

Friday, January 31, 2020

The Standing Committee on Ethics and Conflict of Interest for Senators has the honour to present its

FIRST REPORT

Your committee, which was authorized by the Senate on Tuesday, December 10, 2019 to examine and report on developments and actions in relation to your committee's fifth report from the first session of the Forty-second Parliament now presents its interim report as follows:

Introduction

On April 30, 2019, during the first session of the Forty-second Parliament, your committee presented to the Senate its Fifth Report entitled *Consideration of an Inquiry Report from the Senate Ethics Officer* ("Fifth Report"). In accordance with section 49 of the *Ethics and Conflict of Interest Code for Senators* ("Code"), your committee recommended remedial measures and sanctions in respect of Senator Lynn Beyak following the Senate Ethics Officer's *Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak* ("Inquiry Report") dated March 19, 2019.¹

In his Inquiry Report, the Senate Ethics Officer concluded that Senator Beyak posted five letters on her Senate website that contained racist content (identified in Appendix A of the Inquiry Report), thereby breaching sections 7.1 and 7.2 of the *Code*. The Senate Ethics Officer determined that Senator Beyak had failed to uphold the highest standards of dignity inherent to the position of senator; had acted in a way that could reflect adversely on the position of senator and the institution of the Senate; and had performed a parliamentary function in a manner that was both undignified and dishonourable.

In its Fifth Report, your committee recommended to the Senate the suspension of Senator Beyak until the end of the 42nd Parliament, subject to certain conditions, as remedial measures. Senator Beyak was effectively suspended from her functions as Senator on May 9, 2019 following the adoption by the Senate of your committee's Fifth Report.² As noted by your committee in its Fifth Report, the purpose of the suspension was to provide Senator Beyak with the opportunity "to gain further perspective on the privilege of serving in Canada's Upper House and the obligations of senators in the course of such service."³ Senator Beyak's suspension ended on September 11, 2019 with the dissolution of the 42nd Parliament. At that time, it was not clear to your committee if Senator Beyak had complied with all the conditions for her reinstatement to the Senate.

¹ Office of the Senate Ethics Officer, [Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak](#), March 19, 2019.

² Standing Committee on Internal Economy, Budgets and Administration, News Release, [Internal Economy Committee takes action regarding Senator Beyak](#), May 9, 2019.

³ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019.

On December 10, 2019, after the opening of the 43rd Parliament, the Senate adopted a motion authorizing your committee to examine and report on the developments and actions in relation to your committee's Fifth Report, since its adoption by the Senate during the 1st session of the 42nd Parliament.⁴

The motion also empowers your committee to examine and report on any additional measures it considers appropriate in relation to Senator Beyak's compliance with the recommendations of the Fifth Report. In its Fifth Report, your committee indicated that "if Senator Beyak fails to comply with the terms of this suspension or is persistent in her view that she has not breached the Code or acted inappropriately, it will be for the Senate in the future to consider options for further action."

Your committee further underscored that Senator Beyak's failure to comply with the intent of the Senate's decision would constitute a continuing breach of the Code, regardless of the dissolution of Parliament.⁵ Accordingly, the role of your committee in this study is to determine whether or not Senator Beyak complied with the recommendations contained in the Fifth Report and report to the Senate in consequence. Should your committee find that she did not fully comply with the intent of the Senate and the recommendations of the Fifth Report, it may make recommendations for further actions for the Senate's consideration.

Your committee membership is composed of five senators, three of whom constitute quorum (subsection 35(2) of the Code). The current members of your committee are: The Honourable Senators Serge Joyal, P.C., chair, Dennis Glen Patterson, Judith G. Seidman, Murray Sinclair and Howard Wetston.

The Committee Study

Following the adoption of the motion authorizing your committee to conduct this study and report on it, your committee acted promptly and met on December 11, 2019 to discuss the process for considering Senator Beyak's progress in relation to the remedial measures recommended in the Fifth Report.

The December 10, 2019 motion ensured that documentation relating to the Fifth Report and to the Inquiry Report during the 42nd Parliament be referred to your committee for the purpose of this study. As part of its considerations for this study, your committee also examined written correspondence it received – including by its predecessor committee and the intersessional authority that followed – since the adoption of the Fifth Report. This includes correspondence from the Senate Ethics Officer, the Clerk of the Senate, Senator Beyak and her legal representative, and educational training providers (i.e., Indigenous Awareness Canada and the Ontario Federation of Indigenous Friendship Centres ("OFIFC")).

