

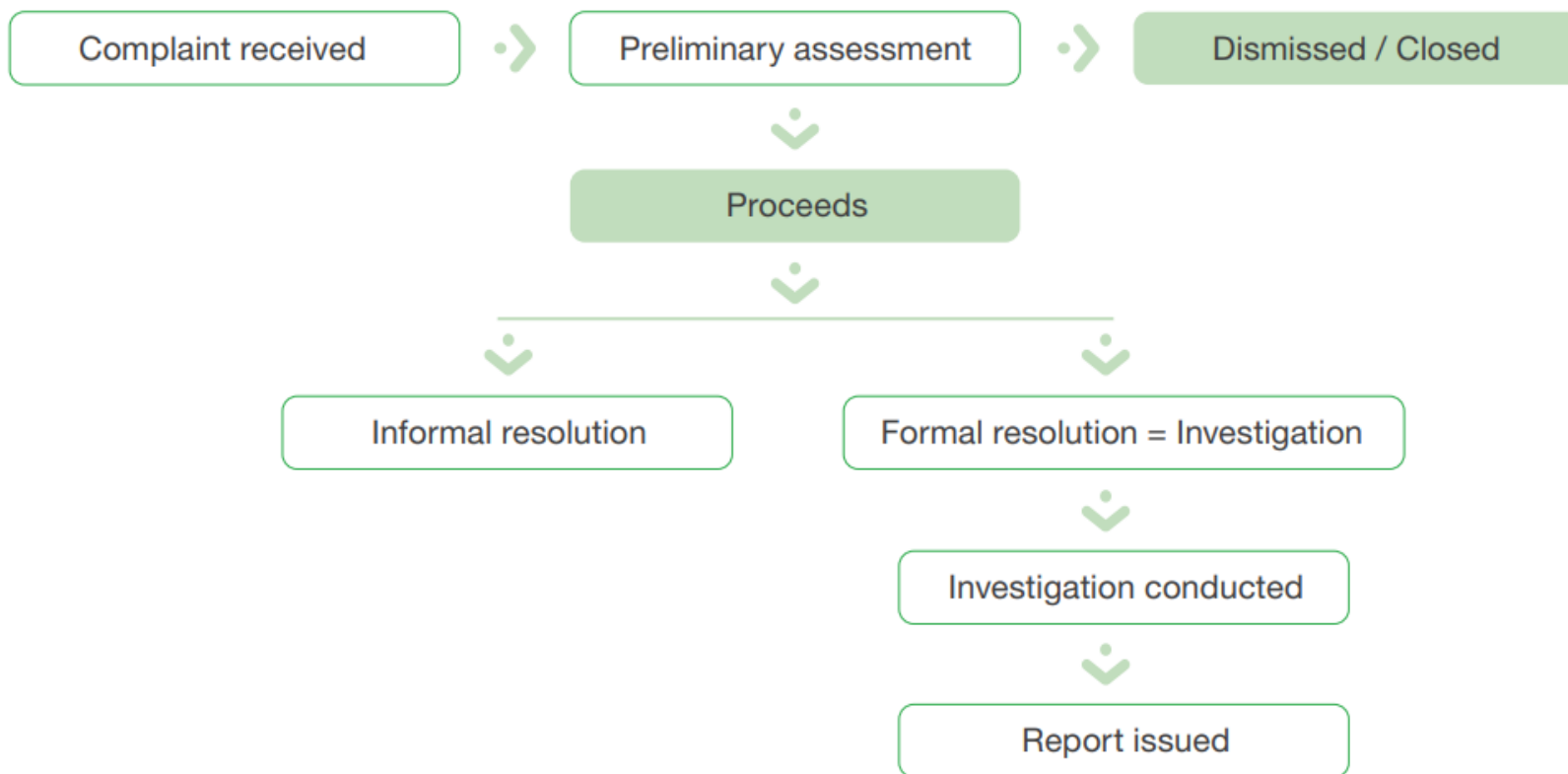
# Appendix D – Flow Charts

- These flow charts highlight parts of the complaint process to demonstrate the differences between the draft New Code (Appendix A) and the proposed amendments (Appendix C).
- Proposed amendments included:
  - #6 – Complaint Outside of Jurisdiction
  - #7 – Informal Resolution
  - #8 – Investigator's Report

# Proposed Amendments

- Change the Conduct Captured by Code
  - #1. Personal Life
  - #2. Harassment & Discrimination
  - #3. Interactions with Staff
  - #4. Social Media
  - #6. Complaint Outside of Jurisdiction
- Change the Complaint Process
  - #5. Ethics Commissioner
  - #7. Informal Resolution
  - #8. Investigator's Report
  - #9. Restorative Justice Remedies
  - #10. Remuneration
  - #11. Reimbursement

