

The Brantford Expositor

Littell did not violate conduct code: report;

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Illustrations: photo of Coun. Mark Littell

An integrity commissioner says that a code of conduct complaint filed by a city employee against Coun. Mark Littell should be dismissed.

In a report obtained by The Expositor, the commissioner was critical of Littell's conduct in one incident involving the employee. However, George Rust-D'Eye ruled that his actions did not justify the charge of harassment.

Those are the conclusions of Rust-D'Eye, an interim integrity commissioner hired by the city to investigate a complaint of harassment filed by Christina Chambers, an employee in the parks and recreation department.

Rust-D'Eye's report will be discussed Monday in a special council meeting. Littell declined Wednesday to comment on the report.

"Legislation requires that council receives it first and has a chance to vote on it," he said. "After it's received, I will make a statement."

Chambers also declined to comment. In her complaint filed last month, Chambers, an employee with 28 years of service with the city, said that Littell "harassed" and "bullied" her in a telephone conversation at work in June 2009.

She also said that Littell's conduct toward her contravened a number of other sections of code.

Littell's phone call to Chambers was made shortly before he filed a complaint against her under the code of conduct for employees. Littell's complaint concerned emails critical of the councillor that Chambers sent using the city's computer and her city email address, which were widely circulated.

Chambers later was disciplined for those activities, with a letter of reprimand placed in her employee file.

When Chambers later filed her complaint against Littell, council followed the advice of the city solicitor and ordered the hiring of Rust-D'Eye as an interim integrity commissioner to conduct an investigation.

Rust-D'Eye interviewed Chambers and Littell.

In his report, Rust-D'Eye concentrated on the phone call.

"I believe that the relevant conclusion to be made at this time concerns the issue of whether or not Coun. Littell engaged in harassment of Ms. Chambers by

the making of the telephone call, and the tone and manner in which he addressed her in the course of their brief conversation," the integrity commissioner writes.

Rust-D'Eye noted Littell said under questioning that he called Chambers merely to verify that she was the same one who had sent an email on city equipment and wrote critical letters to the editor of The Expositor.

He said he identified himself when asked, then said "goodbye" and hung up the phone.

The commissioner also noted that Chambers claimed under questioning that Littell's conduct toward her in the call was "extremely obnoxious," "very offensive verbal abuse," "condescending comments," "verbal harassment and intimidation," "extremely harassing and bullying," and that he "(slammed) the phone down in my ear."

Rust-D'Eye concluded that Littell "clearly conveyed to Ms. Chambers a sense of anger and resentment against her for sending the emails, providing substantial justification for her subjective reaction and conclusions as expressed in her complaint."

He also concluded there was no indication that Littell used "foul language or words involving threats or words of intimidation" in the brief conversation.

"He may well have felt that he had been unfairly treated by public circulation of political criticism of his work as a member of council, communicated by a city employee using city facilities at her workplace desk during company time," Rust-D'Eye writes.

"I conclude that Coun. Littell should not have made the telephone call prior to filing his complaint, and that at the very least he should have identified himself to Ms. Chambers at the outset of the conversation."

But Rust-D'Eye also concluded that the call did not contravene the code of conduct and recommended that the complaint be dismissed.

He said it should be left to Littell to decide whether to apologize to Chambers.

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