The motion also empowered your committee to authorize the attendance and participation of Senator Beyak in its work on this study. Your committee afforded Senator Beyak the opportunity to be heard before the committee.

⁴ Senate of Canada, [Journals of the Senate](#), 1st Session, 43rd Parliament, Issue 2, December 10, 2019.

⁵ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019, pp. 11-12.

For the purpose of this study, your committee also invited the Senate Ethics Officer and the OFIFC to appear before your committee to provide evidence in relation to developments and actions since the adoption of the Fifth Report. Accordingly, this Report is based on testimony provided by witnesses during the committee's meetings held on January 27, 2020 and January 28, 2020 as well as from various written submissions and correspondence from Senator Beyak, Senator Beyak's legal counsel, the Senate Ethics Officer and the OFIFC. This correspondence is [appended](#) to this Report.

Developments and Actions

In its Fifth Report, your committee made five recommendations for remedial measures and sanctions to be imposed on Senator Beyak.⁶ Upon the adoption by the Senate of your committee's Fifth Report, these recommendations became orders of the Senate. Developments and actions since the Senate's adoption of the Fifth Report will be discussed in relation to each recommendation.

Recommendation 1: Removal of Letters

Both your committee and the Senate Ethics Officer in his Inquiry Report recommended the removal of the letters found to contain racist content from Senator Beyak's Senate website and identified it as a key remedial measure. As explained by the Senate Ethics Officer in his Inquiry Report, Senator Beyak initially agreed to comply but later retracted her acceptance of this remedial measure.

The Senate Ethics Officer regarded that conduct as an aggravating factor in this case,⁷ and your committee remains concerned by Senator Beyak's change of position. Indeed, in its Fifth Report, your committee considered Senator Beyak's unwillingness to accept the remedial measures identified by the Senate Ethics Officer and was troubled by the Senator's lack of respect for the enforcement process established in the Code.⁸ It further considered various remedial measures and sanctions to ensure that the letters found to contain racist comments would be removed from Senator Beyak's Senate website.

⁶ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019, pp. 10-11.

⁷ Office of the Senate Ethics Officer, [Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak](#), March 19, 2019, p. 46.

⁸ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019, pp. 8-9.

Your committee recommended the following:

Recommendation 1

That, unless Senator Beyak has removed from her website the five letters that the Senate Ethics Officer has identified as containing racist content, the Senate Administration be directed to immediately remove the letters.

Although this recommendation only became an order of the Senate following the adoption by the Senate of the Fifth Report, your committee is of the view that Senator Beyak had a moral obligation to promptly remove the letters identified by the Senate Ethics Officer as containing racist content. The letters at issue were identified specifically by the Senate Ethics Officer in Appendix A of his Inquiry Report and your committee is of the view that it is highly probable that the specific letters would have been known to Senator Beyak long prior to the publication of the Senate Ethics Officer's Inquiry Report. Accordingly, your committee is troubled that Senator Beyak did not appear to take any proactive measures to implement the Senate Ethics Officer's recommendation and the recommendation of your committee to the Senate that these letters be immediately removed from her Senate website.

Your committee was not convinced by Senator Beyak's explanations as to why she did not remove these letters from her website prior to them being removed by the Senate Administration upon the Senate's adoption of your committee's report. Indeed, the Senate Ethics Officer invited her to remove the letters as a remedial measure, and your committee's recommendation to the Senate should have been a strong signal as to the need for prompt action in this regard. Senator Beyak's reluctance to act casts doubt upon the seriousness with which she takes her obligation to comply with the Code as well as her responsibilities as a senator, including respect for the Code.

Your committee is of the view that because the racist letters at issue were removed – albeit not by Senator Beyak – no further recommendation is necessary in this regard at this time. Your committee was also assured by correspondence from Senator Beyak's counsel that the letters would not be reposted on her Senate website.

Recommendation 2: Suspension

In its Fifth Report, your committee recommended that Senator Beyak be suspended from the Senate until the end of the 42nd Parliament, with certain conditions. As noted by your committee, the purpose of the suspension was to provide Senator Beyak with the opportunity “to gain further perspective on the privilege of serving in Canada's Upper House and the obligations of senators in the course of such service.”⁹

⁹ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019, p. 10.

