

Code of Conduct for the Professional Conduct and Competency General Panel

*As required by the *Conflicts of Interest Act* (COIA) and the *Alberta Public Agencies Governance Act* (APAGA)*

I. Preamble

The Code of Conduct (the “Code”) for the Professional Conduct and Competency General Panel (the “Panel”) is put in place to maintain and enhance the confidence of parties in the discipline process and to ensure accountability, public assurance, and consistency in addressing complaints.

The Code applies to all members appointed to the Panel. The Code reflects a commitment to the Panel’s values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Panel. Members are expected to behave in a way that aligns with this Code. They understand that this Code does not cover every specific scenario. Therefore, they use the spirit and intent behind this Code to guide their conduct, and exercise care and diligence in the course of their work with the Panel, including a member’s participation on a Complainant Appeal Committee, Hearing Committee, or Appeal Committee, or in a mediation process or dispute resolution process.

To demonstrate commitment to transparency and accountability, this Code is available to the public on the Public Agency Secretariat’s website.

II. Definitions of Key Terms

(For purposes of this Code, unless the context otherwise requires, pursuant to COIA and APAGA.)

- (A) “Code” means this Code of Conduct for all members appointed to the Professional Conduct and Competency General Panel. The Code will be reviewed by the Code Administrator on an annual basis for the purpose of determining whether revisions are required to ensure that it remains current and relevant.
- (B) “Code Administrator” means the Chair of the Panel or the Vice Chair acting in the Chair’s capacity. The Code Administrator for members is the Chair of the Panel while the Code Administrator for the Chair is the Vice Chair of the Panel. Responsibilities of the Code Administrator are detailed in the Behavioural Standards section (section V) of this document.
- (C) “Committee” means any Complainant Appeal Committee, Hearing Committee, or Appeal Committee.
- (D) “Member” means a person appointed by Ministerial Order to the Professional Conduct and Competency General Panel, who is a current member in accordance with the term of their appointment.
- (E) “Private interest” does not include an interest in a matter that is of general application, or that affects a person as one of a broad class of the public, or that is trivial.
- (F) “Process” means any mediation process or dispute resolution process.

III. Core Values

- (A) Members shall act with impartiality and integrity.
- (B) Members demonstrate respect and accountability.

IV. Guiding Principles

These principles guide the behaviour and decisions of members:

- (A) The actions and decisions of members are made to promote the public interest.
- (B) Members have a responsibility to act in good faith.
- (C) Members must devote sufficient time and attention to Panel duties and obligations for informed and balanced decision making that adheres to governing legislation and natural justice.
- (D) Members behave in a way that demonstrates that their behaviour and actions are impartial, fair, and reasonable in the circumstance.
- (E) Members enjoy the same rights in their private dealings as any other Albertan and ensure that their private interests are not furthered by virtue of their position or through carrying out their duties.
- (F) When a member, as an individual, is subject to more than one code of conduct, the member must consider the expectations in all. Members understand that this Code is not intended to conflict with other codes of conduct and they will discuss any potential conflicts with the Code Administrator. The Code Administrator will collect acknowledgment and agreement from members, in writing, in respect to their adherence to this Code, when appointed and upon reappointment (if applicable).
- (G) Members know that when they become aware of a real or apparent conflict of interest, they must, at the first opportunity, disclose this conflict to the Code Administrator. Members understand that disclosure itself does not remove a conflict of interest.
- (H) Members encourage their colleagues to act fairly and ethically and know that they must raise concerns about a suspected breach by another member to the Code Administrator without fear of reprisal.
- (I) Members know that breaches of this Code, upon investigation by the Code Administrator, may result in disciplinary action, up to and including removal of the member from a hearing, mediation, or resolution and potential rescission of the member's appointment.
- (J) Members know that if they have any questions about the Code, or are not sure how to apply these principles, they should consult with the Code Administrator.
- (K) Each member confirms in writing when appointed and upon reappointment (if applicable) their understanding of, and commitment to, the Code's expectations.

