



July 12, 2022

TO: Park Board Chair and Commissioners
FROM: General Manager – Vancouver Board of Parks and Recreation
SUBJECT: Park Board Code of Conduct Policy

RECOMMENDATION

- A. THAT the Vancouver Park Board approve the proposed Code of Conduct Policy in the form attached as Appendix “A” to this report.
- B. FURTHER THAT the Park Board direct the General Manager, Parks and Recreation, to identify and recommend a candidate for Integrity Commissioner for approval by the Park Board.

REPORT SUMMARY

The purpose of this report is to report back with recommendations for a new code of conduct policy applicable to Park Board Commissioners and Park Board appointed Advisory Board Members. Based on a review of best practices, consultation with the City of Vancouver’s Integrity Commissioner, and consideration of City Council’s Code of Conduct By-law, staff have included the recommended form of the code of conduct policy to achieve this purpose (see Appendix A).

BOARD AUTHORITY / PREVIOUS DECISIONS

As per the [Vancouver Charter](#), the Park Board has the authority to pass by-laws for the control, regulation, protection, and government of parks; there are no specific provisions that grant the Board authority to enact a code of conduct by way of by-law. The Board has authority, however, to adopt a code of conduct as policy.

On May 17, 2021, the Park Board passed an [In Camera motion](#) directing staff to report back with recommendations for a code of conduct for Park Board Commissioners and Advisory Body members that reflects best practices in promoting and enforcing ethical standards and includes provisions for complaint resolution.

BACKGROUND

On October 1, 2019, Council passed a [motion directing staff to review the operation of the current code of conduct policy and report back](#) with recommendations to Council as to how the policy could be improved to better promote and enforce ethical standards. In performing the review, Council directed staff to consider best practices in ethics regimes and ethics regimes implemented in other Canadian jurisdictions.

On January 20, 2021, Council passed a [motion directing the City Solicitor to bring forward the Code of Conduct By-law prepared by staff for enactment](#), and directed the City Manager to conduct a selection process and to put forward a recommended candidate for Integrity

Commissioner. Council also approved a budget of \$200,000 for the Integrity Commissioner in 2021.

On February 9, 2021, Council enacted [Code of Conduct By-Law No. 12886](#) (the “By-Law”) and amended [Code of Conduct Policy AE-028-01](#) to exclude elected officials and remove sections related directly to elected officials.

On January 4, 2022, Council announced that it had appointed Lisa Southern as the [City of Vancouver’s first Integrity Commissioner](#), effective January 1, 2022.

DISCUSSION

The Code of Conduct By-Law enacted by Council in February 2021 does not apply to Commissioners or Park Board Appointed Advisory Board Members. As such, in accordance with the motion passed by the Park Board in May 2021, staff have prepared a code of conduct policy for Commissioners and Park Board appointed Advisory Board Members modeled on the Council By-law (the “Policy”). Staff also consulted with the City of Vancouver’s Integrity Commissioner in preparing the Policy and have included recommended changes.

In preparing both the Council by-law and the proposed Park Board policy, staff considered best practices in promoting and enforcing ethical standards, including reviewing both relevant academic literature and ethics regimes in other large municipalities in Canada.

The literature review included various secondary sources including a recent [policy paper](#) and [model code](#) produced by the [Working Group on Responsible Conduct](#) consisting of the Union of British Columbia Municipalities, Local Government Management Association of BC and the Ministry of Community, Sport and Cultural Development and the text on *Municipal Ethics Regimes* by Gregory J. Levine (Canada: Municipal World Inc. 2018).

The comparative review included review of other ethics regimes in Toronto, Montreal, Winnipeg, Saskatoon, Regina and Surrey and considered various elements including provincial legislation, code of conduct by-laws, and establishment of third party ethics officers. Staff additionally considered past practice under the City’s previous code policy and current practice under the By-law.

