

Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com

CONFIDENTIAL

July 18, 2025

SENT BY EMAIL TO: kzamojski@arnprior.ca

Town of Arnprior
Mayor and Council
c/o Kaila Zamojski, Clerk
105 Elgin Street West,
Arnprior, Ontario
K7S 0A8

Dear: Mayor and Council:

**RE: Code of Conduct Complaint – Report – Councillor Lynn Cloutier
Our File No. 39242-3**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

{01378141.DOCX:}

TEL: 613-544-0211
FAX: 613-542-9814
EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)
WEB: WWW.CSWAN.COM

The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Timeline of Investigation

- March 19, complaint received
- March 21, 2025, complaint sent to Member
- April 14, 2025, Member request extension to respond
- April 25, 2025, receive response of Member
- April 28, 2025, send response to complainant
- May 9, 2025, response from complainant received
- May 23, 2025, commence interview process
- June 2, 2025, conduct interviews

Complaint Overview

Councillor Cloutier (the “Member”) was alleged to have demonstrated an ongoing pattern of behaviour that was unwelcome, unprofessional and not conducive to respectful Council and stakeholder relations. At times, the Member's behaviour was alleged to create an unpleasant environment for council, staff and committees.

The main incident investigated occurred at the Accessibility and Age Friendly Committee on March 5, 2025.

During the meeting, the Committee received a report from a consultant. The Member is alleged to have:

- Said to one of the consultants when technical difficulties made it difficult for members participating remotely, “you have to put your big girl panties on and speak up.”
- Cut off another member of the Committee and advised that the consultant did not want to hear about the member's child's needs as the report is intended for the senior population. Town staff and the consultant interjected and explained why the Committee member's experience was relevant and welcomed.
- Made faces and rolled her eyes in a highly exaggerated manner when she did not agree with something that was said.

- In response to one of the Committee members asking for clarification on an item, using an aggressive tone to interrupt the member and tell them to wait for the presenter to finish speaking.

After the meeting was over, two of the community members of the Committee had questions for staff that they had not wanted to disrupt the committee meeting with. They were in the midst of speaking with staff when the Member was leaving Council chambers. The Member returned to chambers and said to them, “wrap it up, ladies. Staff have had a long day and want to get home.” Staff responded that it was fine, to which the Member replied that she was kidding, and left.

Additional behaviours that were alleged in the complaint included:

- Obvious eye rolling at Council. This is alleged to happen when the Member does not agree with something being said by another member of Council.
- When the Member recently learned that a newly-hired employee was expecting her first child, she loudly stated that it was “deception” and “disappointing” that she had not disclosed this prior to being hired.
- After a particularly difficult closed session meeting, the Member went to the CAO’s office and told her that she has to make sure she keeps her big girl panties on and not show any emotion when dealing with difficult situations.
- The Member is alleged to regularly interrupt speakers, using an aggressive tone, to say, “you have to speak up.” The requests are not made in a respectful manner, nor are they made by raising her hand and going through the Chair.

Relevant Policy Provisions

The Code of Conduct

The Complaint engages the following provision of the Code of Conduct:

5.1 Interpersonal Behaviour

a. Treat Every Person with Dignity, Understanding and Respect:

o Members shall refrain from abusive conduct, personal charges, verbal attacks, discrimination or gossip upon the character or motives of municipal employees, Councillors, Committee Members, Volunteers, or the public. Members shall abide by the Town of Arnprior’s Workplace Violence Prevention and Workplace Harassment Policies and Programs, as well as the Ontario Human Rights Code, and shall take these policies and legislation and their contents into account at all times when considering etiquette. All dealings with any person are to exhibit a high degree of professionalism

and are to be based on honesty, dignity, understanding, respect, impartiality and fairness.

...

Findings

The Member did not dispute what was said in the March 5, 2025 Committee meeting.

A number of attendees of this meeting were interviewed and they confirmed the allegations contained in the complaint. Specifically, the Integrity Commissioner finds that the Member:

- Told a consultant retained by the municipality, “you have to put your big girl panties on and speak up.”
- Cut off a member of the Committee to tell them that the consultant did not want to hear about their child’s needs.
- Made faces and rolled her eyes when she did not agree with something that was said.
- In response to one of the Committee members asking for clarification on an item, interrupted the member and told them to wait for the presenter to finish speaking.
- After the meeting, the Member interrupted two members of the Committee who were speaking with staff to say, “wrap it up, ladies. Staff have had a long day and want to get home.”

The Member explained that her comments to “put on your big girl panties and speak up” and “wrap it up, ladies. Staff have had a long day and want to get home.” were attempts at humour. None of those interviewed agreed that the statements were humorous.

With respect to behaviours not focused solely on the March meeting, the Integrity Commissioner finds:

- That every witness interviewed confirmed that the Member rolls her eyes and is “expressive” in non-verbal ways when she disagrees with something. The Member denies that she rolls her eyes, but did acknowledge that her face is “expressive”.
- That the Member stated that it was “deception” and “disappointing” that a newly-hired staff member had not disclosed their pregnancy prior to being hired. The Member denies making this statement, but also stated that she did not make the statement in front of the staff member. Based on the witnesses interviewed, we find that the statement was made and that it was made in a public setting, albeit not directly in front of the affected staff person.
- That the Member told the CAO that she had to make sure she, “keeps her big girl panties on” and not show any emotion when dealing with difficult situations at Council.

