

Publication ban: Any information that could identify the Complainant in the present decision may not be published, broadcast or transmitted in any way.



**ROYAL CANADIAN MOUNTED POLICE**

in the matter of  
a conduct hearing held pursuant to the  
*Royal Canadian Mounted Police Act*, RSC, 1985, c R-10

Between:

**Designated Conduct Authority for “E” Division**

(Conduct Authority)

and

**Constable Kalan Gillmann**  
Regimental Number 64133

(Subject Member)

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**CONDUCT BOARD DECISION**

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Stéphanie Côté and Eric Blenkarn

(Conduct Authority Representatives)

Anita Atwal and Rosie Schlaginweit

(Subject Member Representatives)

**CONDUCT BOARD:** Kevin L. Harrison  
**DATE:** July 23, 2025

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## SYNOPSIS

On January 10, 2023, the Subject Member was served a *Notice of Conduct Hearing*, dated December 9, 2022. It contained one allegation under section 2.1 of the RCMP Code of Conduct. The Subject Member is alleged to have engaged in discourteous or disrespectful behaviour, harassment and sexual harassment, both on and off duty. The original *Notice of Conduct Hearing* contained 44 Particulars.

On July 31, 2023, the Parties delivered an *Agreed Statement of Facts* and a joint proposal on conduct measures to the Conduct Board.

On September 6, 2023, the Conduct Authority signed an amended *Notice of Conduct Hearing*. The single Allegation under section 2.1 of the Code of Conduct remained with 19 corresponding Particulars.

On September 22, 2023, a conduct hearing was held. The Subject Member admitted the Allegation. Furthermore, the Conduct Board accepted the Parties' joint proposal on conduct measures and imposed the following conduct measures:

- a) a reduction to the next lower level of pay for a period of one year;
- b) a direction for the Subject Member to be ineligible to act as a field coach in the RCMP Field Coaching Program for a period of two years;
- c) a direction for the Subject Member to complete the following two courses at his own expense and on his own time (meaning not during work hours) and to be completed within three weeks of his return to work:
  - i. Eliminating Workplace Sexual Harassment offered by the Canadian Police Knowledge Network
  - ii. Workplace Equity Diversity and Inclusion in Action offered by the Canadian School of Public Service
- d) a direction for the Subject Member to write a formal letter of apology to the Complainant.

## INTRODUCTION

[1] The Subject Member is facing one allegation under section 2.1 of the RCMP Code of Conduct.

[2] On July 14, 2022, the Conduct Authority signed a *Notice to the Designated Officer*, in which they requested the initiation of a conduct hearing in relation to this matter. On July 20, 2022, the Designated Officer appointed me as the Conduct Board, per subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*].

[3] The original *Notice of Conduct Hearing* contained 44 Particulars detailing that the Subject Member allegedly engaged in discourteous or disrespectful behaviour, harassment and sexual harassment, both on and off duty. On July 31, 2023, the Parties provided me with an *Agreed Statement of Facts* and a joint proposal on conduct measures. Following discussions with the Parties, I was presented with an amended *Notice of Conduct Hearing* signed by the Conduct Authority on September 6, 2023. The single Allegation remained under section 2.1 with 19 corresponding Particulars.

[4] The Conduct Hearing was held on September 22, 2023. The Subject Member admitted the Allegation. Furthermore, I accepted the joint proposal on conduct measures and imposed four conduct measures:

- a) the reduction to the next lower level of pay for one year;
- b) the ineligibility to act as a field coach in the RCMP Cadet Field Training Program for two years;
- c) the completion of two training courses; and
- d) a direction for the Subject Member to write a letter of apology to the Complainant.

### Publication ban

[5] The Conduct Authority Representatives requested that I order a publication ban pursuant to paragraph 45.1(7)(a) of the *RCMP Act*. This provision allows a conduct board to prohibit the publication of information that could identify a complainant, a witness or a person under the age

of 18. The Subject Member did not oppose the request. Accordingly, I ordered that any information that could identify the Complainant shall not be recorded, transmitted or broadcast in any way.