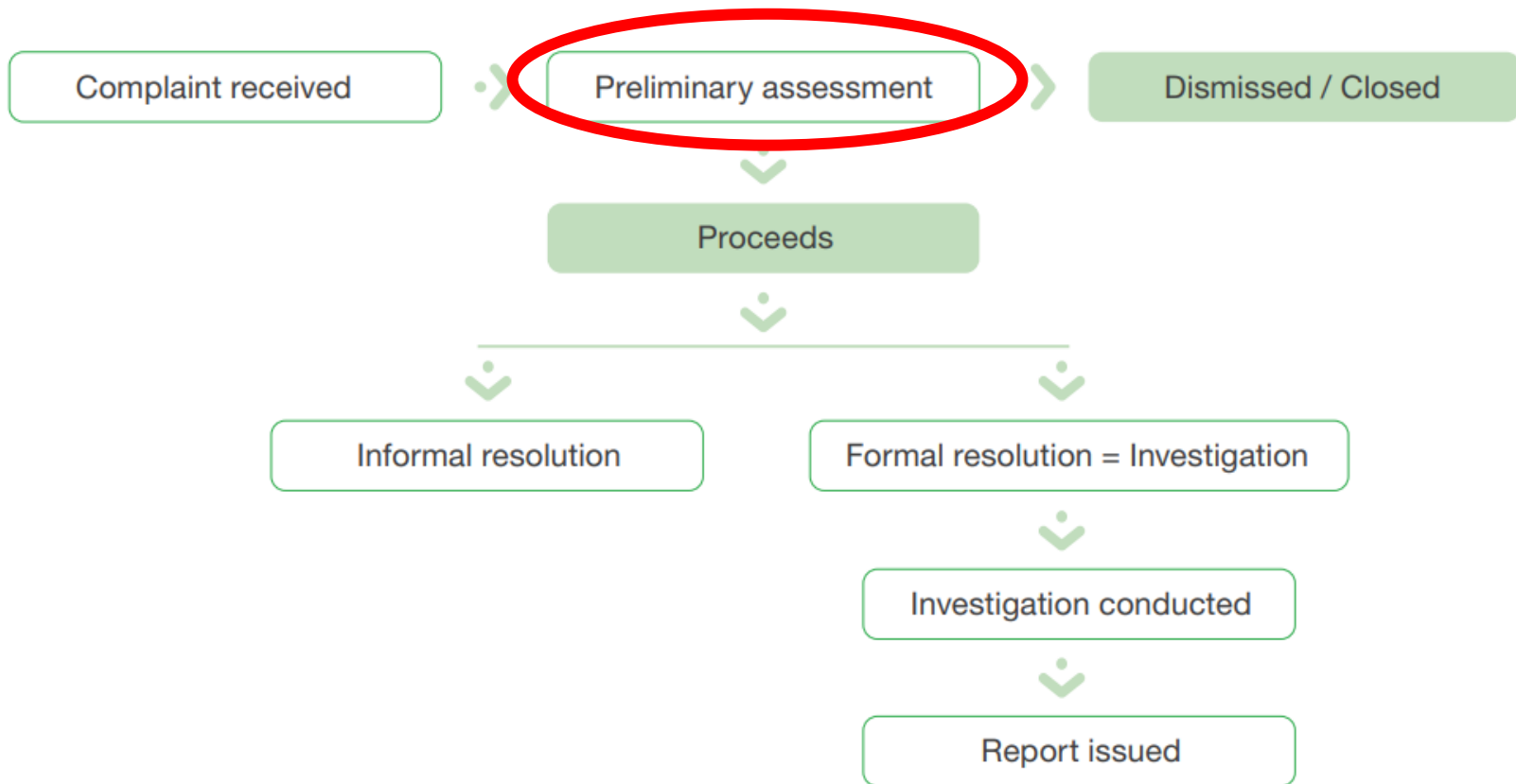
# Overall Complaint Process



Source: “Figure 1: Complaint Process”, City of Vancouver | Office of Integrity Commissioner, 2023 Annual Report (Note: the same overarching process applies to the New Code and all proposed amendments)

# Proposed Amendment

## #6. Complaint Outside of Jurisdiction



Source: “Figure 1: Complaint Process”, City of Vancouver | Office of Integrity Commissioner, 2023 Annual Report (Note: the same overarching process applies to the New Code and all proposed amendments)