The Member did not dispute saying this, but claimed it was a private conversation that was not on a “work level”.

- That the Member regularly interrupts speakers, uses an aggressive tone, and asks them to speak up. We find that the Member has made the comment to female staff and others about “putting their big girl panties on” in a number of circumstances outside the March meeting. The Member denies that she is aggressive when telling people to speak up, but this is inconsistent with the witnesses interviewed. Witnesses described the Member’s tone as “jarring”, “disrespectful”, “aggressive”, “rude”, “condescending”, “attacking”, and generally lacking tact.

Concern was raised during the investigation by more than one person that members of the Committee may leave the Committee if the Member’s behaviour does not change.

Section 5.1(a) is engaged by this complaint. The Integrity Commissioner finds the following:

- Using the phrase, “you have to put your big girl panties on and speak up” when addressing the consultant at the March 5th meeting is inconsistent with the obligation to act with professionalism and respect. This is a breach of the Code of Conduct.
- Cutting off a member of the Committee to tell them that the consultant did not want to hear about their child’s needs lacks respect for the view of a fellow Committee member. We note that this type of belittling comment is symptomatic of the general nature of the complaint that the Member treats others disrespectfully. This is a breach of the Code of Conduct.
- Making faces and rolling her eyes at the March 5th meeting is not a breach of the Code of Conduct. It is certainly not professional and is behaviour that the Integrity Commissioner discourages, but this isolated aspect of the complaint does not rise to the level that breaches the minimum behaviour expected of a Member of Council.
- Interrupting a Committee member at the March 5th meeting and telling them to wait for the presenter to finish speaking is not a breach of the Code of Conduct. As with facial expressions, this is a behaviour that is inappropriate depending on the tone used and the manner in which the message is delivered – and a comment that must be made with more tact and politeness than how the Member expressed herself – but it does not rise to the level of behaviour that breaches the Code of Conduct.
- Interrupting two members of the Committee who were speaking with staff after the March 5th meeting to say, “wrap it up, ladies. Staff have had a long day and want to get home.” is neither polite nor professional and was viewed by those present as abusive. This is a breach of the Code of Conduct.
- Stating that it was “deception” and “disappointing” that a newly-hired staff member had not disclosed their pregnancy prior to being hired is a form of gossip

that demeans the character of a staff member. This statement is also abusive. This is a breach of the Code of Conduct.

- Advising the CAO to, “keep her big girl panties on” and not show any emotion when dealing with difficult situations at Council is not professional or respectful. That the Member felt this was a private conversation is irrelevant. Members of Council must always consider their role and the power imbalance with staff when interacting with staff. This is a breach of the Code of Conduct.
- Regularly interrupting speakers, using an aggressive tone, and asking them to speak up was behaviour that all witnesses reported observing on multiple occasions. The request to speak up was also sometimes paired with a comment to, “put their big girl panties on”. As an isolated incident (such as the March Committee meeting) asking someone to speak up is not a breach of the Code of Conduct. However, the manner in which the Member makes this repetitive request was described as “jarring”, “disrespectful”, “aggressive”, “rude”, “condescending”, “attacking”, and generally lacking tact. We should note that this description was not limited to asking people to speak up, it was a more general characterization of the manner in which the Member speaks to people – it was simply noted most often in the circumstance of asking others to speak up, although not exclusively in that circumstance. Given the frequency and consistency in which the Member’s manner of communicating was described by witnesses, the Integrity Commissioner finds that this overall behaviour is a breach of the Code of Conduct as it was abusive and lacked respect and professionalism.

Recommendation

The Member breached section 5.1 (a) of the Code of Conduct by various behaviours. The general nature of the findings of this investigation is that the Member often communicates in an aggressive and demeaning manner that is not respectful.

The Code of Conduct directs the Integrity Commissioner to ensure that any sanction is, “fair and in keeping with the severity of the infraction, giving due regard to the Member’s previous conduct”. This is the first complaint brought before us with respect to this Member. However, the behaviours that form the subject of the complaint are clearly persistent and ongoing. We must also consider the impact the behaviour is having on the reputation of the municipality, on members of the Committee, Council and on staff. Here we note the comments from more than one witness that they are concerned the municipality will begin to lose Committee members if this behaviour persists.

In the circumstances, we are not recommending a financial penalty. The behaviour is inappropriate, but a sanction other than financial is recommended to better reflect the severity of the behaviour and to attempt limit the impact of the behaviour.

The Integrity Commissioner recommends that Council remove the Member from the Accessibility and Age Friendly Committee for a period of 6 months. After 6 months, Council can consider returning the Member to the Committee, but the Integrity Commissioner suggests that Council consider any such return as a member, and not as Chair. Should the Member's behaviour warrant it, the Committee can determine whether elevating the Member to Chair is what is best for the Committee.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



Tony E. Fleming, C.S.
LSO Certified Specialist in Municipal Law
(Local Government / Land Use Planning)
Anthony Fleming Professional Corporation
TEF