## ALLEGATION

[6] The amended *Notice of Conduct Hearing* read to the Subject Member during the Conduct Hearing contained the following Allegation and Particulars:

### **Allegation 1**

Between March 26, 2021, and September 12, 2021, at or near Kitimat, in the province of British Columbia, Constable Kalan Gillmann failed to treat every person with respect and courtesy, engaged in harassment and engaged in sexual harassment specifically and repeatedly directed at and offensive to, another individual, contrary to section 2.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

1. At all relevant times [Constable] Gillmann was a member of the Royal Canadian Mounted Police (“RCMP”) posted to the Kitimat Detachment, “E” Division, in the Province of British Columbia.
2. [Constable] Gillmann was a field coach in the Field Coaching Program (“FCP”) program.
3. The FCP is a six-month program where new RCMP members apply in an operational setting, the knowledge and skills acquired at Depot, with guidance from a field coach who is an experienced RCMP officer.
4. On March 26, 2021, [the Complainant], a new RCMP member, commenced the FCP with [Constable] Gillmann assigned as her field coach.
5. [Constable] Gillmann was in a position of authority towards [the Complainant]; as her field coach, he evaluated her performance as a new member in training and his recommendations at the end of the FCP would have a significant impact on her career. Failure to successfully complete the FCP could result in the termination of her employment as a member of the RCMP.
6. Between March 26, 2021, and September 13, 2021, [Constable] Gillmann made discourteous and inappropriate comments to and in the presence of [the Complainant]. During the same period of time, [Constable] Gillmann also engaged in harassment and sexual harassment of [the Complainant].
7. As a result of [Constable] Gillmann’s comments and behaviour, [the Complainant] was offended, belittled and humiliated.
8. All the comments and behaviour described hereinafter occurred in the presence of [the Complainant]

9. On or about March 26, 2021, [Constable] Gillmann told [the Complainant] that his wife's name is also [B.] and that he is going to try not to call her, [the Complainant], "babe" by accident.
10. On or about June 15, 2021, [the Complainant] and her partner went to dinner at [Constable] Gillmann's residence. At this time, [Constable] Gillmann talked about inequalities in trade fields and how women and people of colour get more opportunities, grants, and scholarships. This was [Constable] Gillmann's observations based on his experience.
11. On or about July 16, 2021, [the Complainant] was walking up the stairs at the detachment. When she reached the top of the stairs, [Constable] Gillmann was there and said that he knew it was her walking up the stairs because it sounded, 'big, slow, and depressed'.
12. On or about July 19, 2021, [the Complainant] was brainstorming a CAPRA (Clients, Acquiring and analyzing information, Partnership, Response, Assessment of continuous improvement) project:
  - a. She suggested to [Constable] Gillmann that she does LGBTQ2S+ outreach.
  - b. [Constable] Gillmann told her that she could not because she was not part of that community. He made this suggestion because the recent suicide of an Indigenous trans youth in Kitimat resulted in LGBTQ2S+ issues being a sensitive topic in the Kitimat community.
  - c. When [the Complainant] stated that she was part of "that community", [Constable] Gillmann asked her what she identified as.
  - d. This question offended and disgusted [the Complainant], as she felt that [Constable] Gillmann's tone was 'making fun' of the situation. She replied that she did not have to tell him how she identified.
13. On or about July 19, 2021, [Constable L.B.], one of the members of [the Complainant]'s Watch, had his wisdom teeth removed and was having a hard time chewing:
  - a. Members, some being part of the D Watch, started making jokes about being like a baby bird needing food mashed up.
  - b. This led the conversation to turn to the television show "The Boys", that [Constable] Gillmann and several other members were watching during their personal lives. There was a scene in which a mutant woman was receiving oral sex and crushed a man's head with her thighs like a watermelon. [Constable] Gillmann and the other members discussed this scene, which included sexually explicit conduct.