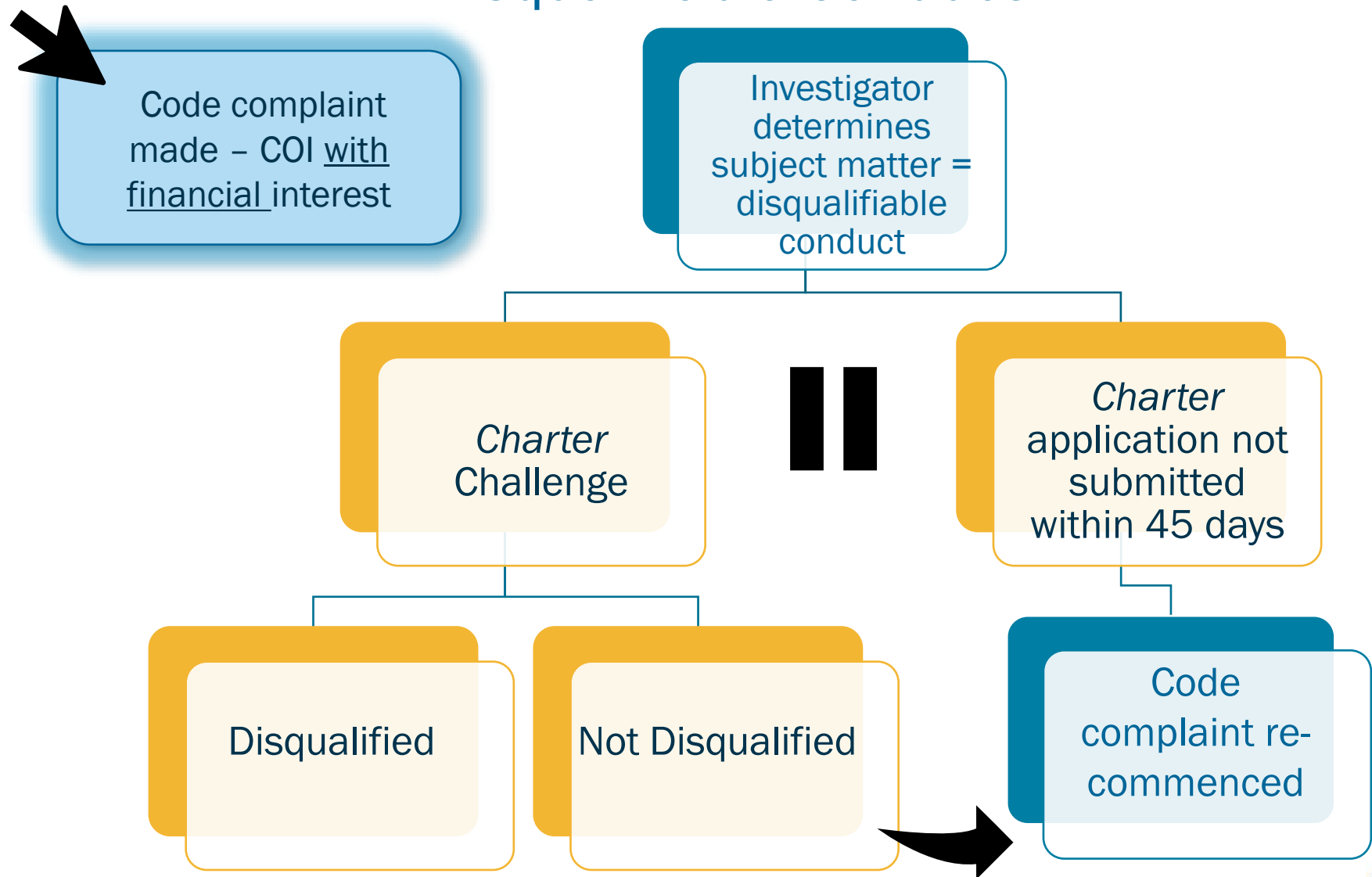
# Disqualifiable Conduct

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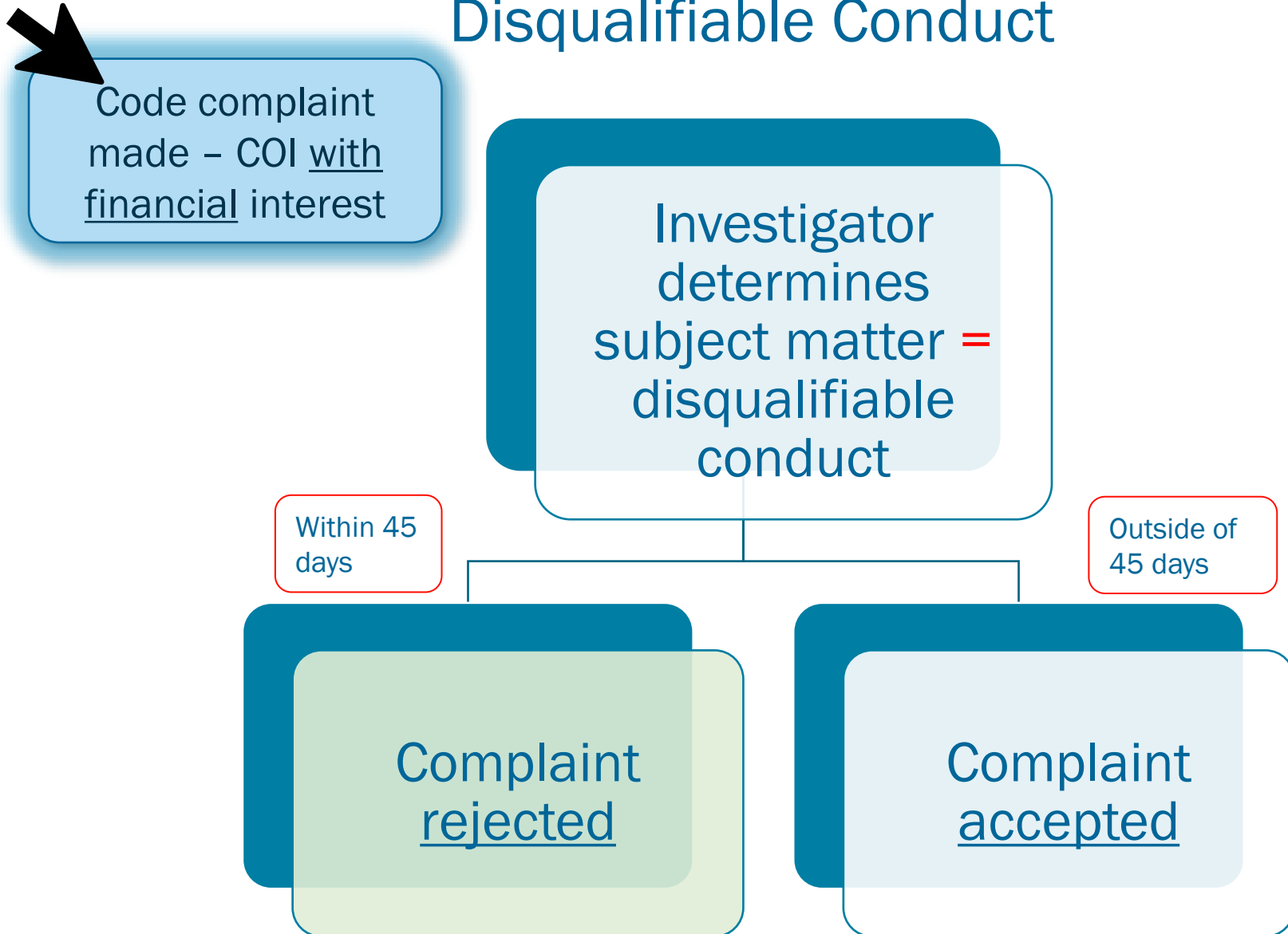
	New Code	Amendment
Within 45 days	Suspended	Rejected
After 45 days	Re-commenced*	Accepted

\*The complaint may also be re-commenced if a disqualification proceeding under the CC has concluded and the Council member was not disqualified. It must be in the public interest to re-commence the complaint.

# New Code (ss. 60 & 61) – Disqualifiable Conduct



## #6. Complaint Outside of Jurisdiction – Disqualifiable Conduct



## #6. Complaint Outside of Jurisdiction – NOT Disqualifiable Conduct

Code complaint  
made – COI without  
financial interest



Investigator  
determines  
subject matter  $\neq$   
disqualifiable  
conduct

Complaint  
accepted



# Disqualifiable Conduct Example

Council member A has a financial interest in a rezoning that is coming before Council. Council member A declares their conflict of interest and does not participate in the vote on the matter at the Council meeting. However, prior to the meeting, on June 1, Council member A tells Staff member Z to draft their report such that the benefits to the community outshine any potential drawbacks to the proposal. On June 8, Staff member Z files a code of conduct complaint.

- **Under the proposed amendment**, the investigator must reject this complaint because it is with respect to conduct that may subject a Council Member to disqualification pursuant to section 111 of the *Community Charter*.
  - (because it is still within the 45-day window)
- **Under the New Code**, as currently drafted, the Disqualification Proceedings sections (ss. 60 and 61) require the investigator to suspend the complaint until the 45-day time-period to commence a proceeding under the CC has expired.
- After the time-period has expired, and if it would be in the public interest to do so, the investigator may re-commence the complaint.