Proposed Policy

The key aspects of the proposed Policy include:

- updated and specific definitions applicable to the Park Board, including a specific definition of “confidential information”;
- a distinction between professional and personal conduct, with a higher standard of review for personal conduct;
- aspirational standards and values for Members (competence, fairness, integrity, leadership, respect, responsibility and transparency);
- expectations for public communications by Commissioners;
- requirements for treatment of confidential information;
- standards for conflicts of interests and use of influence; and

- the appointment of an Integrity Commissioner with a mandate to provide advice to a Member or the Park Board as a whole, prepare written materials and prepare educational programs and to assist with informal resolution and adjudicate disputes.

New sections included at the request of the City's Integrity Commissioner that are not included in the City's By-law include:

- clarification that complaints by staff against Commissioners or Advisory Board Members will be subject to the complaint and resolution procedures set out in the policy;
- clarification that the Integrity Commissioner has the power to make recommendations on the reimbursement of legal fees incurred in relation to a complaint; and
- the ability to make orientation and education sessions mandatory.

Code of Conduct Review

The Province recently passed [Bill 26 – 2021: Municipal Affairs Statutes Amendment Act \(No. 2\), 2021](#) (the "Act"), with [Sections 53 & 54](#) of the Act [brought into force](#) on June 13, 2022. These sections amend the Vancouver Charter to require both Council and Park Board to consider establishing a code of conduct, or review any existing code of conduct, within six (6) months after its first meeting following a general election. The Act confirms that the Park Board has the existing authority to adopt a code of conduct as policy, but it does not provide the Park Board with any additional authority to do so by way of by-law.

Should the Board approve the proposed Policy, within 6 months of the first meeting of the Park Board after the election on October 15, 2022, the Board will be required to consider whether to review the Policy. It may be possible to coordinate this review with the annual budget and annual report process for the Integrity Commissioner contemplated in the proposed Policy.

Principles for Codes of Conduct (Vancouver Charter) Regulation

On June 13, 2022, the Province also enacted the [Principles for Codes of Conduct](#) (Vancouver Charter) Regulation (the "Regulation") which set out four principles that both Council and the Park Board must consider in establishing or reviewing any existing code of conduct. These principles are as follows:

- members must carry out their duties with integrity;
- members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- members must be respectful of others; and
- members must demonstrate leadership and collaboration.

While the Regulation is not currently applicable, the proposed Policy does seek to address each of these principles. Integrity, respect and leadership in the public interest are expressly identified in Section 1.1 as standards and values that a Member must uphold. The complaint and resolution procedures hold Members accountable through third party adjudication by an Integrity Commissioner. For the proposed Policy, additional wording has been added to leadership in the public interest (Section 1.1d) to address collaboration by specifying that Members must act jointly with other Members in the best interests of the Park Board.

FINANCIAL CONSIDERATIONS

As recently approved by Council, and as is the case with most other Canadian municipalities, including Surrey, staff recommend that the Integrity Commissioner be compensated by retainer. As this is a new role, it is difficult to estimate the exact costs required. Appointing the same Integrity Commissioner as Council would likely allow for some cost savings.

Council has approved a budget for the first year of \$200,000. Noting the types of ethical issues facing the Park Board and the difference in mandate from Council, it is estimated that costs for the Park Board may be in the range of \$50,000. Staff propose an initial budget of up to \$50,000, with funding to be absorbed within existing Park Board operating budgets, and that review of these costs be included as part of the annual Integrity Commissioner report.

CONCLUSION & NEXT STEPS

To align with best practices, staff recommend the Board approve the recommendations outlined in this report. Upon approval, the proposed Park Board Code of Conduct Policy, attached as Appendix A, will come into force immediately and be applicable to the conduct of Commissioners and Park Board appointed Advisory Board Members.

Additionally, the General Manager will identify a candidate for Integrity Commissioner to recommend for approval by the Park Board. As per Section 4.6 of the proposed Policy, the General Manager may appoint an ad hoc Integrity Commissioner in the interim.

As well, per the recent legislative changes to the Vancouver Charter, the Code of Conduct policy will be presented to the Board within six months of the first meeting following the 2022 municipal election to decide whether the Policy should be reviewed.