14. On or about August 3, 2021, [Constable] Gillmann was part of a team in charge of executing a search warrant at a private residence. He was tasked with bringing the battering ram to breach the door. Later that day, [Constable] Gillmann was in the main office area and was making jokes in front of members of the Watch regarding his genitals and using his “dick” and groin areas to bash open doors, calling his genitals “the ram”, as he had forgotten the actual ram back at the detachment that day.
15. On or about August 4, 2021, [the Complainant] was working on files involving Facebook frauds. This was important to her as a method to expand her investigative experience, and she asked [Constable] Gillmann for advice since he was her field coach. [Constable] Gillmann told [the Complainant] that what she was working on was “bottom-of-the-barrel stuff” and that it was “unimportant”.
16. On or about August 4, 2021, [Constable] Gillmann was in the main office area. [Constable] Gillmann and other members of the Watch, including [Constable A.G.], made jokes about the best way to take pictures of testicles in the sunset. [Constable] Gillmann demonstrated how to take such a picture by leaning forwards and reaching between his legs, pretending to take photos from behind.
17. On September 3, 2021, [the Complainant] was on her day off with her partner and was asked by [Constable] Gillmann to attend the office to sign some forms for FCP:
  - a. [The Complainant] attended the detachment with her partner.
  - b. [Constable] Gillmann then told [the Complainant] that she would have to restart the FCP and gave her numerous forms to sign.
  - c. On one of the forms, [Constable] Gillmann had indicated that [the Complainant] had mental difficulties:
    - i. When [the Complainant] asked about what this comment meant, [Constable] Gillmann explained that he perceived [the Complainant] to be struggling with not liking Kitimat and its weather, her boyfriend not having a job, stressors on her police files and her piano not fitting in her house.
    - ii. [The Complainant] was of the opinion that this did not correspond to what having “mental difficulties” meant and was offended by the suggestion that she had mental difficulties.
    - iii. [The Complainant] suggested that [Constable] Gillmann change the wording to something like “issues with stress”.
    - iv. [Constable] Gillmann changed the wording to “lifestyle and fitness have been a struggle due to injuries and have [*sic*] added extra stress”.

- v. [The Complainant] was upset at the meeting and could not articulate how she felt, but she felt pressure to sign the forms.
  - d. [Constable] Gillmann did not give [the Complainant] copies of the documents she signed.
  - e. On the same day, after the meeting, [the Complainant] asked [Constable] Gillmann to shred the documents she signed as she did not feel right about signing them:
    - i. She also asked for unsigned copies of the documents so she could review them.
    - ii. A discussion followed where [Constable] Gillmann reprimanded [the Complainant] for not having communicated her discomfort earlier at the meeting and told her that this was a prime example of her lacking in communication.
    - iii. In the end, the signed copies were not shredded.
  - f. On September 7, 2021, [the Complainant] found what appeared to be unsigned copies of the forms she had been presented with on September 3, 2021.
  - g. The signed copies went to Staff Sergeant Morgan, who told [Constable] Gillmann not to submit them to Field Coaching.
  - h. Staff Sergeant Morgan also directed [Constable] Gillmann not to have any contact with [the Complainant]
18. On or about September 13, 2021, [the Complainant] was sitting at a computer in the computer area of the detachment:
- a. [Constable] Gillmann came in and asked another constable who was using the computer right across from [the Complainant] if he could look something upon that computer.
  - b. [The Complainant] felt that there were other computers that [Constable] Gillmann could have used and that he was trying to intimidate her. She stood up and went to the records rooms until [Constable] Gillmann left.

### **In Summary**

19. The incidents described above illustrate that [Constable] Gillmann failed to treat every person with respect and courtesy and that he engaged in harassment, including sexual harassment, towards [the Complainant]



## Analysis

[7] Per subsection 45(1) of the *RCMP Act*, my role as a conduct board is to decide whether each allegation under the Code of Conduct is established. The conduct authority has the onus of establishing the allegations on a balance of probabilities. This means that I must find that it is more likely than not that the Subject Member contravened the Code of Conduct. This burden is met with sufficiently clear, convincing and cogent evidence.

[8] The Conduct Authority need not prove every Particular set out in the *Notice of Conduct Hearing* as some are included simply to give context to the Allegation.

