



## **ALBERTA PAROLE BOARD MEMBERS' CODE OF CONDUCT**

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The Code of Conduct ("Code") of the Alberta Parole Board ("Board"), which applies to all Board members.

### **Context**

Albertans have a right to expect that the Board's powers, duties and functions are exercised and performed with impartiality and integrity, including by ensuring that no actual or apparent conflict exists between the private interests of Board members and members' duties under the *Corrections and Conditional Release Act (Canada)* and the *Corrections Act (Alberta)*, and at law.

The Code reflects a commitment to the Board's values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Board. Members are expected to behave in a way that conforms to this Code. Because members understand that this Code does not cover every specific scenario, they agree to use the spirit and intent behind it to guide their conduct where its provisions do not apply directly.

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

This Code applies to all members of the Board, including the Chairperson, who is therefore a member referred to in this Code. Board members who are employees of the Government of Alberta are also subject to the Code of Conduct and Ethics for the Public Service. Employees who support the Board are Government of Alberta employees and therefore are subject to the Code of Conduct and Ethics for the Public Service. They nonetheless are expected to consider the principles and values set out in this Code as they perform their duties and functions for the Board.

## **Definitions**

1. The following definitions are used in this code:
  - a) “Board” means the Alberta Parole Board.
  - b) “Chairperson” means the person appointed to the position of Chair of the Alberta Parole Board;
  - c) “Code Administrator” is the individual responsible for ensuring the Code is adhered to.
    - i. The Code Administrator for the members is the Chairperson
    - ii. The Code Administrator for the Chairperson is the Associate Deputy Minister
  - d) “Associate Deputy Minister” means the Associate Deputy Minister of Justice and Solicitor General;
  - e) “member” means an individual member of the Alberta Parole Board, including the Chairperson.

## **Core Values**

2. The Board’s core values are as follows:
  - a) Members act with impartiality and integrity.
  - b) Members demonstrate respect and accountability.

## **General Rules**

3. These requirements govern the behaviour and decisions of members:
  - a) The Code applies to all members.
  - b) Members must act in good faith, with objectivity, without bias, with impartiality, with integrity, and in accordance with the law.
  - c) Members must place the interests of the Board and the public above their own private interests. Members must not take part in a decision knowing that the decision might further their private interests or those of a person directly associated with them.
  - d) Members must behave in a way that demonstrates that their actions and decisions are ethical, impartial and independent.

- e) Members enjoy the same rights in their private dealings as any other Albertan, unless it is demonstrated that a restriction is necessary in the public interest.
- f) A member who is subject to more than one code of conduct must consider the expectations in all codes. Members understand that this Code is not intended to conflict with other codes of conduct, and will discuss any potential conflicts between codes with the Code Administrator.
- g) A member who becomes aware of a real or apparent conflict of interest on their part, existing or potential, they must at the first opportunity disclose the matter, in writing, to the Code Administrator.
- h) Members understand that disclosure of a real or apparent conflict of interest itself does not remove it.
- i) Members encourage their colleagues to act in accordance with this Code, and know that they are able to raise concerns about a suspected breach by another member to the Code Administrator without fear of reprisal.
- j) Members know that breaches of this Code may result in rescission of their appointment as a member of the Board.
- k) If they have any questions about this Code, or are not sure how to apply these principles, members should consult with the Code Administrator.
- l) Each member confirms on an annual basis their understanding of, and commitment to, this Code.

## **Behavioural Standards**

- 4. Behavioural standards help members make appropriate decisions when the issues they face involve ethical considerations. Behavioural standards cannot cover all situations 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. If a member is charged with an offence under a statute of Canada or a statute of the Province of Alberta, the member must immediately report the charge to the Code Administrator. If the Chairperson is charged, the Chairperson must immediately report the charge to the Associate Deputy Minister.
  - b) Members must not use their status or position with the Board to influence or gain a benefit or advantage for themselves or others.

- c) Member conduct must contribute to a safe and healthy workplace that is free from discrimination, harassment of any kind, or violence.
- d) 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 Board's reputation or operations.
- e) Members must not comment publicly about the Board or its work without first consulting with the Chairperson. Members must not comment at all in the media about the Board or its work. Members must promptly notify the Chairperson of any media requests for comment and the Chairperson will manage the request. Members must not comment about the Board or its work on social media.
- f) Members must take reasonable steps to avoid situations where they may be placed in a real or apparent conflict between their private interests and the interests of the Board. In other words, the actions or decisions of members on behalf of the Board must not 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.