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/ama/clc



VANCOUVER PARK BOARD POLICIES AND PROCEDURES

TITLE: Park Board Code of Conduct Policy (<i>proposed</i>)	
CATEGORY: Administrative	POLICY NUMBER: <i>to assign</i>
ACCESS: Public	

PURPOSE

This policy sets out the rules a Commissioner or Advisory Committee Member must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Integrity Commissioner in exercising oversight in accordance with this policy.

SCOPE

This policy applies to Park Board Commissioners and Advisory Committee Members.

This policy does not apply to Staff, except where a Staff person makes a confidential request, or submits a Complaint, as against a Commissioner or Advisory Committee Member alleging a breach of this policy. For clarify all Complaints by Staff against Commissioners or Advisory Committee Members alleging a breach of this policy will be subject to the complaint and resolution procedures set out in Part 5 of this policy.

This policy does not apply to conduct that may subject a Commissioner to disqualification under the Vancouver Charter, including sections 140(4), 143(4), and 145.3 to 145.911.

This policy does not apply to a Commissioner’s conduct in their personal life, except to the extent that such conduct reasonably undermines, or has the potential to reasonably undermine, public confidence in Park Board governance.

DEFINITIONS

“**Advisory Committee**” means a committee of persons who are appointed by the Park Board to advise the Park Board or Staff;

“**Advisory Committee Member**” means a person, who is not a Councillor, Commissioner, or Staff, sitting on an Advisory Committee;

“**City**” means the City of Vancouver;

“**Commissioner**” means a person who is an elected member of the Park Board;

“**Complaint**” means a formal allegation that a Commissioner or Advisory Committee Member has breached this policy submitted to the Integrity Commissioner in accordance with the complaints procedure set out in Part 5 of this policy;

“**Complainant**” means a person who has submitted a complaint to the Integrity Commissioner;

“**Confidential Information**” means information that is not publicly available and is treated as

confidential by the Park Board and includes information that may or must be considered by the Park Board in a closed meeting pursuant to section 165.2 of the *Vancouver Charter* including:

- a) decisions, resolutions or report contents forming part of the agenda for or from a closed meeting of the Park Board until a board decision has been made for the information to become public or otherwise released;
- b) information about the acquisition, disposition or expropriation of land or improvements if disclosure could reasonably be expected to harm the interests of the City;
- c) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages if disclosure could reasonably be expected to harm the interests of the City;
- d) advice that is subject to any privilege at law; and
- e) personal information that is prohibited from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*;

“Councillor” means a member of City Council, including the Mayor;

“Integrity Commissioner” means the person appointed by the Park Board to fulfill the duties and responsibilities assigned to that position as set out in this policy;

“General Manager” means the general manager of Parks and Recreation;

“Gift or Personal Benefit” means an item or service of value that is received by a Member for their personal use including money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discount/rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions;

“Member” means a Commissioner or Advisory Committee Member;

“Park Board” means the collective body of the Commissioners, known as the "Board of Parks and Recreation";

“Personal Information” means recorded information about an identifiable individual other than contact information as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“Respondent” means a Commissioner or Advisory Committee Member whose conduct is the subject of a complaint; and

“Staff” means employees who are subject to the direction of the Park Board and report up to the General Manager.

**PART 1
STANDARDS AND VALUES**

- 1.1 A Member must uphold the following standards and values:
- a) competence: a Member must act competently and diligently;
 - b) fairness: a Member must consider all issues consistently and fairly, and in light of all relevant facts, opinions and analysis of which a Member should be reasonably aware;
 - c) integrity: a Member must avoid improper use of influence and avoid all conflicts of interest, both apparent and real;
 - d) leadership in the public interest: a Member must act personally, and jointly with other Members, in the best interests of the Park Board, and without regard to the Member's personal interests;
 - e) respect: a Member must treat members of the public, one another, and Staff respectfully, without abuse, bullying or intimidation and ensure that the work environment is free from discrimination and harassment;
 - f) responsibility: a Member must respect and comply with the Acts of the Parliament of Canada, the Legislature of British Columbia, including the Vancouver Charter, city by-laws, and applicable city policies, and avoid conduct that, reasonably, undermines, or has the potential to undermine, public confidence in Park Board governance.
 - g) transparency: a Member must conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect Confidential Information.

