



OFFICE OF THE
INTEGRITY COMMISSIONER
FOR THE VANCOUVER PARK BOARD



ANNUAL REPORT

Reporting for the period December 1, 2023 to November 30, 2024
Submitted to Steve Jackson, General Manager, Vancouver Park Board
Submitted by Lisa Southern, Park Board Integrity Commissioner



Introduction

Background

On July 18, 2022, the Vancouver Park Board (“Park Board”) passed the *Code of Conduct Policy PB-23-01* (the “Policy”) to align its ethics regime with that of the City of Vancouver (“City”).

On July 4, 2023, Lisa Southern, Barrister & Solicitor, was appointed as the inaugural Park Board Integrity Commissioner.

First Reporting Period

In its first five-month reporting period (July to November 2023), the Office of the Integrity Commissioner (the “Office”) focused on both establishing the Office and fulfilling its duties and responsibilities as set out in [section 4.7 of the Policy](#), primarily with a focus on providing education to Park Board Commissioners and Advisory Committee Members on the Policy, process and functions of the Office, and key obligations around conflicts of interest and communications.

Year Two – December 1, 2023 to November 30, 2024

2024 was an interesting year as we experienced a significant increase in complaints submitted to the Office. Issues raised included disrespectful communications, legalities of recording of conversations, and concerns of interference with the neutral services of City employees.

The processes under the Policy were tested in 2024 through the work our Office conducted, which we valued as a unique opportunity to assess both the strengths and challenges that flow from the language of the Policy. One key testing point was around delays. Delays arose in some investigations around scheduling and obtaining information through interviews and document production, and in others due to preliminary objections made by Park Board Commissioners in response to our Office conducting the investigation.

2024’s activities highlight opportunities to improve the Policy in a number of ways, including potential changes to ensure investigations can be conducted more efficiently. We make several suggestions in the *Recommendations* section.

We note that the Policy was created in alignment with the City’s *Code of Conduct By-Law No. 12886* (the “Code of Conduct By-law”), which is under third-party review at the time of issuance of this report. Given the similarity between the language of the Policy and Code of Conduct By-law, Park Board Commissioners may want to consider the recommendations from the third-party reviewer as they work to improve the effectiveness of the Policy.



Duties of the Office

The duties are summarized as follows:

1. **Complaints:** Assess and potentially mediate and/or investigate Policy complaints made against Park Board Commissioners
2. **Advice and Education:** Provide advice and education to Park Board Commissioners regarding questions of compliance and their ethical obligations and responsibilities under the Policy
3. **Budget:** Submit an annual budget for approval by the Park Board
4. **Community Outreach:** Aid the public in their understanding of the Policy
5. **Recommendations:** Produce an annual report, including recommendations for improvements to the Policy

Report Structure

The 2024 Annual Report is the second Annual Report submitted to the Park Board. It provides the following:

- a) A summary of the activities undertaken by the Park Board Integrity Commissioner during the past year, organized by duty
- b) A summary of trends and themes drawn from the complaints received and investigations conducted in the past year
- c) A list of recommendations for improvements to the Policy and the functioning of the Office



Complaints

The process and procedures for receiving and addressing complaints was established in July 2023. We will continually evaluate the process and procedures to ensure both their accessibility and that investigations, when required, are done fairly and respectfully, and are completed in a timely manner. **Figure 1** provides a flow chart of the complaint process.