### **Specific Rules**

5. The following specific requirements apply to members:

- a) Members must protect confidential information, must use it only for the work of the Board, and must not use or disclose it for personal gain. Members also must comply with the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*, as applicable. Members are also expected to comply with the related requirements set out in Appendix A to this Code.
- b) Members must not use their position to solicit or accept fees, gifts, hospitality, or other benefits of a nature that could have a real, apparent, or potential influence on the members objectivity and impartiality in performing their duties on behalf of the Board. Members shall not accept gifts, hospitality or other benefits that may be perceived as being connected directly or indirectly with the performance of their duties from any individual or organization, other than:
  - i. The normal exchange of gifts between friends;
  - ii. The normal exchange of hospitality between persons doing business together;
  - iii. Tokens exchanged as part of protocol; and
  - iv. The normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations or seminars.

The value of a single tangible gift permitted under this section shall not exceed \$100. The total value of all tangible gifts received in a calendar year from a single source shall not exceed \$100. Hospitality that is incidental to a meeting (such as a business lunch or dinner) is considered a tangible gift and subject to these limits.

The value of a single event invitation, inclusive of admission, travel, hospitality and accommodation, shall not exceed \$200. Events from the same source cannot exceed \$400 annually.

Members may accept paid conference invitations. The value of any single conference invitation accepted (inclusive of admission, travel, accommodation, hospitality, and other incidentals) shall not exceed \$1,000. Conference invitations from a single source cannot exceed \$1,500 annually.

The acceptance of gifts or benefits must not compromise, or reasonably be perceived as compromising, the integrity or impartiality of an individual member, the Chairperson, or the Board as a whole.

In instances where a gift, event, benefit or educational opportunity value exceeds the limit, or the value is difficult to determine, the Code Administrator shall have the discretion to grant an exception and pre-approve any such gift, event, benefit or educational opportunity. Any discretionary pre-approved exception granted by the Code Administrator pursuant to this paragraph must be in writing and must include the Code Administrator's reasons for granting the exception, including a finding that acceptance of the gift, favour or benefit would not create an actual or apparent conflict of interest.

- c) Members must avoid participating in outside activities that conflict with the interests and work of the Board.
- d) Members must not hold interests in a business directly or indirectly through a relative or friend that could benefit from, or influence, the decisions of the Board.
- e) Members must promptly disclose to the Code Administrator any business or financial interest that may affect the actions taken or decisions made by the member in the course of executing his or her Board duties. If an apparent, or actual, conflict of interest exists under this section, the Code Administrator will determine how to resolve the situation, including through use of a blind trust, divestment of an asset, or other appropriate actions to manage the conflict of interest in a manner fair to the member and that preserves the Board's actual and perceived impartiality.
- f) Members must not accept or participate in a supplementary appointment, business, undertaking or employment, including self-employment, ("Supplementary Employment") that affects their performance or impartiality or that creates an actual or apparent conflict of interest. Before accepting any Supplementary Employment, a member must notify the Code Administrator in writing about the nature of the

Supplementary Employment . The Code Administrator will review the Supplementary Employment for any actual or apparent conflict of interest and will advise the member of the Code Administrator's assessment. If there is no actual or apparent conflict of interest, the Code Administrator may approve the Supplementary Employment in writing. If there is an actual 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 actual or apparent conflict of interest.

- g) Members may participate in political activities, including membership in a political party, supporting a candidate for elected office or seeking elected office. However, a member must not participate directly in soliciting contributions for a political party. In addition, any political activity must be clearly separated from activities related to the work of the Board, must not be done while carrying out the work of the Board and must not make use of Board facilities, equipment or resources in support of these activities.
- h) If members are involved in volunteer work, the activity must not influence or conflict with decisions relating to the Board or affect their performance or impartiality. Before accepting a volunteer position where a conflict of interest might arise, a member must notify the Code Administrator in writing. In the case of the Chairperson, the Chairperson must notify the Associate Deputy Minister. The Chairperson is subject to the following additional rules:
  - i. The Chairperson must not take part in a decision in the course of carrying out his or her office or powers knowing that the decision might further a private interest of the Chairperson, a person directly associated with the Chairperson, or the Chairperson's minor or adult child;
  - ii. The Chairperson must not use his or her office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the Chairperson, a person directly associated with the Chairperson, or the Chairperson's minor child, or to improperly further any other person's private interest;
  - iii. The Chairperson must not use or communicate information not available to the general public that was gained by the Chairperson in the course of carrying out his or her office or powers to further or seek to further a private interest of the Chairperson or any other person's private interest; and
  - iv. The Chairperson must appropriately and adequately disclose a real or apparent conflict of interest to the Associate Deputy Minister.