# Disqualifiable Conduct Example Cont'd.

- The relevant section of the New Code is section 37, which states:

*37. Council Members must not attempt to influence a decision of Council, a committee, or Staff if the Council Member has a pecuniary conflict of interest in relation to that decision.*
- The investigator makes a determination that Council member A breached section 37 of the New Code and recommends that Council impose the remedies of a letter of reprimand from Council addressed to Council member A, a request that Council member A issue a letter of apology, a recommendation that Council member A attend conflict of interest training, and a suspension from the Acting Mayor rotation and any committee or board appointments.
- Given that this is Council member A's first breach of the New Code, their remuneration will be reduced by 10% for one year.
- **\*NOTE** – If Staff member Z filed the code complaint on July 17 (after 45 days), it would have been accepted under the proposed amendment.

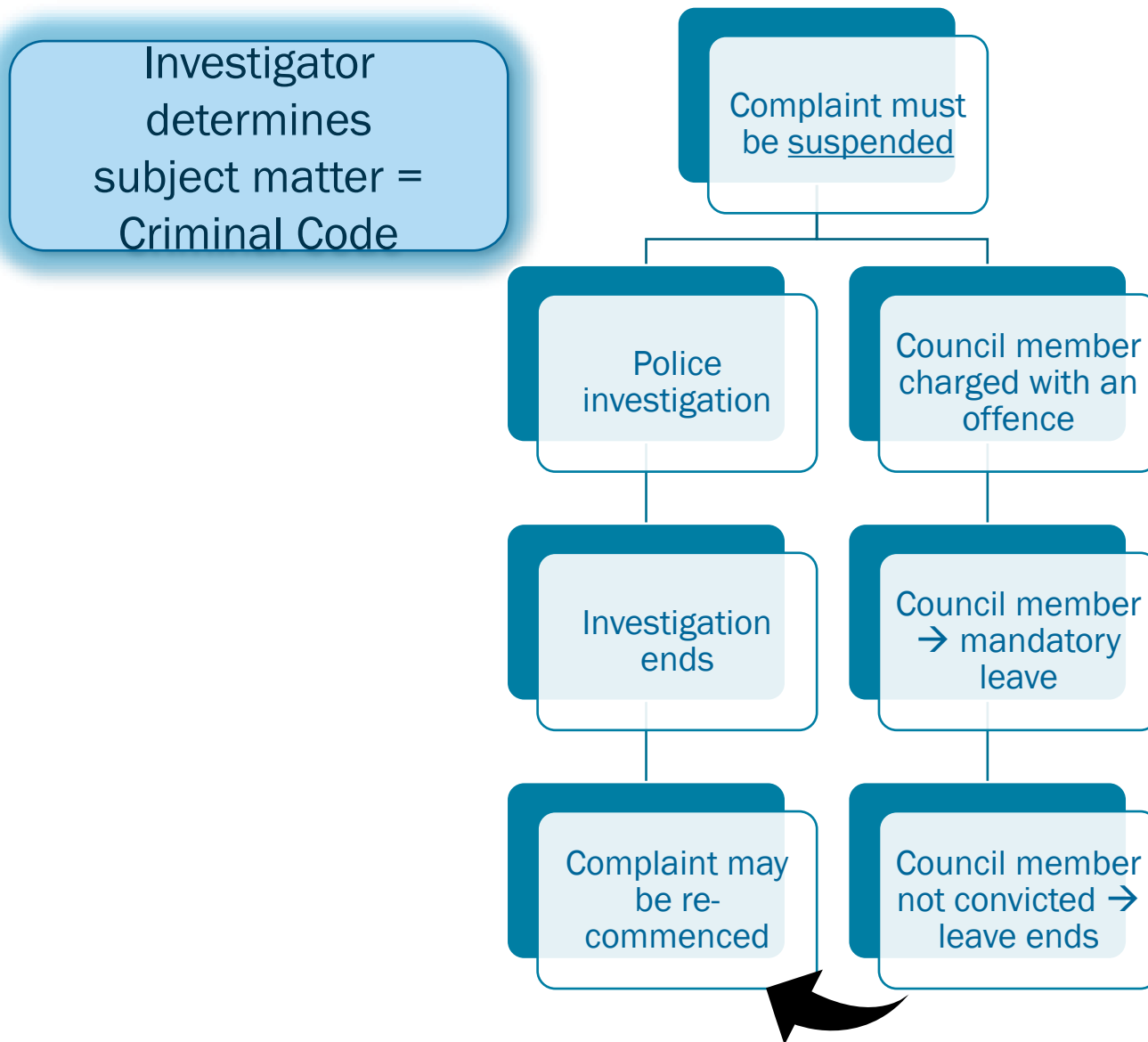
# Criminal Conduct

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	New Code	Amendment
Criminal Conduct	Suspended	Rejected
Charges disposed of	Re-commenced*	

\*The complaint may be re-commenced once a police investigation concludes, or criminal charges have been disposed of and a Council member's mandatory leave ends. A Council member convicted of an indictable offence is disqualified.

# New Code (ss. 58 & 59) – Criminal Conduct



## #6. Complaint Outside of Jurisdiction – Criminal Conduct

Investigator  
determines  
subject matter  
= Criminal Code

Complaint  
rejected

# Criminal Conduct Example

Council member A tells Council member B that they will burn down Council member B's sauna. Council member B files a code of conduct complaint.

- **Under the proposed amendment**, the investigator must reject this complaint as it is an allegation of a criminal nature consistent with the *Criminal Code*.
- **Under the New Code**, as currently drafted, the Criminal Conduct sections (ss. 58 and 59) require the investigator to refer the matter to the appropriate authorities and suspend the complaint until any charges have been finally disposed of.
- The investigator refers the matter to the authorities and Council member A is charged with the offence of uttering threats under the *Criminal Code*. Following this charge, Council member A is placed on a mandatory leave of absence under section 109.3(1) of the CC.
- Council member A is acquitted of the offence. Accordingly, their mandatory leave ends.