It also noted that “the lack of access to Senate resources during a period of suspension may help foster a greater appreciation of those resources and the attendant expectations for their appropriate use.”¹⁰

As such, your committee recommended the following:

Recommendation 2:

That Senator Lynn Beyak be suspended for the duration of the current Parliament, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- a) Senator Beyak, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional or living allowance;**
- b) Senator Beyak's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of her suspension;**
- c) Senator Beyak shall not receive any other benefit from the Senate during the duration of her suspension; and**

That the Standing Committee on Internal Economy, Budgets and Administration take any action, as it considers appropriate, pertaining to the management of the office and personnel of Senator Beyak during the duration of her suspension.

Accordingly, Senator Beyak was suspended from the Senate on May 9, 2019 after the Senate’s adoption of your committee’s Fifth Report.¹¹ Senator Beyak’s suspension ended on September 11, 2019 with the dissolution of the 42nd Parliament.

The privilege of serving in the Senate is contingent on an understanding that there is no place for racism within the institution. Senator Beyak’s actions, or inactions, have cast doubt on the integrity of the institution, which is to the detriment of her colleagues, the Senate, and Canadians. All Canadians need to have confidence in their democratic institutions and those who serve in them.

Your committee expressed that Senator Beyak’s failure to comply with the remedial measures proposed in relation to her suspension – or to the intent of the Senate’s decision in this regard – would constitute a continuing breach of the Code.¹² As will be discussed below, the examination of the developments and actions since adoption of the Fifth Report by the Senate lead your committee to conclude that Senator Beyak remains in breach of the Code for not having complied with certain recommendations of the Fifth Report.

¹⁰ Ibid.

¹¹ Standing Committee on Internal Economy, Budgets and Administration, News Release, [Internal Economy Committee takes action regarding Senator Beyak](#), May 9, 2019.

¹² The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019, p. 12.

Your committee believes that suspension continues to be required. To reiterate from the Fifth Report: the purpose of suspension is to afford Senator Beyak with the opportunity to gain further perspective on the privilege of serving in Canada's Upper House and the obligations of senators to defend the principles of the Constitution and to uphold the values of the *Charter of Rights and Freedoms* – including a senator's obligations under the Code - in the course of such service.

Recommendation 3: Educational Programs

Both the Senate Ethics Officer in his Inquiry Report and your committee in its Fifth Report were of the view that Senator Beyak needed to participate in an educational program.¹³ By refusing to recognize the cultural oppression imposed by the Residential School System, and the discriminatory objectives of the *Indian Act*, Senator Beyak appears to deny a historical truth and displays conduct that ignores its racist underpinnings. Given the complaints that gave rise to the Senate Ethics Officer's Inquiry Report, your committee concluded that Senator Beyak must be better informed in relation to racism and, in particular, racism against Indigenous peoples.

As such your committee recommended the following:

Recommendation 3

That, within 30 days of the adoption of this report, Senator Beyak attend, at her own expense, educational programs related to racism toward Indigenous peoples in Canada and the history of Crown-Indigenous Relations that are pre-approved by the Senate Ethics Officer, and that the Senate Ethics Officer monitor Senator Beyak's participation in the educational programs mentioned above and report, within 15 days of her completing them, to the committee with respect to Senator Beyak's attendance and performance at the educational programs;

And that the committee cause this report of the Senate Ethics Officer to be posted on its website upon its receipt.

Since the adoption of the report, your committee was advised that the Senate Ethics Officer pre-approved certain courses for Senator Beyak in accordance with this recommendation. As outlined in the correspondence [appended](#) to this report, the Senate Ethics Officer found that "in completing these two courses by June 6, 2019, Senator Beyak has attended the training required by the Senate ... and it was completed within the timeframe imposed ...". Your committee has clarified this comment with the Senate Ethics Officer, who confirmed that his use of "completing" in this sentence was meant to refer only to Senator Beyak's attendance in the courses and did not indicate whether she had completed them successfully. Indeed, as the Senate Ethics Officer's correspondence notes, he is not in a position to personally assess Senator Beyak's performance in relation to the courses she attended.

¹³ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30 2019, p. 11; and the Office of the Senate Ethics Officer, [Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak](#), March 19, 2019, p. 46.

When your committee recommended that Senator Beyak attend “educational programs related to racism toward Indigenous peoples in Canada and the history of Crown-Indigenous Relations”, it believed Senator Beyak would benefit from awareness, recognition and understanding of the reality of racism towards Indigenous peoples in Canada. The committee was hopeful that a new understanding of Canada’s history might change Senator Beyak’s contextual comprehension of her conduct and why it was unbecoming of a senator and the Senate. It is clear to your committee that this did not happen.