**PART 2
COMMUNICATIONS AND CONFIDENTIALITY****Public Communications by a Commissioner**

- 2.1 A Commissioner must not communicate on behalf of the Park Board unless authorized to do so by resolution or by virtue of a position or role the Commissioner has been authorized to undertake by the Park Board.
- 2.2 A statement or communication made by a Commissioner is presumed to be made on the Commissioner's own behalf, not the Park Board's behalf.
- 2.3 Where a Commissioner is authorized to communicate on behalf of the Park Board, the Commissioner must take reasonable efforts to ensure that the communication is fair and accurate.
- 2.4 Without limiting the ability of a Commissioner to hold a position on an issue and respectfully express their opinions, a Commissioner must:
- a) ensure that their communications accurately reflect the facts of Park Board decisions;

- b) ensure that all communications relating to Park Board business are accurate and not issue any communication that the Commissioner knows, or ought to have known, to be false; and
- c) ensure that all communications by, and on behalf of a Commissioner, including communications made via social media, are respectful and do not discriminate, harass, or defame any person, recognizing that free and open debate is guaranteed under the Charter of Rights and Freedoms.

Confidential Information

2.5 A Member must:

- a) not disclose or release any Confidential Information acquired by virtue of their office, except as authorized by the Park Board, or required by law;
- b) not use Confidential Information with the intention to cause harm or detriment to the Park Board, the City or any other person or body;
- c) protect Confidential Information from inadvertent disclosure;
- d) use Confidential Information only for the purpose for which it is intended to be used;
- e) take reasonable care to prevent the examination of Confidential Information by unauthorized individuals; and
- f) not take advantage of, or obtain private benefit from, Confidential Information acquired by virtue of their office.

2.6 A Member must access and use Park Board information only in the normal course of their duties.

2.7 A Member must retain records and other information in accordance with the procedures, standards, and guidelines established by the Park Board and must assist the Park Board, and/or the City, in accordance with the delegation of authority signed by the head of the Park Board, in good faith in responding to all requests for information made pursuant to the Freedom of Information and Protection of Privacy Act.

2.8 A Member must comply with the Freedom of Information and Protection of Privacy Act when dealing with personal information and take all reasonable and necessary measures to ensure that personal information is protected.

PART 3 CONFLICTS OF INTEREST

Conflicts of Interest

3.1 A Commissioner must comply with the conflict of interest requirements set out in sections 145.2 to 145.911 of the Vancouver Charter.

Use of Municipal Assets and Services

- 3.2 A Member may not direct the work of Staff, other than Staff assigned to assist a Member, and should follow the processes established by the General Manager when communicating with Staff.
- 3.3 A Member must respect that it is the role of Staff to provide neutral and objective information without undue influence and interference.
- 3.4 A Member must not request or require Staff to undertake personal or private work on behalf of a Member, or accept an offer to perform such work from Staff.
- 3.5 A Member must not use, or permit the use of City or Park Board land, facilities, equipment, supplies, services, employees or other resources for activities other than the business of the Park Board, except in accordance with city policies permitting reasonable personal use.
- 3.6 A Member must not instruct, or direct any of the Park Board's contractors, tenders, consultants or other service providers regarding Park Board business.

Use of Influence

- 3.7 A Member must only use the influence of their office for the exercise of their duties.
- 3.8 A Member must be independent and impartial, and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.
- 3.9 A Member must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties.
- 3.10 A Member must not use, or attempt to use, their office for the purpose of intimidating, improperly influencing, threatening, or coercing Staff.

Election Activities

- 3.11 A Member must not use, or permit the use of, City or Park Board land, facilities, equipment, supplies, services, employees or other resources for any election campaign or campaign-related activities, unless those resources are similarly available to all candidates and any associated fees have been paid for with election campaign funds.
- 3.12 A Member must not compel Staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

Gift or Personal Benefit

- 3.13 A Member must not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in sections 3.14 and 3.15.