#### Pre-Separation

- 6. Members considering a new offer of appointment or employment must be aware of and manage any potential conflicts of interest between their role as a member of the Board and the appointment or employment, and must remove themselves from any decisions affecting their appointment or employment.

### Post-Separation

7. After a member leaves the Board, the member must not disclose confidential information of which they became aware while a member and must not use contacts with former colleagues to gain an unfair advantage for their current situation. To avoid the appearance of conflict, real or perceived, former members may not appear as a representative before the Board, or provide advice to others appearing before the Board, for a period of 12 months after the termination or expiry of their appointment.

### Related Persons or Parties

8. Members avoid dealing with those in which the relationship between them might bring into question the impartiality of the member.

### Use of Board Property

9. Members may have limited use of the Board's premises and equipment for authorized incidental purposes, but only to the extent the use involves minimal additional expense to the Board, and the use must not be performed on the member or government employee's work time, must not interfere with the work or role of the Board and must not support a personal, private business or employment.

## **Administration, Disclosure, Breach, Discipline and Review Process**

Disclosure and reporting of a Conflict of Interest or a real or potential breach of the Code should be made as soon as the Chairperson or member becomes aware of the real or potential violation. This allows the appropriate Code Administrator to provide a timely risk assessment of the real or potential breach, and action plan, or to manage the risks ahead of the next Board meeting. If a Chairperson or member is unsure if there may be a real or apparent Conflict of Interest or violation, he or she may ask the Code Administrator for guidance. The Code Administrator may consult with the Ethics Commissioner for guidance.

### Disclosure

10. The Chairperson and members are expected to make all required disclosure, promptly, including Conflicts of Interest, criminal charges, concurrent appointments and employment.
11. The Code Administrator will review and assess the standards of conduct disclosure and issue a written decision in accordance with the investigation, risk assessment and documentation process in this section.

### Reporting a Potential Breach

12. The Chairperson and members shall report any actual or suspected breaches of the Code, or Conflicts of Interest, to their Code Administrator in writing, as soon as practicable after the actual or suspected breach of the Code is discovered.

13. If a member has reason to believe that another member is in a Conflict of Interest, or has potentially breached the Code, he or she must report this potential breach, in writing, to the appropriate Code Administrator as soon as they become aware of the issue.
14. The identity of the Chairperson or member reporting the breach will be kept confidential, unless disclosure of their name is required by law, or he or she consents to the disclosure.
15. This organization prohibits retaliation against individuals who have made good faith reports or complaints of violations of the Code or other known or suspected illegal or unethical conduct. Retaliation against a complainant or witness in a complaint is an offense and will be considered misconduct.
16. The Chairperson or members should ensure they are respecting the reputation of other Chairperson and members. If it becomes apparent, based on reasonable grounds, that a disclosure is made with an ulterior motive, the disclosure may be considered frivolous or vexatious, and the reporter may be subject to disciplinary action, up to and including termination of employment, appointment, contractual, or other relationship with the Board.
17. Where the actual or suspected breaches of the Code involve the Chairperson, the Code Administrator may recommend that the Board report such actual or suspected breaches of the Code to the Minister of Justice and Solicitor General, having regard to factors including: (i) the severity and frequency of the breach; and (ii) whether the breach has resulted in non-compliance with applicable law.

#### Responding to a Conflict of Interest in a Matter before the Board

18. When a Chairperson or member has disclosed a real or apparent Conflict of Interest in a matter before the Board, and the Code Administrator has determined there is a Conflict of Interest or an apparent Conflict of Interest, the Code Administrator shall implement the following steps:
  - a. a Chairperson or member involved must abstain from voting on any question relating to the matter;
  - b. a Chairperson or member must refrain from discussing the matter;
  - c. a Chairperson or member must leave the room in which the meeting is being held, or cease applicable participation if the meeting is held by other means, until the discussion and voting on the matter is concluded; and
  - d. the disclosure of the Chairperson or member Conflict of Interest, any abstention from voting of a Chairperson, and actions of the Code Administrator to manage the Conflict of Interest shall be recorded in the minutes of the meeting.