[9] To establish an allegation of discourteous or disrespectful conduct under section 2.1 of the Code of Conduct, the Conduct Authority must establish each of the following on a balance of probabilities:

- a) the identity of the subject member;
- b) the action(s), comment(s) or conduct that the subject member is alleged to have made or engaged in; and
- c) that an objective, reasonable person with knowledge of all relevant circumstances would view this behaviour as discourteous or disrespectful.

[10] To establish an allegation of harassment under section 2.1 of the Code of Conduct, the Conduct Authority must establish each of the following on a balance of probabilities:

- a) the identity of the subject member;
- b) the action(s), comment(s) or conduct the subject member is alleged to have made or engaged in;
- c) the action(s), comment(s) or conduct events are related to the workplace or linked with employment; and
- d) that a reasonable person, after a full contextual analysis of all circumstances, would feel offended or humiliated or suffer an injury or illness as a result of the actions, comments or conduct.

[11] The test for sexual harassment is the same as the test for harassment; however, the actions, comments or conduct must be of a sexual nature. The test for determining whether sexual

harassment occurred is whether a reasonable person in light of all the circumstances would conclude that the act was sexual in nature.

[12] The Particulars set out in the amended *Notice of Conduct Hearing* accurately represent the evidence contained in the investigation report and supporting material. The Subject Member admitted the Allegation and all 19 Particulars. In making this full admission, the Subject Member did not simply admit the facts, he admitted that his conduct met all of the elements of the aforementioned tests. Therefore, I do not need to conduct a detailed analysis of the Particulars or the elements of the misconduct.

[13] I note that not all of the Subject Member's actions were directed at the Complainant. Several of the more disturbing incidents, such as the conversation flowing from the television show "The Boys" (Particular 13.b), the Subject Member's actions in relation to the forgotten battering ram (Particular 14) and the discussion about photographing his genitals (Particular 16), were made in the presence of other members, including the Complainant. That said, as Particular 7 notes, the cumulative result of the Subject Member's comments and behaviour was that the Complainant was offended, belittled and humiliated.

[14] I find that the Subject Member engaged in an overall pattern of behaviour both on- and off-duty that falls under section 2.1 of the Code of Conduct in relation to all three aspects of that section, namely discourteous or disrespectful conduct, harassment and sexual harassment.

[15] Based on the foregoing, I find Allegation 1 to be established on a balance of probabilities.

## **CONDUCT MEASURES**

[16] Having found Allegation 1 established, per subsection 45(4) of the *RCMP Act*, I am obliged to impose at least one conduct measure set out in that subsection. These conduct measures include dismissal, a direction to resign and "one or more of the conduct measures provided for in the rules". The conduct measures "provided for in the rules" are found at sections 3, 4 and 5 of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291 [*CSO (Conduct)*].

### **Joint proposal on conduct measures**

[17] The joint proposal on conduct measures provided by the Parties included the following conduct measures:

- a) a reduction to the next lower level of pay for a period of one year;
- b) a direction for the Subject Member to be ineligible to act as a field coach in the RCMP FCP for a period of two years;
- c) a direction for the Subject Member to complete the following two courses at his own expense and on his own time (meaning not during work hours):
  - i. Eliminating Workplace Sexual Harassment offered by the Canadian Police Knowledge Network
  - ii. Workplace Equity Diversity and Inclusion in Action offered by the Canadian School of Public Service
- d) a direction for the Subject Member to write a formal letter of apology to the Complainant.

[18] The joint proposal included a well-considered rationale that incorporated the five foundational principles that RCMP conduct boards are applying to determine appropriate conduct measures. I have taken the entire proposal into account with respect to the proposed conduct measures. The Parties made no further submissions relative to conduct measures during the Conduct Hearing.

### **Common law on joint proposals**

[19] The Supreme Court of Canada recognizes that joint proposals on criminal sanctions are not only an accepted and desirable practice, but they are “vitally important to the well-being of our criminal justice system, as well as our justice system at large”.<sup>1</sup> The Supreme Court further notes that the majority of such agreements are “unexceptional” and readily approved by decision makers.