- 3.14 A Commissioner may accept a gift or personal benefit if it is:
- a) received as an incident of the protocol of social obligations that normally accompany the responsibilities of office;
 - b) compensation authorized by law; or
 - c) a lawful contribution made to a Commissioner who is a candidate for election conducted under the Vancouver Charter or Part 3 of the Local Government Act.
- 3.15 An Advisory Committee Member may accept a gift or personal benefit if it:
- a) has a value under \$50; and
 - b) is received as an incident of protocol or as a Park Board representative for an activity reasonably related to their role with the Park Board.
- 3.16 If a Commissioner accepts a gift or personal benefit pursuant to section 3.14(a), and if the total value of the gift or personal benefit exceeds \$50, or the total value of the gift or personal benefit received from one source during the calendar year exceeds \$100, the Commissioner must within 30 days of receipt of the gift or personal benefit, or reaching the annual limit, file a disclosure statement with the General Manager's Office. The disclosure statement must set out:
- a) the name of the Commissioner;
 - b) the nature of the gift or personal benefit, by description, photograph, or both;
 - c) the date the gift or personal benefit was received;
 - d) the estimated value of the gift or personal benefit;
 - e) the source of the gift or personal benefit, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation;
 - f) the circumstances under which the gift or personal benefit was given; and
 - g) the final disposition of the gift or personal benefit.
- 3.17 If a Member is unable, or elects not, to accept a gift or personal benefit, a Member must as soon as practicable, either:
- a) return the gift or personal benefit to the donor along with an explanation as to why the gift or personal benefit cannot, or will not, be accepted; or
 - b) turn the gift or personal benefit over to the General Manager's Office for disposition.
- 3.18 A gift or personal benefit turned over to the General Manager's Office is deemed property of the Park Board. At the General Manager's discretion, a gift or personal benefit may be disposed of as follows:
- a) returned to the donor;
 - b) displayed in individual offices, general offices, or in Park Board facilities; or

- c) disposed of by donation, sale or auction, with any proceeds credited to the Park Board's general revenues or to the direct or indirect support of a charitable organization.
- 3.19 A gift or personal benefit provided to a Member's spouse, child or parent, or the Member's Staff, that to the Member's knowledge, is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift or personal benefit to that Member.

Orientation and Training Attendance

- 3.20 All members must attend all orientation training sessions identified as mandatory by the General Manager or Integrity Commissioner unless doing so is not practically possible, or the absence is approved by resolution of the Park Board.
- 3.21 All members must attend all education sessions identified as mandatory by the Integrity Commissioner unless doing so is not practically possible, or the absence is approved by resolution of the Park Board.

PART 4 APPOINTMENT OF INTEGRITY COMMISSIONER

Appointment of an Integrity Commissioner

- 4.1 The Park Board must appoint an Integrity Commissioner to undertake the duties and responsibilities set out in this policy.
- 4.2 The appointment of an Integrity Commissioner must be for a set period of two (2) years. An Integrity Commissioner may be appointed for more than one term.
- 4.3 At the request of the Integrity Commissioner, the Park Board may suspend the appointment for a mutually agreed period of time.
- 4.4 The Park Board will not terminate an Integrity Commissioner except for cause.
- 4.5 The appointment of an Integrity Commissioner may only be made, suspended, or terminated by a 2/3 vote of all Commissioners.

Interim of Ad Hoc Appointment

- 4.6 The General Manager may appoint an ad hoc Integrity Commissioner in the following circumstances:
- a) if the Park Board has not yet entered into a contract for the appointment of an Integrity Commissioner;
 - b) in the interim period between the expiry of the appointment of one Integrity Commissioner and the appointment of a new Integrity Commissioner; or
 - c) if the appointed Integrity Commissioner is unable or unwilling to act.