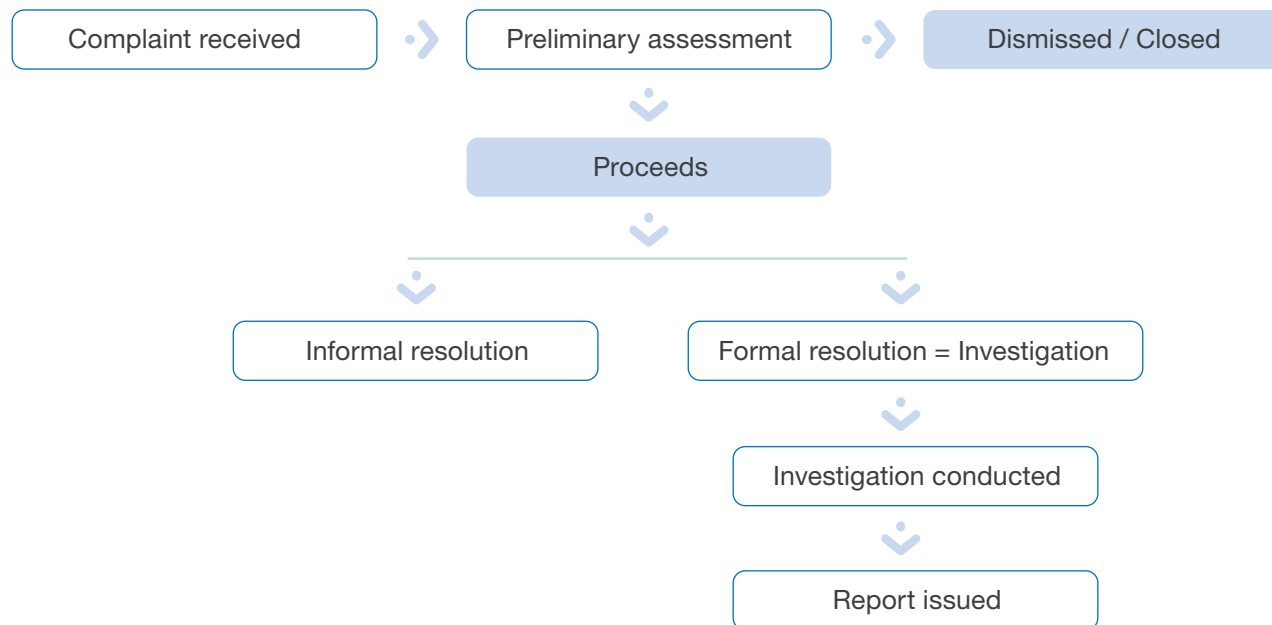


Figure 1: Complaint Process

Summary of Complaint Statistics

The Office received 23 complaints from December 1, 2023 to November 30, 2024, a significant increase from the number received in 2023 (as shown in [Figure 2](#)). One complaint is currently open at the time of reporting. Of the remainder, 22 complaints were either dismissed or closed after the initial assessment.

Of the 14 dismissed complaints, as illustrated in [Figure 3](#), eight were dismissed because they did not fall under the purview of the Policy (Outside Policy) and six complaints were dismissed because they were about City employees (Outside Policy – City Employees).

As seen in [Figure 2](#), eight complaints moved through the preliminary assessment process: six were considered not a breach due to insufficient grounds and two were investigated (only one was found to be a breach of the Policy). The Integrity Commissioner [published two investigation reports](#) during the reporting period.

	July to November 2023 5-month period	December 2023 to November 2024 12-month period
Total number of complaints received	6	23
# of complaints dismissed (outside of policy) after initial assessment	5	14
# of complaints proceeded to preliminary assessment / investigation	1	9*