# Criminal Conduct Example Cont'd.

- Under the authority of sections 58 and 59 of the New Code, the investigator may re-commence the code of conduct complaint.
- The relevant sections of the New Code are found in section 17, which state:

*17. Council Members shall not harass or defame other Council Members, Committee Members, Staff, or Volunteers.*

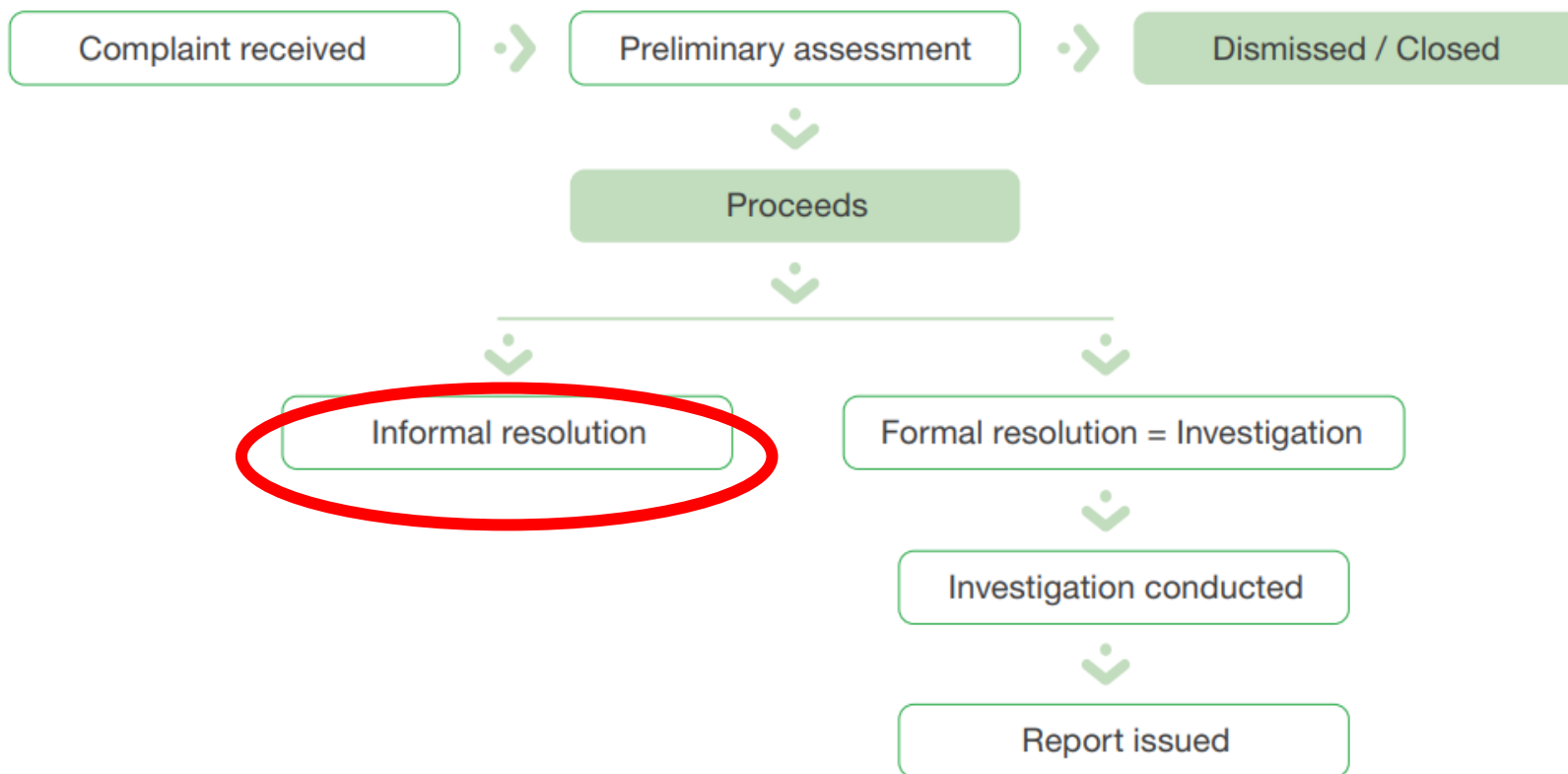
*a) Harassment includes: ...*

*iv. any unwelcome or objectionable conduct or comment that causes an individual to be humiliated or intimidated, including but not limited to:*

*1. Verbal aggression or insults, ...*

- The investigator makes a determination that Council member A breached section 17 of the New Code and recommends that Council impose the remedies of requesting Council member A to issue a letter of apology to Council member B and that a restorative justice approach be employed to facilitate a dialogue between the two Council members, focusing on repairing the specific harm caused by the threat.
- Given that this is Council member A's second breach of the New Code, their remuneration will be reduced by 15% for one year.