Duties and Responsibilities

- 4.7 The duties and responsibilities of the Integrity Commissioner are as follows:
- a) provide advice and recommendations to a Member on questions of compliance with this policy where requested to do so by that Member;
 - b) prepare written materials and content for the Park Board's website for distribution to, and use by, the public, to aid in their understanding of the role of the Integrity Commissioner and the ethical obligations and responsibilities of Members under this policy;
 - c) deliver educational programs regarding the role of the Integrity Commissioner and the ethical obligations and responsibilities of Members under this policy;
 - d) assist with informal resolution of confidential requests and complaints;
 - e) receive and assess all complaints to determine if the complaint must be rejected, closed, resolved or investigated;
 - f) investigate and conduct inquiries as to violation of this policy;
 - g) report to the Park Board as to whether a Member has breached this policy;
 - h) make recommendations on an appropriate remedy if a Member has breached this policy;
 - i) make recommendations to Council on whether to reimburse legal fees reasonably incurred by a Member in relation to a Complaint;
 - j) submit an annual budget for approval by the Park Board; and
 - k) publish an annual report that includes a summary of the work of the Integrity Commissioner and any advice or recommendations that the Integrity Commissioner has to improve the text or operation of this policy.
- 4.8 The Integrity Commissioner must perform the duties and responsibilities of their office in an independent manner.

PART 5 COMPLAINT AND RESOLUTION PROCEDURES

Confidential Requests

- 5.1 If a person believes that they have been subject to conduct by a Member in breach of this policy, that person may approach the Integrity Commissioner on a confidential basis, without the need to file a Complaint, to request that the Integrity Commissioner inform the Member of the alleged breach. Upon receipt of the confidential request, the Integrity Commissioner may attempt to address the conduct with the Member.
- 5.2 The Integrity Commissioner must protect the confidentiality of a person making a request

under section 5.1, unless the person making the request consents to disclosure.

Complaint Procedure

- 5.3 Any person may submit a Complaint to the Integrity Commissioner.
- 5.4 A Complaint must be in writing and describe with sufficient detail:
- a) the name of the Complainant;
 - b) the name of the Respondent;
 - c) the conduct that the Complainant alleges to have breached this policy;
 - d) the date of the alleged conduct;
 - e) the part or parts of this policy that the Complainant alleges has or have been breached; and
 - f) the basis for the Complainant's knowledge about the conduct.
- 5.5 A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- 5.6 The Integrity Commissioner may prescribe a form for submitting a Complaint.
- 5.7 Provided that a Complaint has been submitted, the Integrity Commissioner may accept a Complaint, notwithstanding that the form of the Complaint does not comply with all of the requirements set out in section 5.4 if, in the Integrity Commissioner's opinion, the circumstances warrant.
- 5.8 The Integrity Commissioner must not accept multiple Complaints concerning the same matter. In the event that the Integrity Commissioner receives multiple complaints concerning the same matter, the Commissioner must proceed with the first Complaint accepted, but may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
- 5.9 The Integrity Commissioner must reject a Complaint received more than 180 days after the Complainant knew or reasonably ought to have known of the alleged breach of this policy.
- 5.10 The Integrity Commissioner must reject a Complaint received regarding a Commissioner seeking re-election in the period from the last day of the nomination period to the general voting day.
- 5.11 In the period 90 days prior to general voting day, the Integrity Commissioner may suspend any investigation underway until the day after the general voting day.

Complaint Outside of Jurisdiction

- 5.12 The Integrity Commissioner has the authority to investigate a Complaint alleging that a Member is in breach of this policy.

- 5.13 If a Complaint is submitted that, on its face, is not made with respect to a breach of this policy, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
- a) an allegation of a criminal nature consistent with the *Criminal Code*;
 - b) with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
 - c) with respect to conduct that may subject a Member to disqualification pursuant to sections 140(4), 143(4) and 145.3 to 145.911 of the *Vancouver Charter*;
 - d) with respect to non-compliance with a more specific Park Board policy or by-law with a separate complaint procedure; or
 - e) with respect to a matter that is subject to another outstanding process, such as a court proceeding or a Human Rights complaint,

the Integrity Commissioner must reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this policy, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the Integrity Commissioner considers appropriate.

- 5.14 Where a complaint is made against a Commissioner and the complaint procedure overlaps with a municipal election and the Commissioner is not re-elected in that election, the Integrity Commissioner must notify the Complainant and the Commissioner in writing that the Integrity Commissioner is closing the Complaint on this basis and close the Complaint.

