



Report Date: November 29, 2024

VanRIMS No.: 08-3000-30

[Submit comments to the Board](#)

TO: Park Board Chair and Commissioners
FROM: General Manager, Board of Parks and Recreation
SUBJECT: Park Board Code of Conduct Policy Amendments - Report Back

RECOMMENDATIONS

THAT the Vancouver Park Board approve the proposed amendments to the Board's Code of Conduct Policy, as described in this Report and attached as Appendix A.

PURPOSE AND SUMMARY

The purpose of this Report is to report back on the following [motion, approved October 8, 2024](#):

THEREFORE BE IT RESOLVED THAT the Board of Parks and Recreation direct staff to report back by the end of 2024 with proposed Code of Conduct Policy amendments that address the recommendations made by the Integrity Commissioner, including, but not limited to:

- A. Reporting in the annual report when a Park Board Commissioner fails to attend Integrity Commissioner orientation training or education sessions.
- B. Part 1 to state the Standards and Values are principles intended to inform the interpretation of the provisions in the Code of Conduct By-law and the role of Park Board Commissioners and Advisory Committee Members.
- C. Allow for notices of outcome to be provided to those whose complaints have been rejected due to the operation of section 5.8 of the Code of Conduct Policy (which states that the Integrity Commissioner must not accept multiple complaints on the same matter).
- D. Additional sanction provisions for reduction in remuneration and/or restriction from holding roles that enhance remuneration in appropriate circumstances when a breach of the Code of Conduct Policy is found.

Proposed changes to the Policy are indicated via underlined text in Appendix A.

BOARD AUTHORITY / PREVIOUS DECISIONS

Per section 486B of the [Vancouver Charter](#), sections [145.93 and 145.94](#) apply to the Park Board.

On July 18 & 19, 2022, the Park Board [approved the Code of Conduct Policy](#) and directed the General Manager to identify and recommend a candidate for Integrity Commissioner for Board approval.

On April 24, 2023, the Park Board approved a minor amendment to the [Code of Conduct Policy](#)

to permit a shorter appointment period for the Integrity Commissioner to align with the term of the City of Vancouver's Integrity Commissioner.

On July 4, 2023, the Park Board [appointed Lisa Southern](#) as the Park Board's Integrity Commissioner for 2023.

On October 10, 2023, the Park Board re-appointed Lisa Southern as the Park Board's Integrity Commissioner for 2024 and 2025.

On October 8, 2024, the Park Board [directed staff to report back](#) with suggested amendments that address recommendations made by the Integrity Commissioner.

CONTEXT AND BACKGROUND

Pursuant to s. 4.7(k) of the Code of Conduct Policy, at the end of each year, the Integrity Commissioner must submit an annual report that includes a summary of work completed over the year and may include advice or recommendations to improve the text or operation of the Policy. The following is an excerpt from the [Integrity Commissioner's 2023 annual report](#) to the Park Board:

“At the end of our first year as the Office of the Integrity Commissioner for the City of Vancouver, we made a series of recommendations to enhance the Code of Conduct By-law that applies to Council. These were adopted by Council and the Code of Conduct By-law has been amended accordingly. At present, the Policy that applies to the Park Board Members has not been updated to align its terms fully with the Code of Conduct By-law. We recommend that the Park Board consider the recommendations we made for the Code of Conduct By-law at the end of 2022 and 2023, and consider continued alignment of its Policy with Council's.”

For reference, the 2022 recommendations to Council from the Integrity Commissioner's annual report can be viewed here: <https://vancouver.ca/files/cov/integrity-commissioner-annual-report-2022.pdf>, and the 2023 recommendations to Council can be viewed here: <https://vancouver.ca/files/cov/integrity-commissioner-annual-report-2023.pdf>

In accordance with the motion approved by the Park Board on October 7, 2024, this report brings forward the recommendations approved in the motion, which aligns with the Integrity Commissioner's recommendations made in the annual reports to Council in 2022 and 2023.

DISCUSSION

Staff recommend that the following amendments be made to the Park Board's Code of Conduct Policy to reflect the recommendations made by the Integrity Commissioner in annual reports produced for the City of Vancouver in relation to the Code of Conduct By-law for 2022 and 2023. The recommended amendments are substantially similar to those recommended by the Integrity Commissioner with modifications to reflect the wording of the Board's Code of Conduct Policy.