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<sup>1</sup> *R. v Anthony-Cook*, 2016 SCC 43 [*Anthony-Cook*], at paragraph 25.

However, decision makers are not obliged to follow them for various reasons. These notions are equally applicable to conduct adjudicators in the RCMP conduct regime.<sup>2</sup>

[20] The Supreme Court declared the “public interest” test as the test a decision maker must apply when considering a joint proposal. The question that must be answered “is whether the proposed sentence would bring the administration of justice into disrepute or would otherwise be contrary to the public interest”.<sup>3</sup> Moreover, the Supreme Court notes that the following statements made by the Newfoundland and Labrador Court of Appeal capture the essence of the “public interest” test:

[33] [...] despite the public interest considerations that support imposing it, it is so “markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system”. [...] trial judges should **“avoid rendering a decision that causes an informed and reasonable public to lose confidence in the institution of the courts”**.<sup>4</sup>  
[Emphasis added]

[21] Consequently, in this case, I must consider whether the joint proposal on conduct measures is so markedly out of line with the expectations of a reasonable person aware of the circumstances of the case that they would view it as a breakdown in the proper functioning of the RCMP conduct process.

### **Application of five foundational principles**

[22] The current process used by conduct boards to determine appropriate conduct measures is based on five general principles that are set out in two separate reports prepared for the RCMP.<sup>5</sup>

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<sup>2</sup> *Rault v Law Society of Saskatchewan*, 2009 SKCA 81, at paragraph 17; *Constable Coleman v Appropriate Officer, “F” Division*, (2018) 18 AD (4th) 270.

<sup>3</sup> *Anthony-Cook*, at paragraph 5.

<sup>4</sup> *Anthony-Cook*, at paragraph 33, citing *R. v Druken*, 2006 NLCA 67, at paragraph 29; *R. v B.O.2*, 2010 NLCA 19 (CanLII), at paragraph 56.

<sup>5</sup> Paul Ceyssens and W. Scott Childs, “Phase 1” *Final Report Concerning Conduct Measures, and the Application of Conduct Measures to Sex-Related Misconduct under Part IV of the Royal Canadian Mounted Police Act*, Report to the Royal Canadian Mounted Police (February 24, 2022) (*Phase 1 Final Report*); Paul Ceyssens and W. Scott Childs, “Phase 2” *Final Report Concerning Conduct Measures and Related Issues under Part IV of the Royal Canadian Mounted Police Act*, Report to the Royal Canadian Mounted Police (January 31, 2023).

*Accordance with purposes of Part IV of RCMP Act*

[23] Conduct measures must accord with the purposes of the RCMP complaint and conduct process, which are found under Part IV of the *RCMP Act*. Section 36.2 of the *RCMP Act* sets out the purposes of Part IV, which, generally speaking, seeks to address four specific interests:

- a) the public interest;
- b) the RCMP's interests as both an employer and a public institution;
- c) the member's interest in being treated fairly; and
- d) the interests of affected individuals.

[24] My role is to balance these competing interests to arrive at the appropriate conduct measures in conjunction with the other four foundational principles.

*Public interest*

[25] The Parties acknowledge that police officers, including members of the RCMP, are held to a higher standard as compared to employees generally because they hold a position of trust and authority. The Subject Member's actions have the potential to impact public confidence in the RCMP.

[26] The Parties submit that the public interest is served by the proposed conduct measures because the Subject Member is being held to account for his actions. The proposed conduct measures include a significant financial penalty with a reduction to the next lower level of pay for one year. This significant financial penalty provides a clear message that the RCMP will not tolerate harassment of any kind. The proposed additional training protects the public interest as it will ensure that the Subject Member is fully aware of his obligations in maintaining a respectful workplace in the future. I agree with the joint proposal and accept that the proposed conduct measures adequately address the public interest.

*RCMP's interest*

[27] The RCMP has an interest in ensuring that members who breach the Code of Conduct are dealt with appropriately to maintain the public confidence.

