



Ombudsperson releases report on complaint handling by the Rural Municipality of Victoria

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Report identifies unfair processes and recommends action and public correction before municipal election

CHARLOTTETOWN, PEI – OmbudsPEI has released a new report examining how a rural municipality received, assessed and acted on code of conduct, conflict of interest and workplace-harassment allegations involving a former councillor.

The report, titled *Conduct and Conflict: Unfair Complaint Handling by the Rural Municipality of Victoria*, details how required procedures were repeatedly not followed by the municipality. Among other concerns, OmbudsPEI found that council reached a code of conduct decision without the required independent investigation, imposed an unlawful indefinite suspension, continued to improperly exclude the councillor after the suspension was rescinded and incorrectly purported to disqualify the councillor after their resignation.

The report also details that the mayor misinformed residents that the former councillor could not serve on council or committees in the future, implying that they could not be a candidate in the current election.

“This report is about fair process and lawful decision-making, not about taking sides in the underlying disagreements,” said Matthew Chapman, Ombudsperson and Public Interest Disclosure Commissioner. “Municipal councils may face difficult, contested complaints. Those circumstances make it more important, not less, that the required procedures are followed and that affected people have a fair opportunity to respond.”

The report makes recommendations to the municipality:

- rescind the purported disqualification and correct the official record;

- publicly confirm that the former councillor is not prohibited from seeking or holding future municipal office or serving on municipal committees and;
- provide a written apology to the former councillor and a public apology to residents;

“Public correction is necessary because residents were given inaccurate information about the former councillor’s eligibility for future municipal office,” Chapman said. “The report is being released now because the investigation and the required opportunity for impacted parties to make final representations has concluded. Its purpose is to correct the record about candidate eligibility before residents vote, not to assist or oppose any candidate.”

Recognizing the unfairness identified in the report, the Department of Housing and Communities has committed to developing a policy to guide decisions about official examinations of municipalities and to proposing legislative and regulatory amendments that would establish a process for reviewing how municipal code of conduct complaints are handled in the future.

The report does not determine whether the allegations against the former councillor were substantiated. Its findings concern the fairness, reasonableness and legality of the processes used to address them. Findings made under the *Ombudsperson Act* are the Ombudsperson’s opinions and are not judicial declarations or findings of civil liability, bad faith or personal misconduct.

The full report can be viewed at www.ombudspei.ca/cases-and-reports/.

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About OmbudsPEI

As an independent office of the Legislature, OmbudsPEI investigates complaints of unfair treatment by government agencies and provides general oversight of government administrative processes under the

Ombudsperson Act. The Ombudsperson has a broad mandate to investigate complaints about unfair treatment, process or decisions by public sector agencies such as government ministries, agencies boards and commissions, municipalities and Health PEI.

OmbudsPEI promotes fairness, transparency and accountability in the public sector to enhance good governance and public confidence in government. Our work improves public services for all Islanders.

If any Islander believes they have experienced unfairness in their interactions with a provincial agency, they can contact OmbudsPEI to explore options for making a complaint. Our services are free and confidential.

Matthew Chapman also serves as PEI's Public Interest Disclosure Commissioner pursuant to his appointment under the *Public Interest Disclosure and Whistleblower Protection Act*. Public servants can report wrongdoing by making a protected disclosure or complaint about a reprisal to the office.

For more information about OmbudsPEI, visit ombudspei.ca.