Preliminary Assessment

- 5.15 On receipt of a Complaint, the Integrity Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Integrity Commissioner of the opinion that:
- a) the Complaint is not with respect to a breach of this policy;
 - b) the Complaint is frivolous, vexatious, or not made in good faith;
 - c) an investigation of the Complaint would not be in the public interest;
 - d) the investigation is, or might be, hampered, or the Member might be prejudiced by the Complainant's failure to provide a Complaint in compliance with section 5.4, or otherwise cooperate with the investigation;
 - e) the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
 - f) there are no grounds or insufficient grounds for concluding that a violation of this policy has occurred,

the Integrity Commissioner must notify the complainant and the respondent in writing that the Integrity Commissioner is closing the Complaint, set out the reasons therefore, and close the Complaint.

- 5.16 Notwithstanding section 5.15, the Integrity Commissioner may request further information from the Complainant before determining whether or not there are sufficient grounds for believing that a breach of this policy may have occurred.

Informal Resolution

- 5.17 When the Integrity Commissioner has decided to proceed with a Complaint, the Integrity Commissioner must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Integrity Commissioner may, at their discretion, either attempt to resolve the Complaint directly, or refer the Complaint to:
- a) the Park Board Chair, if the Complaint is made by a Member, unless the Complaint is against the Board Chair, in which case the Complaint will be referred to the Park Board Vice Chair; or
 - b) the General Manager, if the Complaint is made by Staff or the public.
- 5.18 When determining whether the Complaint may be resolved informally, the Integrity Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Integrity Commissioner for this purpose.
- 5.19 Where the Integrity Commissioner refers the complaint in accordance with section 5.17, the Park Board Chair, the Park Board Vice Chair, or the General Manager, as the case may be, may agree to assist in resolving the Complaint directly, or may appoint a third party to assist in resolving the Complaint at their discretion.
- 5.20 The person assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an ongoing basis and may decline to assist at any point.
- 5.21 The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- 5.22 If a Complaint is resolved informally, the person assisting in resolving the Complaint must notify the Integrity Commissioner in writing of the terms of the resolution, upon receipt of which, the Integrity Commissioner must close the Complaint.
- 5.23 If a Complaint cannot be resolved informally, the person assisting in resolving the Complaint must refer the Complaint back to the Integrity Commissioner for a formal investigation.

Formal Resolution

- 5.24 If a Complaint is not rejected, closed, or resolved informally, the Integrity Commissioner must proceed with a formal investigation.

- 5.25 The Integrity Commissioner must serve the Complaint on the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Integrity Commissioner's discretion to extend the timeline.
- 5.26 The Integrity Commissioner may serve the Complainant with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Integrity Commissioner's discretion to extend the timeline.
- 5.27 The Integrity Commissioner may:
- a) speak to anyone relevant to the Complaint;
 - b) request disclosure of documents relevant to the Complaint; or
 - c) access any record in the possession or control of the Park Board, except a record that is subject to privilege.
- 5.28 The Integrity Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.

Adjudication and Reporting

- 5.29 The Integrity Commissioner must make a decision within 90 days of making a decision to proceed with a formal investigation, unless section 5.11 applies, or the Integrity Commissioner determines that doing so is not practicable, in which case the Integrity Commissioner must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant and the Respondent.
- 5.30 A notification issued pursuant to sections 5.13, 5.14, 5.15 or 5.29 is confidential and must not be disclosed except in the following circumstances:
- a) the Integrity Commissioner may use information in the notice in an annual report in the form of context and statistics;
 - b) the Integrity Commissioner may prepare an anonymized bulletin based on the notice if the Integrity Commissioner believes that doing so would be of public benefit;
 - c) to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 5.44;
 - d) the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this policy; and
 - e) the Integrity Commissioner must disclose the notice to the General Manager, where the Complaint is made by an employee and the subject of the Complaint may be subject to City or Park Board employment policies or applicable employment related legislation, including the Human Rights Code and the Workers Compensation Act.

