

CAQC MEMBER CODE OF CONDUCT

1. Purpose

This Code of Conduct is consistent with the policy on ethics and conflict of interest set out on page 29 of the *Public Agencies Governance Framework* and it also meets the requirements of the *Alberta Public Agencies Governance Act* and the *Conflicts of Interest Act*.

The purpose of this Code is to establish rules of conduct to govern the professional and ethical responsibilities of Council members in carrying out the responsibilities of the Campus Alberta Quality Council (CAQC). As the CAQC Secretariat staff supporting the work of CAQC are employees of the Government of Alberta, they are subject to the *Code of Conduct and Ethics for the Public Service of Alberta*.

In accordance with established norms of good governance, the Code is based on the principles of integrity, honesty, openness and concern for the public interest. It is designed to maintain the effectiveness of CAQC as a whole and to ensure the fairness of all CAQC procedures and decision making. It addresses common situations that CAQC members may experience as they carry out their responsibilities, while it recognizes that not all situations can be anticipated. All CAQC members have a responsibility to consider appropriate standards of behavior and to conduct themselves in an ethical and professional manner. In order to guard against real or perceived conflict and/or unethical behavior, the Code strives to balance CAQC's duty to the public, personal and private interests, and individual rights. The Code assumes that it is not only the actual situation, but also the perception others may have of it that may lead to a perception of bias or conflict of interest.

2. Code Administration

The Code applies to all members of CAQC in their roles as members of Council. It applies as well to all participants in Council's committees, whether they are Council members or not. Each member will affirm, on an annual basis, their understanding of, and commitment to, the expectations of the Code. This includes a signed acknowledgement to abide by the Code.

The Code governs the conduct of CAQC members from the date of appointment. It also includes the continuing responsibilities of members after the completion of their terms with respect to decisions made by CAQC while the person was a member.

As a Code Administrator, Council's Chair will administer the Code for the members. The Code Administrator for the Chair is the Ethics Commissioner, who receives disclosures from the Chair and responds to an allegation that the Chair has breached the Code.

The process for receiving and investigating complaints for members includes the following steps:

- 1) Members must report in writing a potential breach of this Code by them or by other members to the Code Administrator. When reporting a potential breach in good faith and with reasonable grounds, members are protected from reprisal for such reporting. Written reports from persons outside the Council of real or apparent breaches of the Code will be received and investigated as well.

- 2) Once a disclosure is received, the Code Administrator conducts an investigation in private. A member who is the subject of the investigation must be given an opportunity to provide an explanation to the Code Administrator in writing.
- 3) The Code Administrator prepares a written report outlining the results of the investigation, with his/her decision on the case.
- 4) Where the Code Administrator finds a breach of this Code by a member, the report is provided to all Council members for their review and formal approval. The member who is subject to the investigation cannot participate in Council's review of his/her case, but should be provided an opportunity to be heard by other members and to respond to any questions.
- 5) Where the Code Administrator does not find a breach of this Code, the report is provided only to the member subject to the investigation and the member who submitted a complaint. The same process applies to the complaints submitted by persons outside the Council.
- 6) The affected member may apply in writing to the Ethics Commissioner for a review of a ruling of breach of this Code. The Ethics Commissioner's decision is final.

Breaches of this Code may result in disciplinary action, up to and including recommendation to the Minister of the removal of the member from Council.

3. General Rules of Conduct

All members shall complete a statement attesting that they have read and agreed to the statements included in the Code of Conduct.

Sample Statement

I, _____, have been appointed as a member of the Campus Alberta Quality Council under the *Post-secondary Learning Act*. I have read and understand the CAQC Code of Conduct for its members.

I agree to comply fully and to the best of my ability with the provisions of the Code and any subsequent amendments which have been ratified by CAQC.

Dated at _____ this _____ day of _____.

Council members are prohibited from acting in self-interest and from furthering their private interests by virtue of their position with the Council, or through the carrying out of their duties as a Council member. Members should be committed to the principles and practices of quality assurance in post-secondary education. When considering proposals referred to them, members shall make each decision on the merits of the application, and shall consider the information provided in good faith and to the best of their ability, not being concerned with the prospect of disapproval from any person, institution, or community. Members must conduct themselves in an unbiased and neutral manner, treating all cases with impartiality and objectivity. Members must not engage in any criminal activity and must comply with all relevant laws, regulations, policies, and procedures.

a. Confidentiality

Any part of an agenda, of a CAQC meeting or of any CAQC committee which is conducted *in camera*, including the minutes or any records, shall be kept in confidence by the Chair, every member of CAQC, and any member of any committee or other person invited or permitted to attend the meeting. All CAQC members have the responsibility to respect the confidentiality of the agenda material and CAQC discussions. The confidentiality requirement set out in this Code does

not apply to any part of the information which is in the public domain at the date of disclosure to the member or which after that date enters the public domain, other than by any act or failure to act on the part of the member.