[28] The Parties suggest that the additional training the Subject Member will receive and his prohibition from acting as a field coach in the RCMP FCP serve the RCMP's interests by mitigating against any recurrence of similar conduct. I agree and accept that the proposed conduct measures adequately address the RCMP's interest as both an employer and a public institution.

***The Subject Member's interest as subject member***

[29] The Subject Member's interest is in being treated fairly. Although this matter did not proceed to a full conduct hearing, the Subject Member has been afforded all of the opportunities of procedural fairness provided for in the RCMP conduct process up to this point.

[30] The Parties accepted that the Subject Member is being treated fairly through the imposition of the proposed conduct measures. He will be provided additional training, which is important for him to avoid further conduct of the nature demonstrated in this proceeding. The financial penalty is commensurate with his actions. I agree and accept that the proposed conduct measures adequately address his interest in being treated fairly.

***The Complainant's interest as affected person***

[31] I must also consider the interests of the Complainant as an affected person. The Conduct Authority Representatives advised me that the Complainant has been involved in the resolution process in this matter and that the Complainant has specifically requested an apology letter, which is one of the proposed conduct measures. Although I did not hear from the Complainant directly, I am satisfied that the Complainant's interests and views have been considered in the joint proposal.

***Predominance of educative and remedial conduct measures***

[32] In keeping with paragraph 36.2(e) of the *RCMP Act*, I must administer "conduct measures that are proportionate to the nature and circumstances of the contravention and, where appropriate, that are educative and remedial rather than punitive".

[33] The Parties submit that the proposed conduct measures are remedial and corrective. The prohibition from acting as a field coach for an extended period and the training he will be required

to undertake will provide the Subject Member with an opportunity to reflect on his actions, learn from this proceeding, and remedy his behaviour. The financial penalty is significant; however, the Subject Member will be permitted to retain his employment with the RCMP. I agree with the joint proposal and accept that the proposed conduct measures are appropriate in the circumstances of this case.

*Presumption of least onerous conduct measure*

[34] Where several conduct measures are appropriate, a presumption of the least onerous disposition should prevail. This presumption can be supplanted if the public confidence in the administration of the RCMP conduct process and/or the organizational effectiveness of the RCMP is undermined.

[35] The Parties submit that the presumption is not displaced by the public interest in this case. The Parties agree that the Subject Member's conduct does not warrant dismissal. The proposed conduct measures are sufficient to emphasize deterrence of the Subject Member's behaviour and to maintain confidence in the administration of the RCMP conduct process. I agree and accept the Parties' submissions with respect to this principle.

*Proportionality*

[36] The proportionality analysis is the most technical and complex aspect to the application of the five foundational principles.

[37] Paragraph 36.2(e) of the *RCMP Act* and subsection 24(2) of the *CSO (Conduct)* state that conduct measures are to be "proportionate to the nature and circumstances of the contravention" of the Code of Conduct.

[38] Conduct boards must start by identifying the relevant proportionality factors, then assess whether each identified factor is mitigating, aggravating or neutral. Finally, the conduct board must balance or weigh these considerations to arrive at appropriate conduct measures.<sup>6</sup>

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<sup>6</sup> *Phase 1 Final Report*, at section 7.1.

[39] The *Phase 1 Final Report* lists 15 proportionality factors.<sup>7</sup> This is not an exhaustive list. I will assess each one in some fashion.

***Public interest***

[40] I have already addressed the public interest to a degree but will add that the impact of the Subject Member's actions on the RCMP's reputation and the public expectation of police officers being held to a higher standard, whether on or off duty, is an aggravating proportionality factor.

***Seriousness of misconduct***

[41] The Allegation is serious. It includes harassment and sexual harassment. Sexual harassment falls within the broader category of sexual misconduct. The RCMP has adopted a policy of presumptive dismissal for conduct matters involving sexual misconduct, which demonstrates that the RCMP is treating sexual misconduct matters seriously.

[42] The seriousness of the Subject Member's conduct is compounded by the fact that, as noted by the Parties, he was in a position of authority in relation to the Complainant and was performing a supervisory role. The seriousness of the Subject Member's actions is an aggravating proportionality factor.