#### Responding to a Potential Breach

19. Where actual or potential Chairperson or member violations of the Code, or unacceptable behaviours are identified, or allegations of harassment have been made, an investigation will be conducted by the Code Administrator. The Code Administrator will ensure that the process employed to arrive at a decision is impartial and independent, and properly documented. Documentation must include:
  - a) the nature of the breach or disclosure;



- b) the individuals involved;
  - c) the steps taken to arrive at the decision; and
  - d) the method used to assess or manage the potential breach or disclosure.
20. If the breach is being investigated by law enforcement, the Code Administrator will allow any investigation to take precedence over their review; however they retain the ability to take appropriate actions in the event of any actual or potential breaches of the Code by the Chairperson or member.
21. The Chairperson or member alleged to have breached the Code shall be given written notice from the Code Administrator of the allegations and shall be given an opportunity to provide a written response.
22. All submissions are to be treated confidentially, except where disclosure is required to be provided to a governmental authority or other person under applicable law.

#### Decision and Consequences of a Breach or Disclosure

23. The Code Administrator will make a decision based on the investigation or risk assessment and complete a written report within 60 calendar days of the reported disclosure or alleged violation.
24. The written report will include facts, a risk assessment of a disclosure, a conclusion on whether there has been a breach with reasons for the decision, and will prescribe a sanction, resolution or action. The severity of the sanction will be determined on a case-by-case basis.
25. With the exception of the most serious misconduct, the Chairperson and members are expected to participate in the resolution of any actual or potential violations. The resolution may take the form of an action to eliminate the violation, action to avoid the potential violation, realignment of the Chairperson or member's role or member's job functions, reassignment of the member, or other appropriate action. Failure of a respondent to participate or cooperate in resolving any actual or potential compliance problem may result in termination of their employment or a recommendation to the Minister that the Chairperson's appointment be terminated.
26. Disciplinary actions or sanctions for a breach of this Code include, but are not limited to:
- a. a reprimand;
  - b. in relation to the Chairperson, a recommendation to the Minister that the individual's appointment be terminated; and
  - c. in relation to a member, termination of their employment.
27. The Chairperson or member will be provided with the report within 60 days and will have an opportunity to provide a written response to the report to the Code Administrator within 30 days.

#### Review of a Decision

28. The Chairperson may appeal the Code Administrator's decision to the Deputy Minister of Justice and Solicitor General, within 30 days of receiving the written report.

29. A Board member may appeal the Code Administrator's decision to the Associate Deputy Minister of Justice and Solicitor General, within 30 days of receiving the written report.

### Records

30. Copies of decisions and reports will be provided to the individual who is the subject of the report. Originals of the report are kept confidentially by the Director, Alberta Parole Board Secretariat in a sealed envelope with the words "Confidential Investigation re Conflict of Interest" marked on the envelope. Records of investigations and decisions will be kept on the same retention schedule as Board records.

### ***Other Resources***

#### Where to Get Advice

31. A member, who requires advice and guidance in determining whether misconduct or a conflict exists, or who needs clarification, may seek it from the Code Administrator or, in the case of the Chairperson, from the Associate Deputy Minister.

#### Questions to Consider

32. When members are faced with a difficult situation, the following questions may help them decide the right course of action:
- a. Have I reflected on or consulted with the Code Administrator about whether I am compromising this Code's values, principles or behavioural standards?
  - b. Have I considered the issue from a legal perspective?
  - c. Have I investigated whether my behaviour aligns with a policy or procedure of the Board?
  - d. Could my private interests or relationships be viewed as impairing my objectivity?
  - e. Could my decision or action be viewed as resulting in personal gain, financial or otherwise?
  - f. Could my decisions or actions be perceived as granting or receiving preferential treatment?

### **Affirmation and Coming into Force**

33. This Code shall be reviewed at least once every three years. As part of the review, the Board will ensure:
- continued compliance of the Code with relevant laws and regulations;
  - the Code reflects the environment in which the Board operates; and
  - stakeholder feedback is considered.
34. Changes to this code will be submitted to the Ethics Commissioner for review and approval as to whether they meet the requirements of the Conflicts of Interest Act

35. Following approval by the Ethics Commissioner, this Code (and any subsequent amendments to this Code) shall come into force 30 calendar days from the date the Code (or any subsequent amendments thereto) are made public.