V. Behavioural Standards

Behavioural standards help members make appropriate decisions when the issues they face involve ethical considerations. Behavioural standards cannot cover all scenarios but provide

guidance in support of day-to-day decisions. All members must adhere to the following standards:

- (A) Members must not engage in any criminal activity and must comply with all relevant laws, regulations, policies, and procedures. Members are required to disclose any criminal charges against them to the Code Administrator.
- (B) Members must not use their status or position with the Panel to influence or gain a benefit or advantage for themselves or others.
- (C) Members must not use drugs or alcohol in a way that affects their performance and safety or the performance and safety of their colleagues, or that negatively impacts the reputation or operations of the Panel, committee, or process.
- (D) Members must not engage in any discriminatory, harassing, bullying, threatening, abusive, or violent behaviour.
- (E) In the process of carrying out their duties, members must take reasonable steps to avoid situations where, by virtue of their positions, they may be placed in a real or apparent conflict between their private or self-interests and the interests of the Panel. Actions or decisions that members take on behalf of the Panel must not be in their self-interest or provide them with an opportunity to further the private interests of themselves, their families, their business associates, or others with whom they have a significant personal or business relationship.

1. *Confidential Information*

Members must respect and protect confidential information, use it only for the work of the Panel, and not use it for personal gain. Members must not comment publicly or on any social media site about any matters that come before the Panel, committee, or process, without first consulting with the Code Administrator. Members must comply with protocols that guide the collection, storage, use, transmission, and disclosure of information, including deleting or destroying all documentation related to a Complainant Appeal Committee, Hearing Committee, Appeal Committee, or process after the conclusion of the matter.

2. *Gifts and Gratuities*

Members must not accept or receive gifts and gratuities other than the normal exchange of gifts between friends or business colleagues, tokens exchanged as part of protocol, or the normal presentation of gifts to people participating in public functions, provided in all instances that such gifts, hospitality, or other benefits must not be of such a nature that they could have a real, apparent, or potential influence on the Panel member's objectivity and impartiality in performing their duties.

The value of any one of these gifts must not exceed \$100, and the total value of gifts from any one source must not exceed \$200 in any calendar year.

The value of hospitality for an event invitation must not exceed \$200 on any one occasion, and the total value of hospitality from any one source must not exceed \$400 in any calendar year.

If valuation of gifts or hospitality is in dispute, the Code Administrator will determine the value.

3. *Outside Activities*

Members may participate in outside activities, such as supplementary appointments, business, undertakings, or employment, including self-employment, unless the activity causes a real or apparent conflict of interest. For example:

- (i) **Supplementary Employment:** Prior to accepting any supplementary employment, including self-employment, members must notify their Code Administrator in writing about the nature of such employment. The Code Administrator must review the proposed employment for real or apparent conflicts of interest. If there is no real or apparent conflict of interest, the Code Administrator must approve the employment in writing. If there is a real or apparent conflict of interest, the Code Administrator must then, in writing, either deny the supplementary employment or allow the supplementary employment and put procedures in place to manage the real or apparent conflict of interest. Members shall refrain from actions or statements in the course of other employment that appear to be acts of the Panel, an exercise of the member's Panel-related duties, or appear to represent a Panel decision, opinion, or policy.
- (ii) **Political Activity:** Members may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Any political activity must be clearly separated from activities related to the work of the Panel, must not be done while conducting the work of the Panel, and must not make use of Panel facilities, equipment, or resources in support of these activities.
- (iii) **Volunteer Activity:** if Members engage in volunteer work, the activity must not influence or conflict with decisions relating to the Panel.

4. *Pre-separation*

Members considering a new offer of appointment or employment must be aware of and manage any potential conflicts of interest between their current position and their future circumstance and must remove themselves from any decisions affecting their new appointment or employment.

5. *Post-separation*

Once members have left the Panel, they must not disclose confidential information of which they became aware during their time with the Panel and must not use their contacts with their former colleagues to gain an unfair advantage for their current circumstance.

6. *Related Persons or Parties*

Members must avoid dealing with those with whom the relationship between them might bring into question the impartiality of the member.

7. *Statutory Restrictions on the Board Chair*

Subject to section 23.925 of the *Conflicts of Interest Act*, the Chair is subject to additional restrictions.

