaint Protocol and co-operate with requests for information during investigations under the Code of Conduct.

(2) No Member shall engage in reprisal or make a threat of reprisal against a Complainant or any other person for providing information to the Integrity Commissioner or for making a Complaint to the Integrity Commissioner.

(3) No Member shall obstruct the Integrity Commissioner in carrying out their responsibilities.

(4) Without limiting the generality of subsection 20.(3), "obstruct", under that subsection includes:

(a) destroying documents or records, including erasing electronic documents or records;

(b) withholding or concealing documents or records, including electronic documents or records; or

(c) failing to respond to the Integrity Commissioner within ten (10) days after a written request is given, or within such longer period as the Integrity Commissioner may allow.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Part 2 – Complaint Protocol

Part A
Informal Complaint Process

21.(1) Any person who has identified or witnessed behaviour or an activity by a Member of Council that they believe is in contravention of the Code of Conduct may wish to address the prohibited behaviour or activity themselves as follows:

(a) advise the Member that the behaviour or activity contravenes the Code of Conduct;
(b) encourage the Member to stop the prohibited behaviour or activity;

(c) keep a written record of the incidents including dates, times, locations, other persons present and any other relevant information;

(d) if applicable, confirm to the Member satisfaction with the response of the Member; or, if applicable, advise the Member of dissatisfaction with the response; and,

(e) consider the need to pursue the matter in accordance with the formal Complaint procedure outlined in Part B of this Complaint Protocol.

(2) Persons are encouraged to pursue the informal Complaint process as the first means of remedying behaviour or activity of a Member that they believe contravenes the Code of Conduct. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a conciliator. It is not a precondition or prerequisite that a person making a Complaint pursue the informal Complaint process prior to making a formal Complaint.

Part B
Formal Complaint/Application Process

Interpretation

22.(1) The Integrity Commissioner is responsible for performing the duties set out in this Complaint Protocol independently and shall report directly to Council in respect of all such matters, as required.

(2) In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.

(3) In assessing whether to investigate a Complaint, the Integrity Commissioner shall be mindful of the following:

(a) That the Integrity Commissioner is a statutory officer with obligations of both confidentiality and independence;

(b) That Complaints which are frivolous, vexatious or not made in good faith are not in the public interest to pursue;

(c) That Complaints that on their face show no grounds or insufficient grounds for an investigation should not be pursued;

(d) That Complaints that are based in alleged conduct carried out at meetings of Council, or at a committee of Council, are generally best dealt with by the presiding officer for such meetings, provided that the Integrity Commissioner is not barred from investigating a Complaint if they deem it warranted in the circumstances;

(e) That Complaints which are merely a collateral attack on a decision of Council should not be pursued, unless there is an apparent separate basis for concluding that an ethical breach has occurred;

(f) That Complaints involving alleged conflicts of interest may be pursued under the Code of Conduct unless there is such apparent egregiousness that a remedy that can only be imposed by a judge under the *Municipal Conflict of Interest Act*, such

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

as removal from office, are in the opinion of the Integrity Commissioner, a reasonable possibility;

(g) That notwithstanding the preceding paragraph (f), that complainants may pursue their own application to a judge to seek remedies under the *Municipal Conflict of Interest Act*, should they wish.

23.(1) Upon receipt of a request, the Integrity Commissioner shall undertake an initial classification of a Complaint or Application and shall determine whether the matter, on its face, relates to non-compliance with the Code of Conduct, other policies governing ethical behaviour, or the *Municipal Conflict of Interest Act*. In so doing the Integrity Commissioner shall be mindful of the factors set out in subsection 22(3).

(2) If the Complaint or Application, on its face, is not with respect to non-compliance with the Code of Conduct, other policies governing ethical behaviour or the *Municipal Conflict of Interest Act*, or if the Complaint is covered by other legislation, the Integrity Commissioner shall advise the Complainant or Applicant in writing as follows:

(a) if the Complaint or Application, on its face, is an allegation of a criminal nature consistent with the Criminal Code of Canada, the Complainant or Applicant shall be advised that, if they wish to pursue any such allegation, they must pursue it with the appropriate police service;

(b) that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner with any additional reasons and referrals as the Integrity Commissioner considers appropriate, and confirmation whether the Integrity Commissioner is proceeding with any part of the Complaint or Application that is within jurisdiction.