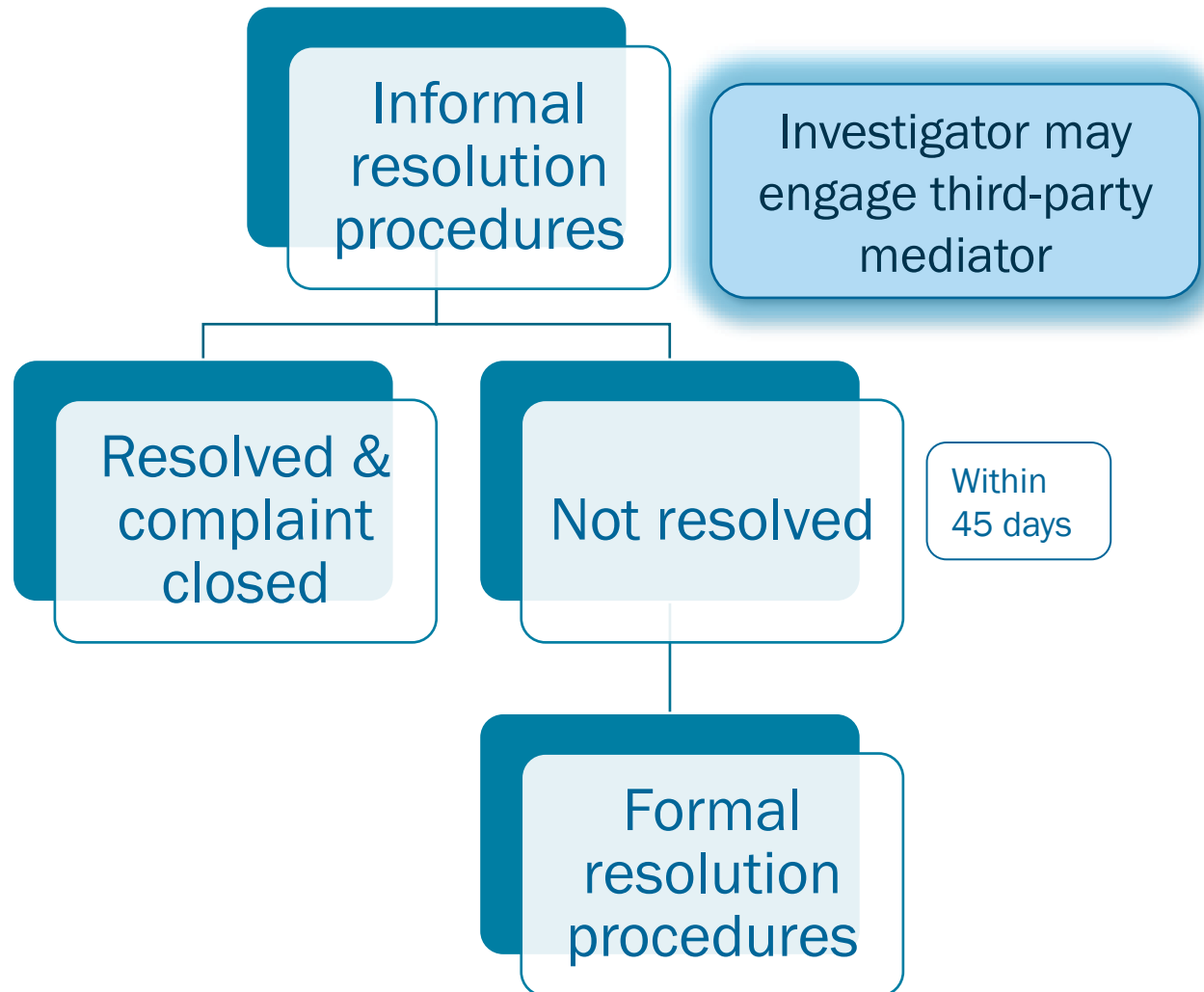
# Proposed Amendment #7. Informal Resolution



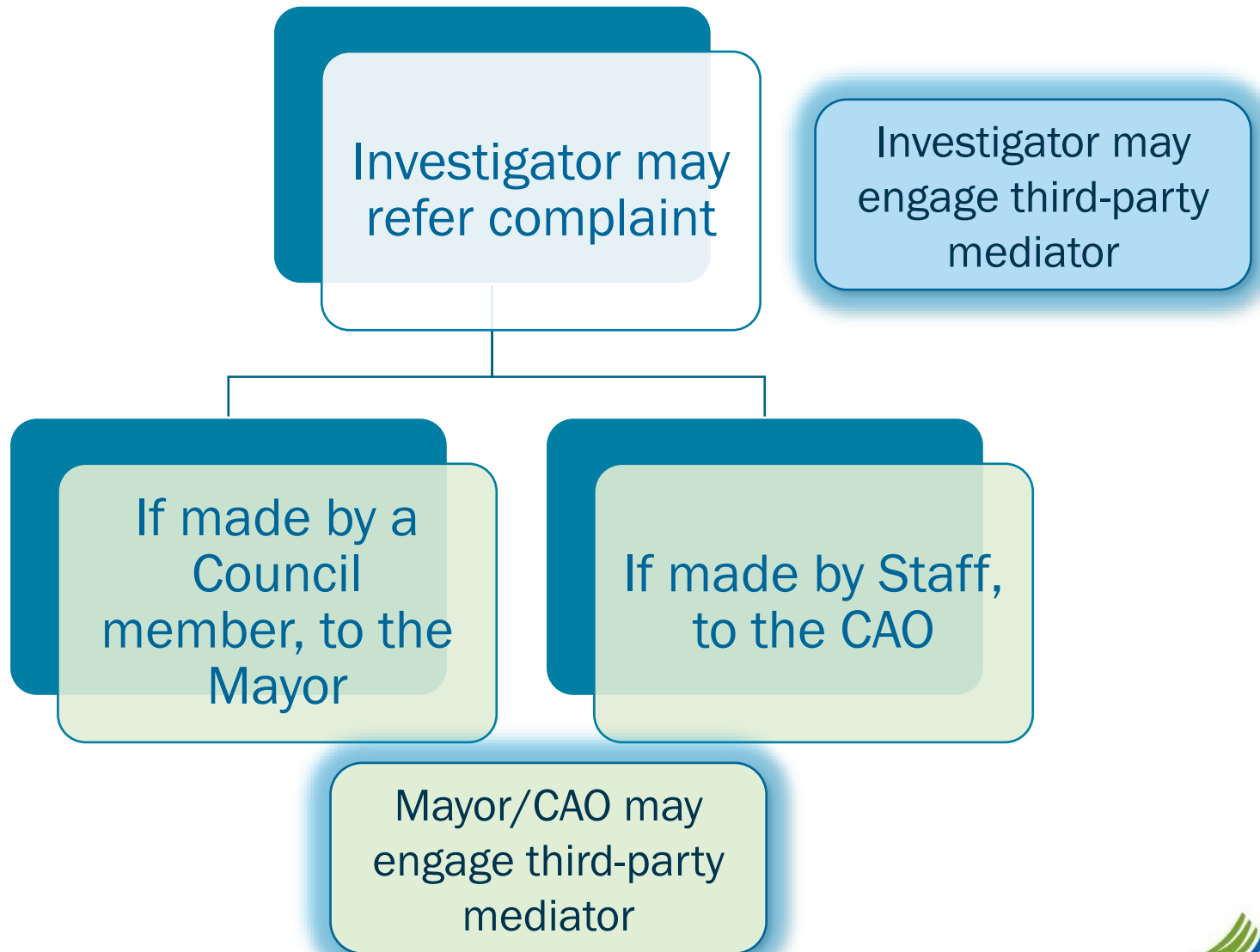
Source: “Figure 1: Complaint Process”, City of Vancouver | Office of Integrity Commissioner, 2023 Annual Report (Note: the same overarching process applies to the New Code and all proposed amendments)