The proposed changes may be summarized as follows:

Recommendation	Change to Policy	Source
Confirm that the Standards and Values are intended to inform the interpretation of the substantive provisions of this policy.	Add section 1.2.	Recommendation 1, Annual Report 2023
Add explicit obligations for Advisory Board member public communications.	Add section 2.5	Recommendation 1, Annual Report 2023
Note in annual report if member is absent from mandatory orientation and education sessions	Add section 3.22	Recommendation, Annual Report 2022
Include timeline for publishing annual report.	Amend section 4.7(k)	Recommendation, Annual Report 2022
Include transition provisions to allow outgoing Integrity Commissioner to continue to handle investigations that have already commenced.	Add sections 4.9 and 4.10	Recommendation, Annual Report 2022
Allow the Integrity Commissioner to pause the formal investigation timeline in the event that mediation may be an option for resolution.	Add section 5.28A	Recommendation, Annual Report 2022
Allow for notices of outcome to be provided to complainants whose complaints were not accepted due to multiple complaints.	Add section 5.30	Recommendation 2, Annual Report 2023

Several of the recommendations made by the Integrity Commissioner in the Annual Report to the City of Vancouver for 2022 were already reflected in the Board's Code of Conduct Policy. The recommended changes address all but two of the remaining recommendations made by the Integrity Commissioner.

The first is the recommendation (Recommendation 3, Annual Report 2023) that a process be implemented to ensure Advisory Board members are notified when a formal report or bulletin is published on the Integrity Commissioner website. Staff support this recommendation but confirm that this does not require an amendment to the Board's Code of Conduct Policy. Staff can implement an internal process to address this recommendation.

The second is the recommendation (Recommendation 4, Annual Report 2023) that the Park Board may want to consider the feasibility of amending the Park Board Code of Conduct Policy to include sanction provisions for reduction in remuneration when a breach of the Policy is found. Staff advise that there is no authority for the Park Board to implement changes to remuneration of Park Board Commissioners as such matters are within the jurisdiction of City Council Pursuant to section 489B of the Vancouver Charter, City Council has express authority "by by-law, [to] provide for payments to members of the Board". Park Board remuneration is currently set by the City's Park Board Remuneration By-law No. 11484. Accordingly, any changes to this By-law, including that recommended by the Integrity Commissioner, would require approval by Council.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with approving this report.

CONCLUSION AND NEXT STEPS

The recommendations in this report are provided as a response to the Park Board's direction in October 2024, and align with those provided by the Board and Council's appointed Integrity Commissioner.



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POLICY TITLE	Park Board Code of Conduct Policy
CATEGORY	Administrative
POLICY NUMBER	
POLICY OWNER	Park Board
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 clarity, 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;



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“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.



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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 to conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect Confidential Information.
- 1.2 The standards and values set out above are to inform the interpretation of the substantive provisions of this policy and are not stand-alone bases for complaints.

PART 2

COMMUNICATIONS AND CONFIDENTIALITY

Public Communications by a Member

- 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.



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- 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.
- 2.5 An Advisory Committee Member must ensure that all communications by, and on behalf of that Member, 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

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



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- 2.8 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.
- 2.9 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.



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- 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;



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- 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.

- 3.22 Absences by a Member contrary to sections 3.20 and 3.21 will be noted in an annual report to be published by the Integrity Commissioner.

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, or such shorter period that aligns with the term of the Integrity Commissioner appointed by City Council pursuant to the Code of Conduct By-Law No. 12886. 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;



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- 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 by December 1 each year 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.

Powers after Resignation or Expiry of Term

4.9 If the Integrity Commissioner resigns or their appointment expires, the General Manager may authorize that individual to continue to exercise the powers of the Integrity Commissioner in regards to any complaint received before the end of their term.

4.10 An authorization under section 4.9 continues until the complaint which is the subject of the authorization is rejected, closed, resolved informally, or a written investigation report is delivered to the Park Board.

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



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- 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.



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- 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;



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- 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,
 - g) 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.



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- 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.

5.28A The Integrity Commissioner may suspend any investigation underway for the purpose of attempting to resolve the complaint informally, either at the Integrity Commissioner's own determination, or at the request of a party to the investigation.

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;
- e) the Integrity Commissioner may disclose a notification issued pursuant to section 5.13, 5.14 or 5.15 to other Complainants whose Complaints were closed by virtue of section 5.8; and
- f) 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;



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- 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;



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- 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.



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REFERENCES AND RELATED POLICIES

[Vancouver Charter s145.93, s145.94 & s486B](#)

[Park Board Commissioner Expenses By-law No. 7336](#)

[Park Board Remuneration By-law No. 11484](#)

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

APPROVAL AND REVIEW HISTORY:

Version 1	APPROVED BY: Park Board	DATE: July 18, 2022
Version 2	APPROVED BY: Park Board	DATE: April 24, 2023
Version 3	APPROVED BY:	DATE:

Next review date **April 2027**