(3) If the Complaint or Application, on its face, is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), the Integrity Commissioner shall advise the Complainant or Applicant that in addition to any investigation performed by the Integrity Commissioner for non-compliance with section 6 of the Code of Conduct, the information concerning the non-compliance will be shared with the City Clerk who is responsible for oversight of matters under the MFIPPA on behalf of the City.

(4) Where the Integrity Commissioner rejects a Complaint or terminates an investigation, or otherwise disposes of the matter, reasons shall be provided to the complainant, which may be shared with the respondent as a courtesy.

24.(1) A Complaint that a Member has contravened the Code of Conduct may be initiated by a member of the public or a Member as follows:

(a) a Complaint shall be made in writing by completing the Complaint / Application Form available on the City's website or on a separate form containing substantially the same information, and shall be sent directly to the Integrity Commissioner by mail, e-mail or courier;

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2025

(b) a Complaint must contain the Complainant's full legal name, address and contact information, and whether the complaint is being filed on their own behalf, or on behalf of an identified group, organization or corporation;

(c) a Complaint shall be signed by the Complainant. Complaints sent by email may be submitted without a signature so long as the Integrity Commissioner is satisfied about the authenticity of the submission.

(d) a Complaint shall include:

(i) the name of the Member or Members alleged to have contravened the Code of Conduct;

(ii) an explanation, with specific reference to sections of the Code of Conduct, as to why the issue raised is alleged to be a contravention;

(iii) a description of any relevant evidence in support of the allegation; and

(iv) the names of any witnesses who can support the allegation.

(2) City Council may file a Complaint against a Member by passing a resolution requesting the Integrity Commissioner to conduct an investigation.

(3) The alleged contravention shall have taken place within ninety (90) days of filing the Complaint with the Integrity Commissioner;

Additional Provisions Respecting *Municipal Conflict of Interest Act* Applications

25.(1) An Application to the Integrity Commissioner to inquire into an alleged contravention of subsections 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an Elector as defined in subsection 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:

(a) an Application shall be made in writing by completing the Complaint / Application Form available on the City's website or on a separate form containing substantially the same information and shall be sent directly to the Integrity Commissioner by mail, e-mail or courier;

(b) an Application must be signed and contain the Applicant's full legal name, address and contact information;

(c) an Application shall include:

(i) the name of the Member that is alleged to have contravened the MCIA;

(ii) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention;

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(iii) a description of any relevant evidence in support of the allegation

(iv) the names of any witnesses who can support the allegations; and,

(v) a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention not more than six (6) weeks before the date of the Application in accordance with subsections 223.4.1(5) and (6) of the *Municipal Act, 2001*.

(2) An Application may only be made within six (6) weeks after the Applicant became aware of the alleged contravention and otherwise in compliance with paragraphs 223.4.1(5) & (6) of the *Municipal Act, 2001.*

(3) Notwithstanding the foregoing, if the Integrity Commissioner has classified the Complaint under section 23 as being of a nature where an application to a judge under section 8 of the MCIA is not necessary given the severity of the Complaint and the likelihood that a court on hearing an Application would not as a remedy impose penalties beyond the authority of Council to impose under subsection 223.4(5) of the *Municipal Act, 2001*, the Integrity Commissioner may proceed in accordance with sections 26 to 30.

Investigation

26.(1) All investigations shall be conducted in accordance with the principles of procedural fairness.

(2) If the Integrity Commissioner is of the opinion that a Complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(3) The Integrity Commissioner shall be mindful of their statutory obligation to maintain confidentiality in setting the content of any reports submitted to Council.