* One complaint remains under active investigation at time of reporting

Figure 2: Complaints Received in 2023 and 2024

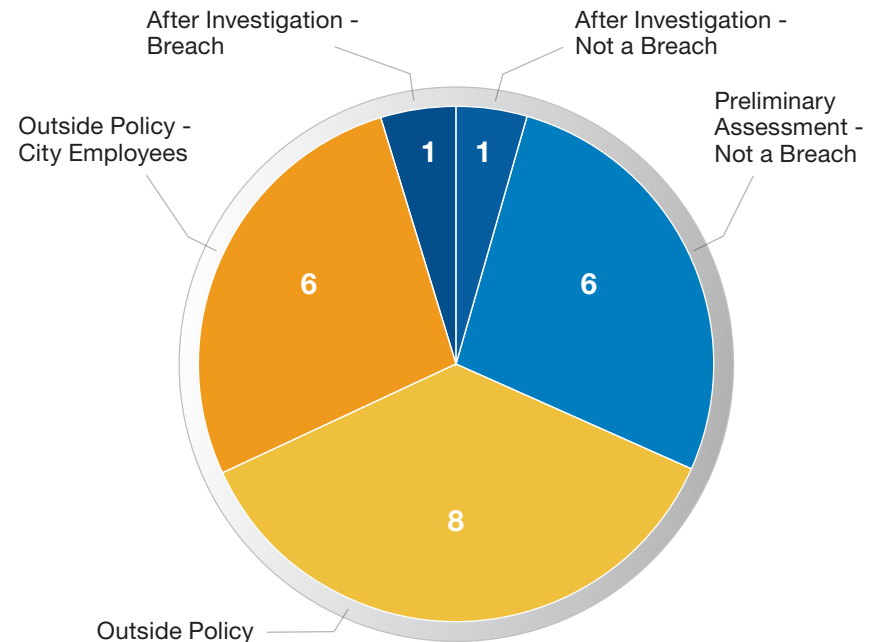


Figure 3: Reasons for Closures / Dismissals

Note: These statistics do not include general inquiries, Confidential Requests under section 5.1 of the Policy, or informally resolved matters.



In 2024, our Office handled several complaints raising novel issues under the Policy. Complaint [PB-IC-001](#) raised legal issues related to the law of defamation and available defences to allegations of defamation while Complaint [PB-IC-002](#) raised legal issues around surreptitious recording and when recording meetings and conversations is permissible. In both complaints, we received detailed submissions from the parties regarding the legal issues involved, which had not been considered before under the Policy. While we did not determine there was a breach of the Policy in Complaint PB-IC-002, it still gave our Office an opportunity to clarify the rules around recordings for Park Board Commissioners and the public through the published investigation report.

Further, one of the complaints that was dismissed as having insufficient grounds after our Office conducted an extensive preliminary assessment involved allegations of political interference with City employees. The preliminary assessment process allowed for guidance to be provided to the parties (who were all Park Board Commissioners) about the application of the Policy to the interactions of Park Board Commissioners and City employees and to the appropriate roles of each in the performance of Park Board business.

We also received a number of complaints that engaged the obligations on Park Board Commissioners to comply with directions from our Office for document production and to not obstruct our investigation process, which raised issues under section 5.41 and section 5.42 of the Policy.

Timing

The Integrity Commissioner is directed by the Policy to complete the complaint process in a timely manner. As of the date of this report, the duration in days for completed complaints in 2024 ranged from one day to 129 days, with an average length of 20 days.

Advice and Education

In 2024, we continued to prioritize education by developing and delivering a number of educational offerings for Park Board Commissioners that were designed to support common understanding of ethical obligations and address issues that were arising through the complaint and advice functions. Our goal was to try to educate all Park Board Commissioners to assist at a time of friction, where we could support skills to fostering a space where disagreement was not disruptive or disrespectful.

To be effective, the ideal model would be for all Park Board Commissioners to attend scheduled sessions together. This would allow for common engagement with the information, for facilitated conversations, and for the opportunity to ask questions and receive answers collectively.

Section 3.21 of the Policy states all Park Board Commissioners “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.” No absences were approved by resolution of the Park Board during this reporting period.

We made efforts to deliver the education sessions in person, and to all Park Board Commissioners; however, there were mixed levels of participation.

With prior notice, in-person training was scheduled from 6:00 p.m. to 7:30 p.m. on the following dates:

- July 2, 2024: Meetings and Communications (Presented by Deanna Brummitt, Associate)
- July 11, 2024: Respectful Conduct (Presented by Lisa Southern, Integrity Commissioner)

Of the seven Park Board Commissioners, five attended the July 2, 2024 session and four attended the July 11, 2024 session.

In order to facilitate completion of the mandatory education sessions, we offered make-up sessions, but were further challenged in scheduling and facilitating the attendance of the Park Board Commissioners who had not attended the July sessions. Our Office offered multiple dates and, receiving no response as to preference, scheduled the make-up sessions on October 28, 2024. None of the three Park Board Commissioners who had missed one or both of the in-person sessions attended the make-up sessions. We then made recordings of both sessions available for those Park Board Commissioners to view at a time convenient to them. Only one Park Board Commissioner confirmed doing so.

In addition, in 2024, we developed an eLearning course entitled “Introduction to the Code of Conduct Policy” which provides an overview of the Policy and baseline training for Park Board Commissioners on their responsibilities and obligations under the Policy. Park Board Commissioners are expected to complete the eLearning course by December 31, 2024. In this reporting period, three of the seven Park Board Commissioners have confirmed they have taken this training.

We view education as an important tool for building capacity in terms of the skill sets of individual Park Board Commissioners and to support governance of the Park Board.