***Recognition of seriousness of conduct (remorse)***

[43] The Subject Member recognizes the seriousness of his conduct. He has accepted responsibility for his actions by admitting the Allegation. He has written a letter of apology, which is one of the conduct measures expressly requested by the Complainant. Although I did not see the letter, the Conduct Authority Representatives assured me that they read it and that it adequately demonstrates the Subject Member's recognition of the seriousness of his actions and that he is sincere in the apology.

[44] I consider this to be a mitigating proportionality factor.

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<sup>7</sup> *Phase 1 Final Report*, at section 9.5.



***Employment history***

[45] I have no details of the Subject Member's employment history other than what the Parties provided me in their analysis of the joint proposal on conduct measures. In the absence of any evidence to the contrary, I accept what the Parties provided to me, which is as follows.

[46] The Subject Member has been a member of the RCMP since 2018. During his career, the Subject Member has received positive performance evaluations and learning plans. The Subject Member has been a team player and has gone beyond what is expected of him, such as assisting other members on files and mentoring junior members. The Subject Member has undertaken responsibilities beyond his years of service. For example, after a year of service, he was moved into First Nations Policing due to the good relationships he established with the local Indigenous community. The Subject Member started working as the Watch Commander, which is a corporal's position, with only two and a half years of service. He continues to be willing to assume this level of responsibility.

[47] The Subject Member has spent his entire career in a northern community. The Subject Member is heavily involved in that community. For example, for the two years preceding the Conduct Hearing, he organized a charity hockey game between firefighters and police officers in the community. He was also designated as a school liaison officer at a local school. Additionally, the Subject Member participated in a program where members have coffee with seniors at the local seniors' centre.

[48] I consider this to be a mitigating proportionality factor.

***Prospect for rehabilitation***

[49] In terms of prospect for rehabilitation, the Subject Member has accepted responsibility for his actions. He sought a quick resolution to this matter so that he might return to duty sooner with a hope that he can atone for his behaviour. He expressed remorse for his actions. I have no reason to believe that his future conduct will not be in keeping with the RCMP's core values and the higher expectations of an RCMP member.

[50] I find this to be a mitigating proportionality factor.

***Parity of sanction***

[51] The Parties did not provide me with any previously decided RCMP conduct cases. Based on my own experience, the proposed conduct measures are in line with similar cases. However, in the absence of previously decided cases, I consider this a neutral proportionality factor.

***Specific and general deterrence***

[52] With respect to deterrence, the proposed conduct measures provide a significant degree of specific deterrence for the Subject Member. The Subject Member Representatives advised that the conduct process has taken a toll on the Subject Member personally. Consequently, I am satisfied that he will not want to be the subject of another conduct proceeding. I find this to be a mitigating proportionality factor.

[53] In terms of general deterrence, RCMP senior management has repeatedly stated that harassment and sexual harassment will not be tolerated in the RCMP. Consequently, it is imperative that conduct boards impose significant sanctions when matters involving such misconduct appear before them. Nevertheless, the proposed conduct measures are of a degree to inform all RCMP members that conduct of this nature will be dealt with sternly.

[54] The need for general deterrence in cases of harassment and sexual harassment is normally an aggravating proportionality factor. This case is no exception.

***Systemic failure and organizational/institutional context***

[55] In terms of organizational context, the RCMP's reputation has been significantly tarnished in recent years over allegations of a toxic culture. RCMP management has made considerable efforts to transform RCMP culture and to communicate with all employees in this respect; yet conduct like that demonstrated by the Subject Member continues to come before conduct boards on too frequent a basis. I find that the RCMP provided the Subject Member with sufficient notice that the type of behaviour he displayed will not be tolerated in the RCMP, yet he chose to conduct himself as he did.

[56] I find this to be an aggravating proportionality factor.

***Damage to RCMP reputation***

[57] I have no evidence to support any findings with respect to this proportionality factor. Therefore, I consider it to be a neutral proportionality factor.