# New Code (ss. 62-67) – Informal Resolution

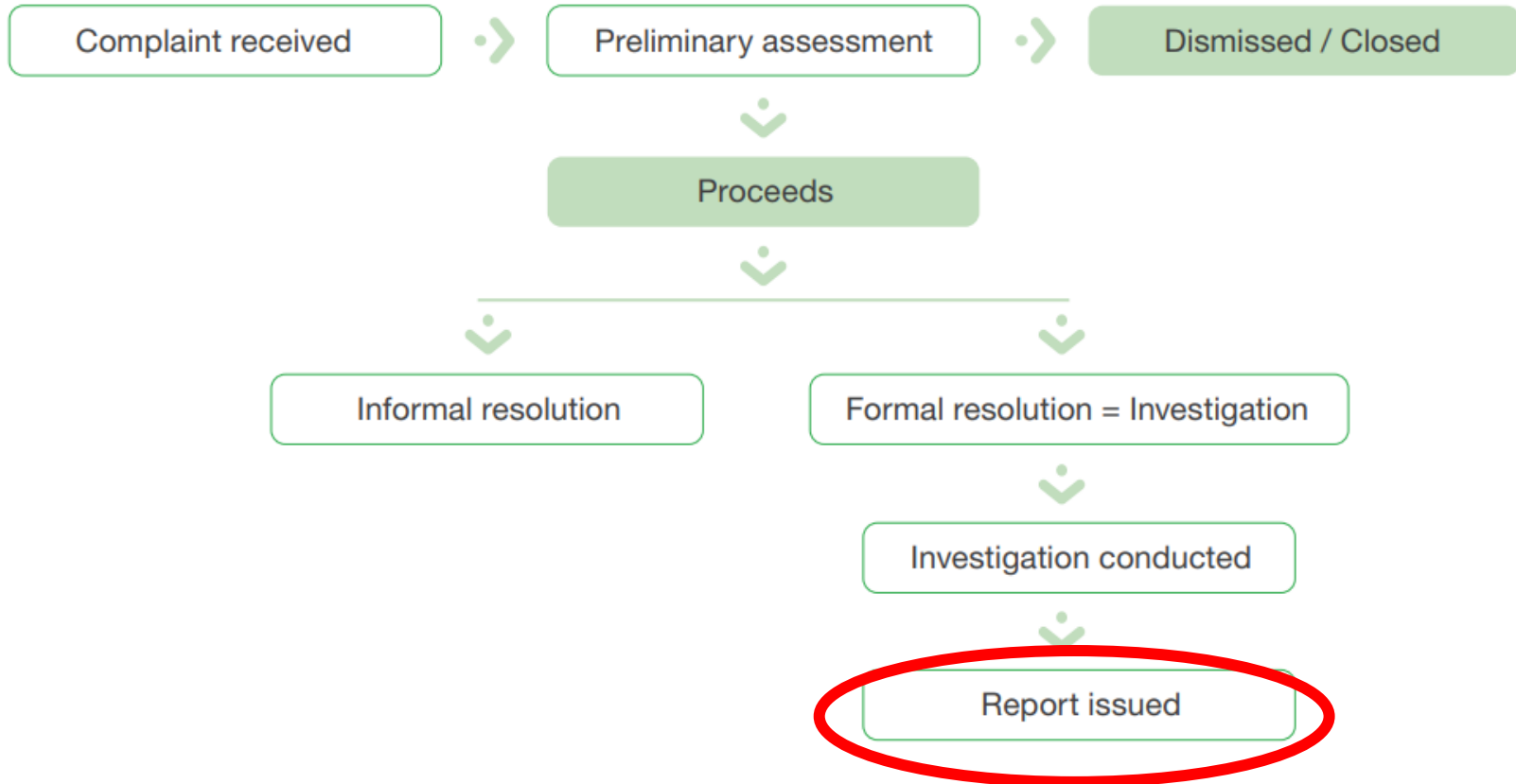


## #7. Informal Resolution



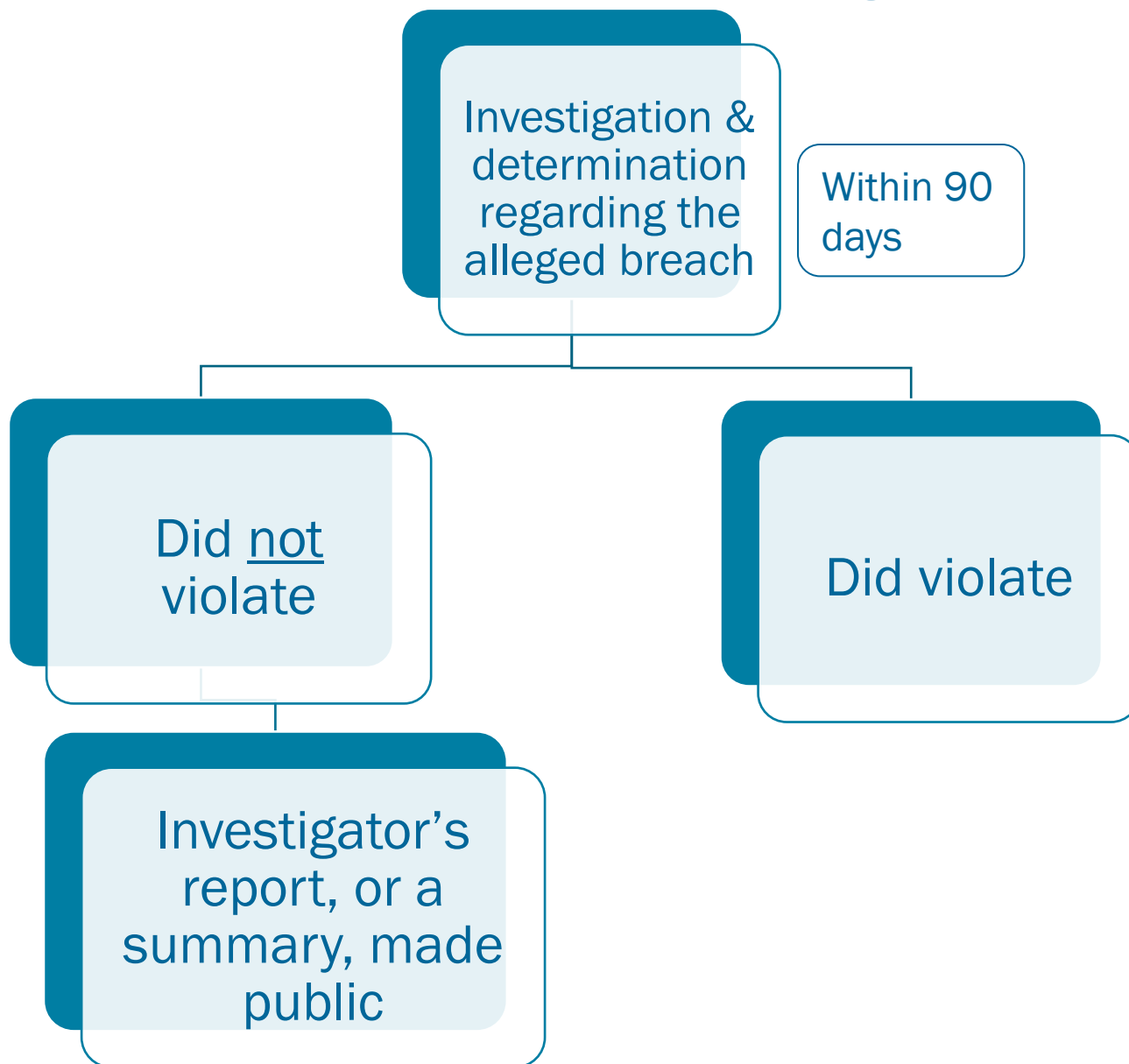
# Proposed Amendment

## #8. Investigator's Report

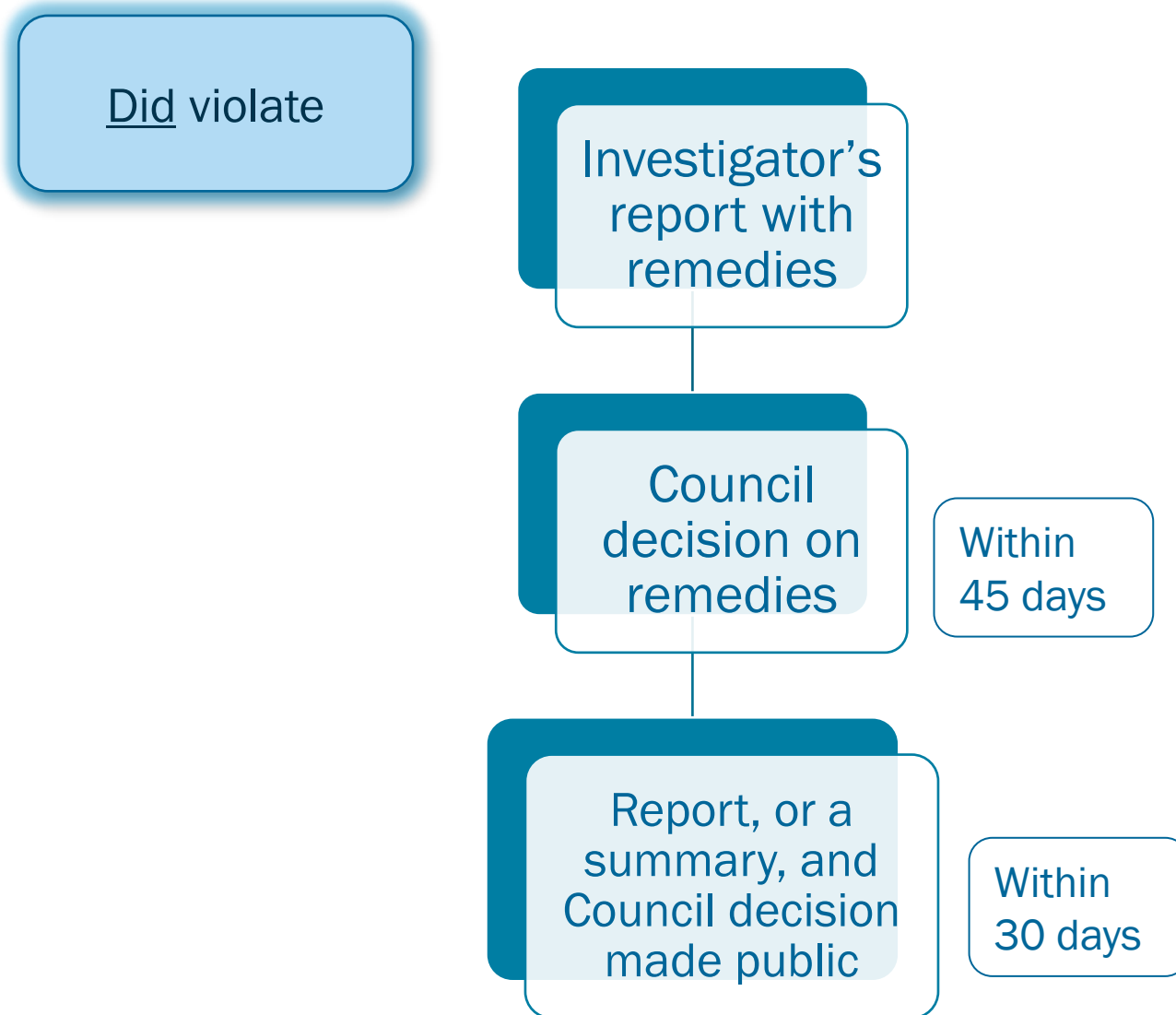


Source: “Figure 1: Complaint Process”, City of Vancouver | Office of Integrity Commissioner, 2023 Annual Report (Note: the same overarching process applies to the New Code and all proposed amendments)

# New Code (s. 74. d)) – Investigator's Report



# New Code (ss. 75-79) – Investigator's Report



## #8 – Investigator's Report