Under the *Recommendations* section, we address the challenges we encountered this year in ensuring Park Board Commissioners completed their mandatory training.



Costs Summary and Budget Recommendations for 2025

In our 2023 Annual Report, we reported spending \$20,053 in fees and recommended a budget of \$60,000 for 2024. This recommendation was based on our five-month experience in 2023 during which we established the Office and only received six complaints. As noted, 2024 was a very different year, with the Office receiving 23 complaints and investing in repeated efforts to educate the Park Board Commissioners on the Policy.

As a result, our total fees were greater than the \$60,000 anticipated, and totalled \$111,608 (excluding taxes and disbursements) as of November 30, 2024.

The breakdown of services delivered, and their relative costs, is illustrated in [Figure 4](#).

2025 Budget Recommendations

We are hopeful that 2025 will see a reduction in complaints and a corresponding reduction in fees. To be prudent, however, we recommend a budget of \$100,000 to operate the Office for 2025.

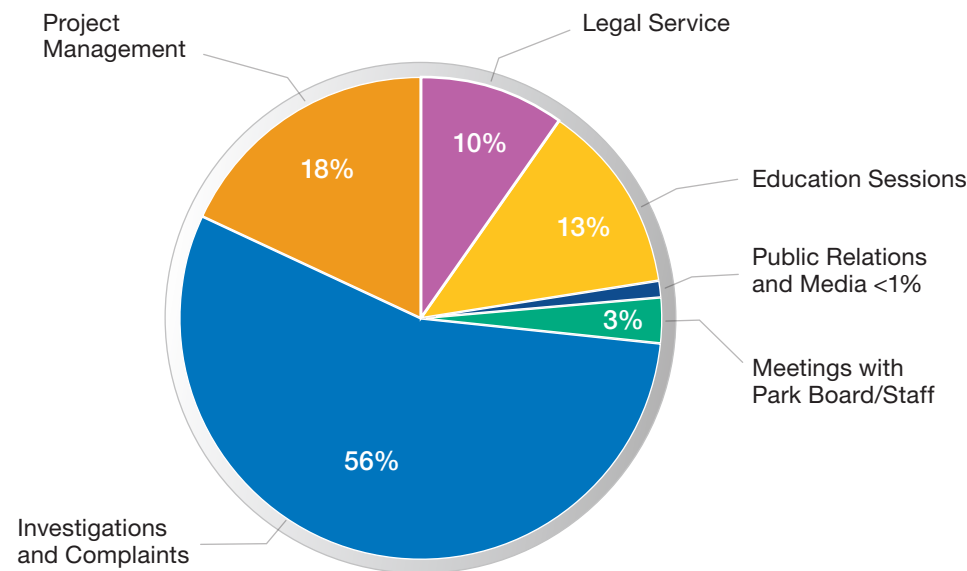


Figure 4: Cost Breakdown

Note: Total costs (including disbursements) were \$118,705.



Community Outreach

Our focus for community outreach was on continuing to update and populate the [Office's web page](#), a key tool to provide information and act as a portal for members of the public to learn about the Policy, the Office, and the complaint resolution process.

We have seen a notable increase in web traffic to the Park Board Integrity Commissioner web page during this reporting period. Between December 1, 2023 and November 30, 2024, there were 1,485 visits to the web page. For reference, from July to November 2023, we had approximately 300 visits to the web page.

In addition to informing the public through the web page, the Office was referenced in or by the media in news articles, on the radio, and on televised news broadcasts.

In the summer and fall of 2024, Integrity Commissioners and Ethics Advisors in Western Canada began a dialogue and met virtually to discuss topical issues. Given the value of these meetings, the group will be organizing a full-day conference in the spring of 2025.

Recommendations

The Policy requires that we provide advice and recommendations to improve the text and operation of the Policy. As referenced in the *Introduction*, recommendations from the third-party review of the Code of Conduct By-law should also be considered by the Park Board, as alignment between the Code of Conduct By-law and the Policy is sensible, and opportunities for improved governance and processes may flow from that review.

In addition, we make the following recommendations.

Recommendation 1

We reiterate our recommendations from the 2023 Annual Report:

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.