***Effect of publicity***

[58] I was not informed that this matter had received any publicity. Therefore, I find this to be a neutral proportionality factor.

***Balancing proportionality factors***

[59] I have found the proportionality factors of public interest, seriousness of the misconduct, general deterrence and organizational context to be aggravating proportionality factors. Furthermore, I have found remorse, employment history, specific deterrence and prospect for rehabilitation to be mitigating proportionality factors. Finally, I have found parity of sanction, damage to the RCMP's reputation and effect of publicity to be neutral proportionality factors.

[60] The proportionality factors of provocation, disability or other relevant personal circumstances, procedural fairness considerations and loss resulting from unpaid interim administrative suspension are not relevant to this proceeding.

[61] I find that the aggravating factors outweigh the mitigating factors. Each of the aggravating factors is significant, which favours substantial conduct measures. The three mitigating factors are somewhat related but provide sufficient justification for retaining the Subject Member as an RCMP member. However, his misconduct still requires significant conduct measures.

***Expectation of higher conduct standard for police officers***

[62] The final foundational principle is that a higher standard applies to police officers' conduct compared to employees in general because police officers hold a position of trust. Paragraph 36.2(b) of the *RCMP Act* states that one of the purposes of the RCMP conduct regime is to establish "a Code of Conduct that emphasizes the importance of maintaining the public trust and reinforces the high standard of conduct expected of members".

[63] The courts and RCMP conduct boards have long recognized that police officers are held to a higher standard of conduct than the general public. The public has a right to expect that RCMP members, whom they trust to uphold and enforce the law, will always demonstrate courtesy and respect for others and refrain from harassing co-workers. The Subject Member's behaviour breached that trust in significant ways.

### **Decision on conduct measures**

[64] Combined, the proportionality factors place the Subject Member's conduct in the aggravated range. Two of the four proposed conduct measures fall within section 5 "Serious conduct measures" of the *CSO (Conduct)*. A reduction to the next lower level of pay for one year is a significant financial penalty. The direction to undertake two training courses addresses the remedial and educative purposes of conduct measures. The direction to write an apology letter addresses the Complainant's specific request as one of the outcomes of this conduct matter.

[65] Given the foregoing, I do not find that the jointly proposed conduct measures would bring the administration of justice or the RCMP conduct process into disrepute or that the proposed conduct measures are contrary to the public interest. Therefore, I accept the Parties' joint proposal on conduct measures.

### **DECISION**

[66] Having found Allegation 1 established and in accordance with the joint proposal presented by the Parties, I impose the following conduct measures:

- a) a reduction to the next lower level of pay for a period of one year pursuant to paragraph 5(1)(d) of the *CSO (Conduct)*;
- b) a direction for the Subject Member to be ineligible to act as a field coach in the RCMP FCP for a period of two years pursuant to paragraph 5(1)(a) of the *CSO (Conduct)*;
- c) a direction pursuant to paragraph 3(1)(c) of the *CSO (Conduct)* for the Subject Member to complete the following two courses at his own expense and on his own time (meaning not during work hours) within three weeks of his return to work:
  - i. Eliminating Workplace Sexual Harassment offered by the Canadian Police Knowledge Network

- ii. Workplace Equity Diversity and Inclusion in Action offered by the Canadian School of Public Service

The Subject Member will provide proof of successful completion of these courses to his immediate supervisor;

- d) a direction for the Subject Member to write a formal letter of apology to the Complainant pursuant to subsection 3(2) of the *CSO (Conduct)*.

[67] My acceptance of the joint proposal on conduct measures provides the Subject Member with an opportunity to continue his career with the RCMP. His supervisors and any appropriate conduct authority will seriously review any future contravention of the Code of Conduct, which could lead to his dismissal from the Force.

[68] Either Party may appeal this decision by filing a statement of appeal with the Commissioner within 14 days of the service of this decision on the Subject Member, as set out in section 45.11 of the *RCMP Act* and section 22 of the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289.

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Kevin L. Harrison  
Conduct Board

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July 23, 2025  
Date