Your committee was challenged by the evidence it received regarding what precisely occurred in relation to this recommendation, as it was provided with conflicting accounts (see correspondence [appended](#) to this report). On the one hand, Senator Beyak can rightfully assert that she attempted to complete the training that was provided to her. On the other, the training provider indicated that Senator Beyak failed to exhibit any willingness to learn and because of this the training provider did not provide the agreed-upon instruction in its entirety.

When considering the totality of the evidence provided, your committee concludes that the intent and spirit of this recommendation was not fulfilled within the timeframe provided. Your committee does not seek to ascribe blame for why the training did not occur as anticipated.

Accordingly, your committee is of the view that further education and training is warranted. The importance of education and training in this matter is paramount.

Your committee believes that Senator Beyak would benefit from the completion of an educational program that would guide her conduct in relation to Indigenous issues, and her successful completion of such a program is necessary for her continued presence in the Senate.

Recommendation 4: Briefing – Roles and Responsibilities of a Senator

In its Fifth Report, your committee expressed concerns with Senator Beyak’s conduct that reflected negatively on her, on all senators, and the Senate as a whole.¹⁴ As previously outlined, senators hold a unique public office and have certain responsibilities, among them, to ensure the integrity of the institution and to defend the principle that all persons are equal in law and in dignity. Advocating for regional interests and representing minority interests constitute fundamental aspects of the roles of senators.¹⁵

Your committee was of the view that it was essential that Senator Beyak be reminded of her rights, obligations, and responsibilities – including limitations thereupon – as a senator and to foster an understanding of the institution in relation to its ethics regime. As such, your committee made the following recommendation:

¹⁴ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30, 2019, p. 10.

¹⁵ Ibid., p. 8.

Recommendation 4

That, within 30 days of the adoption of this report, Senator Beyak be provided a briefing by the Clerk of the Senate regarding her role and responsibilities as a senator, including relevant rights, rules and privileges – and limitations thereupon; such briefing may be provided by conference call or by video conference call, at the Senate’s expense.

Your committee is aware the Clerk of the Senate provided a briefing to Senator Beyak in accordance with your committee’s recommendation. Your committee understands that the briefing materials – which are included in the appendices¹⁶ – included information on senators’ rights and privileges and how these can be limited by the Senate, particularly in enforcing its ethics regime. Your committee believes that all senators would benefit from informing themselves of their rights and obligations in this regard to ensure continued compliance with the Code.

In addition to senators’ obligations under the Code, Senator Beyak was reminded of her constitutional responsibilities, which includes advocating for regions and representing minority interests. Racism of any kind is incompatible with senators’ roles and responsibilities.

While Senator Beyak’s conduct leaves your committee perplexed as to whether she fully understands the importance of her responsibilities and how her privileges as a senator may be limited, it does not believe that a further recommendation in this respect is necessary at this time.

Recommendation 5: Apology

The Fifth Report’s recommendation that Senator Beyak apologize for her conduct echoed a remedial measure recommended by the Senate Ethics Officer in his inquiry report. The Senate Ethics Officer noted that Senator Beyak refused this remedial measure when put to her; however, your committee felt strongly that an apology from Senator Beyak was essential to demonstrating her understanding that her conduct caused harm – to Indigenous peoples, to her colleagues, to Canadians generally and to the reputation of the Senate.¹⁷

The Senate Ethics Officer’s recommendation was that Senator Beyak “make a formal apology for posting any such letters and post the apology on her website”.¹⁸ Your committee did not limit the scope of the apology to the letters; rather it recommended:

¹⁶ See correspondence of D. Bayne, which includes the Clerk’s briefing materials as its Appendix F, November 1, 2019.

¹⁷ The Standing Committee on Ethics and Conflict of Interest for Senators, [Fifth Report: Consideration of an Inquiry Report from the Senate Ethics Officer](#), April 30 2019, p. 11; and the Office of the Senate Ethics Officer, [Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak](#), March 19, 2019, p. 46.

¹⁸ Office of the Senate Ethics Officer, [Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning Senator Lynn Beyak](#), March 19, 2019, p. 46.