- 5.31 If after reviewing all material information, the Integrity Commissioner determines that the Respondent did not violate this policy, then:
- a) the Integrity Commissioner must prepare a written investigation report providing reasons for their determination that the Member did not breach the policy;
 - b) the Integrity Commissioner must deliver a copy of the investigation report to the Complainant, Respondent and the Park Board; and
 - c) the Integrity Commissioner must make the investigation report available to public forty eight (48) hours after delivery of the investigation report to the Complaint, Respondent and the Park Board.
- 5.32 If after reviewing all material information the Integrity Commissioner determines that a Member did violate this policy then:
- a) the Integrity Commissioner must prepare a written investigation report providing reasons for their determination that the Member breached this policy;
 - b) the investigation report must make a recommendation as to the appropriate sanction for the breach;
 - c) if the Integrity Commissioner determines that a Member did breach this policy, but that the Member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the Integrity Commissioner will so state in the investigation report and may recommend that no sanction be imposed;
 - d) the Integrity Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and
 - e) the Integrity Commissioner must deliver a copy of the investigation report to the Complainant and the Park Board forty eight (48) hours after delivery of the investigation report to the Respondent; and
 - f) the Integrity Commissioner must make the investigation report available to public after delivery of the investigation report to the Complainant and the Park Board.
- 5.33 The Integrity Commissioner must ensure that the investigation report as drafted complies with the City's obligations regarding disclosure of personal information set out in the Freedom of Information and Protection of Privacy Act, or ensure that appropriate redactions are applied prior to release to the public.

Final Determination by the Park Board

- 5.34 The Park Board must, within 30 days of delivery of the investigation report pursuant to section 5.32 (e), or a longer period if approved by a vote of the Park Board, decide on the appropriate measures, if any, that are warranted by the breach of this policy, and will take such actions as the Park Board considers appropriate in the circumstances.
- 5.35 Prior to the Park Board making any decision regarding the findings and recommendations set out in the investigative report, the Respondent must be provided with an opportunity,

either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.

- 5.36 While an investigation report provided to the Park Board may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when the Park Board deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 5.33.

Remedies

- 5.37 Sanctions that may be imposed for violating this policy include the following:
- a) a letter of reprimand from the Park Board addressed to the Member;
 - b) a request from the Park Board that the Member issue a letter of apology;
 - c) the publication of a letter of reprimand and a request for apology by the Integrity Commissioner, and the Member's written response;
 - d) a recommendation that the Member attend specific training or counselling;
 - e) suspension or removal of the appointment of a Commissioner as the Park Board Chair or Park Board Vice Chair;
 - f) suspension or removal of the Commissioner from some or all committees and bodies to which the Commissioner was appointed by the Park Board;
 - g) termination of the Advisory Committee Member's appointment from the Advisory Committee to which the Advisory Committee Member was appointed by the Park Board; and
 - h) public censure of a Member.

Confidentiality of the Investigation

- 5.38 The Integrity Commissioner must make all reasonable efforts to investigate Complaints in confidence.
- 5.39 The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions must preserve confidentiality with respect to all matters that come into the Integrity Commissioner's knowledge in the course of any investigation or Complaint except as required by law.
- 5.40 An investigation report must only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purpose of the investigation report.

Reprisals and Obstruction

- 5.41 No Member will obstruct the Integrity Commissioner in the carrying out of the Integrity Commissioner's duties or responsibilities.

- 5.42 No Member will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the Integrity Commissioner in the context of an investigation.
- 5.43 No Member will tamper with or destroy documents or electronic records related to any matter under investigation under this policy or refuse to respond to the Integrity Commissioner when questioned regarding an investigation.

Reimbursement of Costs

- 5.44 A member may request that Council resolve to reimburse legal fees reasonably incurred by the member in relation to a Complaint in accordance with the provisions of the Vancouver Charter.

REFERENCES

[Freedom of Information and Protection of Privacy Act](#)

[Freedom of Information and Protection of Privacy By-law](#) (Board of Parks and Recreation)

[Records Management By-law No. 9067](#)

RELATED POLICIES

[Code of Conduct](#) Corporate Policy AE-028-01

[Corporate Records and Information Management](#) Policy ADMIN-009

[Code of Conduct By-law No. 12886](#)

APPROVAL HISTORY

PREPARED BY: Legal Services / Board Relations	APPROVED BY: Park Board	DATE:
NEXT REVIEW: due by May 7, 2023		