27.(1) If a Complaint has been classified as being within the Integrity Commissioner's jurisdiction the Commissioner shall investigate and may attempt to settle the Complaint.

(2) The Integrity Commissioner may, in exceptional circumstances, elect to exercise the powers of a Commission under Parts I and II of the *Public Inquiries Act*, as contemplated by subsection 223.4(2) of the Act. In most respects this means that the Integrity Commissioner can compel the attendance of witnesses (under oath or affirmation, as may be warranted) and/or the production of documents and things.

28.(1) The Integrity Commissioner will proceed in accordance with the principles of procedural fairness except where otherwise required by the *Public Inquiries Act* and/or in the context of a particular situation by providing the substance of the matter to be investigated and supporting evidence to the Member whose conduct is in question and provide them with a reasonable opportunity to respond.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(2) On a confidential basis, the name of the Complainant or Applicant shall be provided to the Member as part of the Complaint documents, except in rare cases where the Complainant or Applicant has requested anonymity and the Integrity Commissioner agrees that serious and extenuating circumstances warrant the granting of anonymity.

(3) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the Complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may enter any City work location relevant to the Complaint for the purposes of investigation and settlement.

(4) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had reasonable notice of the basis for and an opportunity to comment on the proposed findings.

(5) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

29.(1) The Integrity Commissioner shall report to the Complainant and the Member generally no later than ninety (90) days after the formal initiation of the Complaint.

(2) Where the Complaint is sustained in whole or in part, the Integrity Commissioner may also report to Council outlining the findings, the terms of any settlement, and recommended corrective action, if any.

(3) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

(4) Where the Complaint is dismissed, or where a finding of contravention is made but the contravention occurred after the Member took all reasonable measures to prevent it, or where a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner will not report to Council but will provide reasons to the Complainant and Respondent in accordance with section 23(4).

30. The City Clerk shall process reports submitted by the Integrity Commissioner for the next regular meeting of Council after receipt, if received by the agenda deadline.

Council Review

31. Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:

(a) a reprimand; or

(b) suspension of the remuneration paid to the Member in respect of their services as a Member of Council or a local board, as the case may be, for a period of up to ninety (90) days,

and may also take the following actions:

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

(c) removal from membership of a committee or board;

(d) removal as chair or vice-chair of a committee;

(e) request repayment or reimbursement of monies received;

(f) request return of property or reimbursement of its value; and

(g) such other remedial measures that Council has the jurisdiction to impose.

Confidentiality

32.(1) A Complaint will be processed in compliance with the confidentiality requirements in subsections 223.5 and 223.6 of the *Municipal Act, 2001*, which are summarized in the following sections.

(2) The Integrity Commissioner and every person acting under their instructions shall preserve secrecy with respect to all matters that come to their knowledge in the course of any investigation except as required by law in a criminal proceeding.

(3) Any references by the Integrity Commissioner in an annual or other periodic report to a Complaint or an investigation shall not disclose confidential information that could identify a person concerned.

(4) The Integrity Commissioner, in a report to Council on whether a specific Member has violated the Code of Conduct, shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report. All such reports from the Integrity Commissioner to Council will be made available to the public by placing the report on a public agenda.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Appendix 1 to Schedule "A"
to By-law 2019-16 of the City of Greater Sudbury

Policy for the Use of Social Media by Members of Council and Local Boards

Purpose

Social Media technologies can permit for efficient and direct engagement between members of Council and Local Boards and the community. While Social Media can be a useful tool for communicating and sharing information it can also be the subject of abuse. The purpose of this policy is to provide clarification on the appropriate use and management of Social Media by members of Council and Local Boards ("Members") in order to elevate discourse with and within the community.

Definitions

1. The definitions contained in the Code of Conduct shall apply to this Policy.

Application

2. The Code of Conduct generally applies to the conduct of members of Council regardless of the medium being utilized including but not limited to activities on social media. This policy applies to members of Council where social media is being used by them or on their behalf. The provisions of this policy are not intended to restrict the application of the Code of Conduct but rather to augment the obligations of members vis-à-vis the use of Social Media.