Recommendation 5

That Senator Beyak apologize to the Senate in writing through a letter addressed to all senators and deposited with the Clerk of the Senate and who will cause such letter

- (a) to be published in the Journals of the Senate either:**
 - (i) on the next sitting day after the apology is received, or**
 - (ii) for the last sitting day if received between the adjournment of the Senate and the prorogation or dissolution of Parliament; and**
- (b) to be made publicly available on an appropriate portion of the Senate's website.**

Your committee was apprised of Senator Beyak's apology through correspondence received from her lawyer in November 2019. Her apology read as follows:

TO ALL SENATORS

The Senate Ethics Officer, in his report of March 19, 2019, found me in breach of section [sic] 7.1 and 7.2 of the Code of Ethics and Conflict of Interest for Senators and for that I sincerely apologize to all Senators.

Hon. Lynn Beyak,
Senate of Canada

As your committee was aware that Senator Beyak's website would cease to function during her suspension, it provided that the apology be deposited with the Clerk for inclusion in the *Journals of the Senate* and to be posted on the Senate's website. Unfortunately, the dissolution of Parliament meant any apology received after dissolution could not be published as specified in the recommendation and, as such, Senator Beyak's apology was neither appended in the *Journals of the Senate* nor posted on the Senate's website.

Your committee finds that the apology provided by Senator Beyak is not in the spirit and intent of this recommendation. Specifically, it does not acknowledge the letters at the core of the Senate Ethics Officer's inquiry nor does it acknowledge the adverse effects that her conduct had on Indigenous peoples, on Canadians who hold equality as a *Charter* value that they cherish, as well as on her colleagues, and on the institution of the Senate.

While your committee is appreciative of Senator Beyak's acknowledgement of the Senate Ethics Officer's findings, it cannot accept an apology that fails to show awareness of the wrong, fails to accept responsibility for the wrong, fails to sincerely apologize, fails to atone for past actions and fails to commit to take action in order to rectify the situation. The apology leaves doubt as to whether Senator Beyak recognizes that the conduct at issue was not wrong, merely because the Senate Ethics Officer determined there was a violation of the Code, but because it constituted conduct unbecoming of a senator.

Primarily, your committee is concerned that no apology was made to Indigenous peoples, who were most affected by Senator Beyak's conduct. Your committee would have expected a fulsome apology that addressed all of the concerns expressed in the Fifth Report and the Inquiry Report, and that reflected a

meaningful consideration by Senator Beyak of the matters at issue. Indeed, the fact that the Senate suspended Senator Beyak – only the fifth suspension in the history of the institution – should have given her pause and prompted deep reflection on what occurred and who was adversely affected by her actions.

Your committee is recommending that Senator Beyak provides an apology that addresses her actions and is directed at those who have been adversely affected as a result. It expects that Senator Beyak will take this opportunity to reassess her original apology and that, after reflection and additional training, she will be able to offer a meaningful apology. While it will be for all senators to judge the sufficiency of any apology, your committee believes that a serious apology in this regard must, at a minimum, be offered to Indigenous peoples affected by her conduct, as well as to her colleagues for the impact of her conduct on the institution and reputation of the Senate.

Recommendations

In light of the above, your committee recommends the following:

Recommendation 1

(a) That Senator Lynn Beyak be suspended for the duration of the current session or until such time as the Senate adopts either:

- (i) a motion to rescind the suspension moved pursuant to rule 5-5(i); or
- (ii) a report from the Standing Committee on Ethics and Conflict of Interest for Senators recommending that her suspension be rescinded;

(b) That, for the purposes of paragraph (a)(ii), the Standing Committee on Ethics and Conflict of Interest for Senators be empowered to study and report to the Senate, as it considers appropriate, on Senator Beyak's compliance with the recommendations of this report;

(c) That Senator Beyak, while suspended:

- (i) not receive any remuneration or reimbursement of expenses from the Senate, including any sessional or living allowance;
- (ii) neither use nor access Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses; and
- (iii) not receive any other benefit from the Senate during the duration of her suspension;

(d) That, notwithstanding paragraph (c):

- (i) Senator Beyak have normal access to Senate resources necessary to continue life, health and dental insurance coverage during the period of her suspension; and
- (ii) For the purpose only of complying with recommendation 2, Senator Beyak's office budget continue to operate as if she were not suspended and, despite any contrary provision of the *Senate Administrative Rules or the Senators' Office Management Policy*, may be used to pay for or reimburse the following expenses of Senator Beyak:

- (A) travel to and from the educational program if the travel is to or from Ottawa or Senator Beyak's place of residence;
 - (B) tuition, enrollment, and associated costs – including course development costs and professional fees of the educational program provider – for the educational program; and
 - (C) accommodation expenses within the established limits of the *Senators' Office Management Policy* for the purpose of attending the educational program;
- (e) For greater certainty, no payment is to be made if insufficient funds are in Senator Beyak's office budget, and Senator Beyak is personally responsible for any excess expenses; and
- (f) That the Standing Committee on Internal Economy, Budgets and Administration:
- (i) be empowered to take any action as it considers appropriate pertaining to the management of the office and personnel of Senator Beyak during the duration of her suspension; and
 - (ii) seek to ensure that no member of Senator Beyak's staff is unduly prejudiced as a result of the senator's suspension.

Recommendation 2

- (a) That the Senate Ethics Officer identify and approve – with the assistance of outside expertise as required – an educational program provider with demonstrated experience in race relations, particularly in Indigenous matters, to
- (i) develop and deliver an educational program that is approved by the Senate Ethics Officer and designed specifically for Senator Beyak related to racism, with a focus on racism against Indigenous peoples in Canada and the particular responsibility of legislators in this regard, as well as how this relates to her past actions, and;
 - (ii) provide a written and objective evaluation of Senator Beyak's performance and attendance in the educational program to the Senate Ethics Officer within 10 calendar days of the program's completion, including an assessment of whether Senator Beyak:
 - (A) successfully completed the course;
 - (B) learned and was willing to learn; and
 - (C) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator;
- (b) That the Senate Ethics Officer provide Senator Beyak the evaluation received from the educational program provider as promptly as circumstances permit and afford her 10 calendar days to submit any comments or reflections as she considers appropriate;
- (c) That the Senate Ethics Officer provide a report to the Standing Committee on Ethics and Conflict of Interest for Senators that includes the evaluation of the educational program provider, any submission provided by Senator Beyak under paragraph (b), and any observations and recommendations as the Senate Ethics Officer considers appropriate no later than:

- (i) 10 calendar days after receiving a submission from Senator Beyak under paragraph (b), if one is received; or
 - (ii) 15 calendar days after providing Senator Beyak with the report from the educational institution, if no submission is received from her under paragraph (b);
- (d) That the Standing Committee on Ethics and Conflict of Interest for Senators:
- (i) be authorized to establish, as promptly as circumstances permit, a time period in which Senator Beyak must complete the educational program identified and approved by the Senate Ethics Officer;
 - (ii) be authorized to deposit a report with the Clerk, to inform the Senate of the time period, at any time the Senate stands adjourned and the report shall be deemed to have been tabled in the Senate; and
 - (iii) communicate the time period established under subparagraph (d)(i) to Senator Beyak as promptly as circumstances permit; and
- (e) That the Senate Ethics Officer inform the Standing Committee on Ethics and Conflict of Interest for Senators of any difficulties encountered in the implementation of this recommendation and that the committee be authorized to report to the Senate with consequential recommendations as it considers appropriate.

Recommendation 3

That, within 15 calendar days of completing the educational program described in recommendation 2 of this interim report, Senator Beyak:

- (a) write a letter of apology that includes:
 - (i) an apology for the impact of her conduct on Indigenous Canadians as well as the institution and reputation of the Senate;
 - (ii) Senator Beyak's reflections on the education received and indicating what she has learned from this experience; and
 - (iii) Senator Beyak's understanding of the role and responsibility of a senator with respect to minority rights; and
- (b) provide the apology to the Clerk of the Senate, who will cause the letter to be published in the *Journals of the Senate* either:
 - (i) on the next sitting day after the apology is received, or
 - (ii) for the last sitting day if received between the adjournment of the Senate and the prorogation or dissolution of Parliament.

Further consideration by the committee:

Your committee reiterates the importance for all honourable senators to understand that their role and their duty is to uphold the highest standards of dignity and ethical standards inherent to the position. This imperative is enshrined in the Code, which was adopted by the Senate to govern the conduct of all senators. Your committee sincerely hopes that Senator Beyak will promptly comply with the terms of her suspension, as recommended in this interim report. As ordered by the Senate on December 10th, 2019, your committee will continue to examine and report on any further developments and actions in relation to the committee's fifth report from the first session of the Forty-second Parliament and report back to the Senate with a final report no later than June 30, 2020.