- (i) The Chair must not take part in a decision in the course of carrying out their office or powers knowing that the decision might further a private interest of the Chair, a person directly associated with the Chair, or the Chair's minor or adult child.
- (ii) The Chair must not use their office or powers to influence or seek to influence a decision made by or on behalf of the Crown or a public agency to further a private interest of the Chair, a person directly associated with the Chair, or to improperly further any other person's private interests.
- (iii) The Chair must not use or communicate information not available to the general public that was gained by the Chair in the course of carrying out their office or powers to further or seek to further a private interest of the Chair or any other person's private interests.
- (iv) The Chair must appropriately and adequately disclose any real or apparent conflict of interest.

VI. Administrative Processes

Administrative processes help members manage ethical dilemmas, including any real or apparent conflict of interest concerns.

(A) *Administration*

The Code Administrator for members is the Chair of the Panel. The Code Administrator for the Chair is the Vice Chair of the Panel. The Code Administrator receives and ensures the confidentiality of all disclosures and ensures that any real or apparent conflict of interest is avoided or effectively managed. As well, the Code Administrator is responsible for providing advice and managing all concerns and complaints regarding potential breaches of the Code, including conflicts of interest within the Panel. The Code Administrator is responsible for ensuring procedural fairness.

(B) *Disclosure in respect to conflicts of interest*

It is the responsibility of each member to declare in writing to the Code Administrator those private interests and relationships that they think could be seen to affect the decisions or actions they take on behalf of the Panel. When there is a change in their responsibilities within the Panel or in their personal circumstance, members shall disclose in writing any relevant new or additional information about those interests as soon as possible. Where a real or apparent conflict of interest cannot be avoided, members must take the appropriate steps to manage the conflict.

Members disclose these real or apparent conflicts of interest so that the Code Administrator is aware of situations that could be seen as influencing the decisions or actions they are making on behalf of the Panel. This provides members, following a review by the Code Administrator, an opportunity to take action to minimize or remove the conflict. To actively manage a conflict of interest, options include:

- (1) removing themselves from matters in which the conflict exists or is perceived to exist;
- (2) giving up the particular private interest causing the conflict; and
- (3) in rare circumstances, resigning from their position on the Panel.

(C) *Reporting a Potential Breach by Another*

Members must report in writing a potential breach of this Code by another member to the Code Administrator. When reporting a potential breach in good faith and with reasonable grounds, members are protected from reprisals for such reporting.

(D) *Responding to Potential Breach*

Once a potential breach has been reported, the Panel's procedures for responding to and managing a potential breach will be promptly initiated, as follows:

- The Code Administrator will review the circumstance and details of the potential breach and will notify the member alleged to have breached the Code.
- The member alleged to have breached the Code has the right to complete information and the right to respond fully to the accusation of a potential breach.
- The identity of the reporter will not be disclosed unless required by law or in a legal proceeding.
- The Code Administrator, in a timely manner, investigates, makes a decision, and completes a report of the investigation, including the decision and reasons for the decision.
- The Code Administrator will provide the report to the member who was the subject of the report and other parties, as necessary.

The member who was the subject of the report may request in writing that the Minister of Education review the decision made by the Code Administrator regarding the alleged breach of the Code.

(E) *Consequences of a Breach*

Members who do not comply with this Code, including taking part in a decision or action that furthers their private interests, may be subject to disciplinary action up to and including a recommendation to the Minister of Education to rescind the member's appointment, resulting in removal from the Panel.

VII. Other Resources

(A) *Where to Get Advice*

When members require advice and guidance in determining whether misconduct or a conflict exists, or need clarification, they may discuss their issue with the Code Administrator for members. When the Code Administrator requires advice and guidance in determining whether misconduct or a conflict exists, or needs clarification, the Code Administrator may discuss the issue with the Ethics Commissioner.

(B) *Questions to Consider*

When members are faced with a difficult situation, the following questions may help them decide the right course of action:

- (1) Have I reflected on or consulted with the Code Administrator about whether I am compromising the Code's values, principles, or behavioural standards?
- (2) Have I considered the issue from a legal perspective?
- (3) Have I investigated whether my behaviour aligns with the policies and procedures of the Panel?
- (4) Could my private interests or relationships be viewed as impairing my objectivity?
- (5) Could my decision or action be viewed as resulting in personal gain, financial or otherwise?
- (6) Could my decisions or actions be perceived as granting or receiving preferential treatment?

VIII. Effective Date

The Code will come into effect 30 days after it is made public.