Confidentiality and Privacy

3. Members shall maintain the confidentiality of all Confidential Information as defined in section 1 and further described in section 6 of the Code of Conduct. Members shall not disclose, release or permit the release or disclosure of any Confidential Information on Social Media.

4. Members shall not post or allow the posting of personal information in any form or discuss situations regarding residents, staff, other identifiable individuals, suppliers, vendors or contractors without obtaining their consent. Members shall not use, post or allow the posting of copyrights, trademarks or other elements of intellectual property, including that of the City of Greater Sudbury, without the specific permission of the owners of such property. Members may consult with applicable City staff if they have questions regarding whether specific information is Confidential Information. When in doubt, Members shall, at all times, err on the side of caution and avoid disclosure of information which may be confidential.

Respect for other Members, Staff and the Public

5.(1) The expectation for conduct of Members on Social Media shall be the same as the decorum that is expected from Members in meetings of the Council. When communicating on Social Media, Members shall act with respect, dignity, courtesy and empathy towards others, and adhere to the same requirements described in the Code of Conduct as they would for any form of communication. Members shall ensure that debate is constructive and does not include personal attacks, discrimination, harassment, intimidation or insults.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Communications that are not respectful are inconsistent with the Code of Conduct and unbecoming of the office that Members hold as elected representatives.

(2) The public and permanent nature of Social Media can increase the risk of harming the professional and ethical reputation of municipal staff. When using Social Media, Members shall, at all times, be respectful of the role of staff to provide professional and politically neutral advice. Members shall not use Social Media to make personal attacks or engage in criticism of municipal staff.

(3) Members shall not disrespect, bully, shame or insult other Members or the public through the use of Social Media.

Identity of Members

6. Members shall, at all times, ensure that they identify themselves when using social media and shall not disguise their identity in any way.

Oversight of Social Media

7.(1) The use of Social Media by a Member brings with it the responsibility to manage it in accordance with the Code of Conduct and this Policy. Failure to properly manage Social Media technologies may lead to misuse and content which is not in accordance with the standards for Members described in the Code of Conduct and this Policy.

(2) Where Members choose to use Social Media technologies which permit other users to post content, they shall monitor such content regularly to ensure that the content is consistent with the Member's obligations under the Code of Conduct and this Policy. Where a Member supports, repeats or fails to monitor and remove content that fails to meet the requirements herein within a reasonable time, the content in question shall be attributed to the Member and subject to the application of the Code of Conduct and this Policy.

(3) To protect themselves and other users on their Social Media platforms from inappropriate behaviour or content, Members may need to modify a user's access to their content. Social Media applications allow users to do so in several ways up to and including blocking a user's access. In cases where such actions are required, Members should opt with the approach that preserves as much access to information and expression as possible. Members should consider the adoption of a terms of use policy for their Social Media that provides expectations for conduct and a clear process for users should they fail to meet such requirements.

Support for Decisions of Council

8. It is essential that residents understand and trust the decision-making process of their elected representatives. While Members in their individual capacity are not required to agree with all decisions made by the Council they shall accurately and adequately communicate information regarding such decisions when using Social Media. Members shall not malign a debate or decision or otherwise erode the authority of Council. Members shall clearly identify where they are expressing personal views, and not necessarily the views of the City.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026

Appendix 1 to Schedule "A"
to By-law 2019-16 of the City of Greater Sudbury

Compliance with Legislation, By-Laws and Policies

9. Members shall, at all times, comply with applicable legislation, regulations, by-laws and policies of the City and shall not recommend or counsel non-compliance by others through Social Media or litigation against the City.

Accuracy of Information

10. Information posted to Social Media creates a permanent record. Members shall ensure that the content they post on Social Media is accurate and factual. Members shall not post or allow the posting of any content which they know or ought to know is misleading or false.

UNOFFICIAL CONSOLIDATED VERSION TO JULY 2026