A number of changes would flow from this, including express authority for the Annual Report to include names of Park Board Commissioners who do not comply with compulsory education requirements.

Recommendation 2

In 2023 for the Code of Conduct By-law, we recommended that the provisions in Part 1: Standards and Values be clarified as interpretative principles and non-substantive obligations. As noted above, we recommend the Park Board consider these recommendations.

However, in further clarification about the Standards and Values, we also recommend that section 1f), which discusses responsibility, be

dealt with separately from the other Standards and Values listed in Part 1, given that it gives rise to specific, substantive obligations for compliance.

Recommendation 3

Consider adding a process whereby the Integrity Commissioner can provide a report to the Park Board and the public when the Integrity Commissioner finds that a Park Board Commissioner has breached the Policy by failing to meet their obligations under sections 3.20 and 3.21 (Orientation and Training Attendance) and under sections 5.41, 5.42, and 5.43 (Reprisals and Obstruction). Prior to making such a report, the Park Board Commissioner who is the subject of the report would be given written notice of their obligation to comply and notice that failure to do so by a specific date, determined by the Integrity Commissioner as fair and reasonable, would result in a reported finding of a breach of the Policy. If Recommendation 4, concerning confidentiality obligations, is implemented, we also recommend including that breaches of the relevant confidentiality sections would be subject to this process.

Recommendation 4

Consider adding clear and precise language that obligates those who are involved in informal complaint resolution and/or investigation processes to comply with directions of confidentiality made by the Integrity Commissioner. In the event of a breach of confidentiality by a Park Board Commissioner, the breach of confidentiality could be considered a breach of the Policy. In the event of a breach of confidentiality by a City employee, the employee's breach could be addressed through the City's employee policies.

As members of the public would not be bound by the Policy or employee policies, we recommend consideration of a provision that would provide the Integrity Commissioner with discretion to dismiss a complaint, and future complaints by the same individual, in the event they breach the obligation to maintain confidentiality.



Recommendation 5

Consider separating the education and advice functions from the investigation / complaint resolution functions in order to better avoid conflicts and foster continued use of the advice and education functions when investigations are ongoing.

Recommendation 6

Consider the Office having a roster of investigators (akin to other organizations like the Public Service Agency and the Office of the Sport Integrity Commissioner) so that different investigators may be assigned to investigate complaints. This would assist with capacity and allow for a different investigator to handle subsequent complaints that involve the same party or parties.

Recommendation 7

Consider changing language related to the preliminary assessment process to clarify that the initial assessment decision is not revisited (currently the provision allows for complaints to be dismissed on preliminary assessment grounds throughout the complaint process). Consider adding a provision allowing for summary dismissal after formal investigation commencement where evidence collected demonstrates complaints are frivolous, vexatious, or made in bad faith; an investigation is not in the public interest; or there are insufficient grounds for concluding a violation of the Policy occurred. The purpose of this recommendation is to clearly delineate between the preliminary assessment and formal investigation stages and to provide clearer and more distinct steps for the complaint process.

Recommendation 8

Consider eliminating the requirement that during an investigation, a written submission is sought from a respondent, and instead replace it with less prescriptive language that provides discretion to the investigator to determine a process that is fair and that allows for a full opportunity for the respondent to respond to allegations. The current language results in a bottleneck where submissions sought may not address the substance of the allegations but may raise preliminary objections and delay the investigation process. This written submission request is unnecessary to meet due process requirements, has the risk of turning the process into one that is unnecessarily litigious, is misaligned with how investigations are typically conducted, and is inefficient.

Recommendation 9

The current terms of the Policy require publication of the investigation report after a formal investigation has been conducted, regardless of whether a breach is found. We recommend that publication of a formal investigation report *only* occurs when a breach is found.

We recommend that when no breach is found, an anonymous summary bulletin be published instead. We suggest adding language (similar to that currently in section 5.30(d)) which permits that "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" in such circumstances.

We view this approach as the best balance between protecting the privacy of those involved and the public interest for transparency. Where a breach is found, the public interest is met through transparency of the published investigation report.

Closing Comments

The Office is grateful for the opportunities we have been given to support the ethics and governance of the Park Board in 2024.

With our thanks and appreciation, we look forward to continuing our service in 2025.



Lisa Southern,
Park Board Integrity Commissioner

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