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## **APPENDIX A**

### **Alberta Parole Board Code of Conduct**

#### **Protection of Personal Information**

The Board is a ‘public body’ under the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). The privacy provisions in Part 2 of FIPPA impose on the Board obligations respecting the protection of personal information. In the course of its activities, the Board collects personal information about individuals involved in the Parole application process.

Members shall take reasonable measures to protect all personal information and to protect personal information stored on computers or portable storage media used by Members for their work. Members shall be provided Board laptops, and once received, they shall use as much as practicable the Board laptops for their work. These expectations apply to Members’ places of business and residences, as well as when Members are travelling with personal information. The following guidance is intended to assist Members in meeting the expectation that they will protect personal information in their custody or under their control.

Moreover, members of the Board should keep in mind the privacy protection requirements of the *Personal Information Protection Act* (“PIPA”). When discharging their powers, duties and functions as Board members, they are not acting in a personal or domestic capacity, such that they may, whether incorporated or in a practice, be considered to be an ‘organization’ covered by PIPA. PIPA imposes information on organizations’ security obligations that are substantially the same as those under FIPPA. Accordingly, Board members may wish to consider this guidance in relation to any obligations on their part under PIPA.

In this light, the following guidance is intended to assist Board members in meeting the expectation that they will protect personal information in their custody or under their control:

- a. In this guidance: (i) “storage device” means desktop computers, laptop computers, tablets, smart phones, USB storage keys, and any other electronic storage media of any kind; and (ii) “information” means personal information and other information mentioned above.
- b. Members shall not travel with parole related information unless it is necessary. If the Member must take such information, take the least amount required. If records are too voluminous, contact the Board Secretariat to arrange for a secure courier.
- c. Storage devices are to be password protected with a robust alphanumeric password using a combination of numbers, upper case letters and lower case letters, with consideration being given to use of symbols such as \$, \*, # or +.
- d. When travelling or working outside the office or home, the Member shall keep information control, including during meals and other breaks. If this is not possible, store the information in a secure location, such as a locked room or desk drawer. Do not leave

information in plain view or unattended in an insecure place, such as an unlocked office, meeting room or hotel lobby.

- e. While away from office or home, Members shall keep storage devices containing information in a locked briefcase or other container kept on their person. If Members must leave a storage device outside the office or home, do so in a way that it is secure from theft or loss.
- f. The Member shall when working outside the office or home, with the automatic locking function, log off or shut down laptops or computer after a brief period of idleness.
- g. The Member shall not share a storage device that has Board-related information on it with other individuals, including family members and friends, unless there are separate user accounts which are password-protected and the Member is the administrator.
- h. Unless absolutely necessary and with clear privacy precautions, the Member shall avoid viewing information from parole documents in public, including while travelling on airplanes, trains, buses and public transit. For example, laptop screens should not be viewable by fellow passengers and laptops should be set to automatically lock after a short period of idleness. Also consider installing a privacy screen filter to hinder viewing of the screen from an angle.
- i. Members shall avoid discussing parole related information in public, including on transit systems and in airplanes, restaurants or on the street. If necessary, Members shall take necessary precautions to ensure others cannot overhear.
- j. Members shall use caution when leaving records inside vehicles. Although the trunk is generally considered more secure, extreme caution must be exercised. Records should only be locked in the trunk, out of plain sight in a vehicle parked in a secure location, if there is no other option and for as brief a period as possible.
- k. The Member shall when working at home separately store information in a filing cabinet or other secure place when it is not being used.
- l. If a Member's laptop is stolen or lost; or information is stolen or lost, or has been inappropriately accessed by someone, the Member shall report this immediately to the Board Chairperson who will in turn report it to the Associate Deputy Minister of Justice and Solicitor General.
- m. In the case of the Board Chairperson's laptop being stolen or lost; or information is stolen or lost, or has been inappropriately accessed by someone, the Chairperson shall report this immediately to the Associate Deputy Minister of Justice and Solicitor General.

The Board expects members to take reasonable measures to protect all personal information and to protect personal information stored on computers or portable storage media used by members for their work. These expectations apply to members' places of business and residences, as well as when members are travelling with personal information.

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