Members shall not discuss or request advice from employees of their current or former institution about matters that are under the review of CAQC, unless formally requested to do so by the Chair. CAQC members employed by a post-secondary institution do not represent their home institution. They shall not report to their home institution on privileged information of any type about another institution. Nor shall they report on decisions regarding their home institution until they are in the public domain.

Members shall not take improper advantage of information obtained through official duties as a CAQC member and not generally available to the public to obtain a personal benefit.

Members shall respect the confidential nature of third-party business information submitted to CAQC and restrict the use of this information to their CAQC work.

Members shall, at all times, adhere to the intent and requirements of Alberta's *Freedom of Information and Protection of Privacy Act* which applies to all information, material and records relating to, or obtained, created, maintained, submitted or collected during the course of a review.

b. Conflict of Interest

CAQC members must avoid situations that might impair or impugn the independence, integrity or impartiality of CAQC. Conflict of interest is any interest, relationship, association or activity that is incompatible with a CAQC member's responsibilities as an impartial decision maker acting in the best interests of Council. The relationships, interests or activities of a close family member or close associate may raise a potential conflict of interest for a CAQC member.

Members shall not participate in any proceeding or CAQC discussion of any matter in which they or a family member or close associate have a significant financial interest.

Members shall not participate in any proceeding or participate in CAQC discussion with respect to any matter in which they believe that their impartiality may be affected by a personal interest or by a relationship with one of the parties.

Members will not normally be eligible to participate in a review involving a party or representative with whom they were formerly in a significant professional relationship until a period of 12 months has elapsed since the termination of that relationship. A significant professional relationship includes: employment, collaboration on a project, supervision of students in the program, etc.

Members shall not own shares in a company or private for-profit post-secondary institution that may make application to CAQC or is likely to be directly affected, beneficially or detrimentally, by CAQC decisions.

CAQC members are required to disclose in writing to the Chair at the earliest possible opportunity any real or apparent conflicts of interest. As a CAQC member may be the only person in a position to recognize a possible conflict of interest, CAQC members are required to identify possible conflicts and take appropriate steps to manage and disclose such conflicts. CAQC members must manage and disclose any real and apparent conflicts of interest prior to any discussion or decisions regarding an applicant. The meeting record will reflect this disclosure.

c. Public Statements

A member shall not make public statements, orally or in writing, on any issues that are currently under consideration by CAQC, unless designated to do so by the Chair. In cases where it is not clear what an individual member may say publicly about an issue, discretion should be used, and the member should consult with the CAQC Chair or the Secretariat. Members should review carefully CAQC's *Policy on Release of Information*, especially section A, which outlines the responsibilities of CAQC members.

A member other than the Chair shall refrain from communicating with the media regarding the deliberations or decisions of CAQC unless designated to do so by the Chair or the Secretariat. All inquiries from the media shall be referred to the Secretariat or the CAQC Chair.

d. Gifts

A member shall not accept money, awards or gifts from a person or organization who may be, or have been affected by a CAQC decision, other than the normal exchange of hospitality between persons doing business together or tokens exchanged as part of protocol. The total cash value of any gifts received from a single source in any calendar year shall not exceed \$100. Acceptance of cash or cash equivalents is strictly prohibited at all times.

e. Conduct of Members

Members shall be sensitive to issues of gender, race, language, culture and religion that may affect the conduct of a review or decision.

Members shall attempt to fulfill their obligations expeditiously, without unnecessary delay. Decisions are to be made in accordance with Council's guidelines, policies and standards, and they must accord with legislation, policy, and principles of natural justice. Members acknowledge the importance of seeking consistency in decision-making so that when similar facts are considered, this will result in decisions with similar outcomes.

Members shall not communicate directly or indirectly with any applicant or representative in respect to a program proposal, except in the presence of all members. Should a member require further information he/she should request that the Chair or Secretariat obtain such information.

CAQC members will deal with groups and persons, with staff, and with each other in a manner that reflects open and honest communication, respect, fair play, and ethical conduct.

Members shall promote positive relationships among CAQC members and Secretariat staff, and will make themselves available on a timely basis for consultation or discussions initiated by the Chair on policy or procedural issues.

Members will demonstrate respect for the views and opinions of colleagues. Members will not publicly comment on a decision of a colleague or the manner in which another member(s) have conducted themselves during a meeting or decision.

f. Concurrent Employment of Members

Members may accept appointment to other offices or hold employment, including self-employment, unless such appointment or employment:

- i) Causes an actual or apparent conflict of interest;
- ii) Is performed in such a way as to appear to be an official act of the Council, or to represent the Council's opinion or policy;
- iii) Interferes through telephone calls, or otherwise, with regular duties; or
- iv) Involves the use of the Council's premises, equipment, supplies, or assets, unless such use is otherwise authorized.

Prior to accepting any such supplementary employment or appointment, personnel must notify their Code Administrator in writing about the nature of such supplementary employment or appointment.

The Code Administrator must review the proposed employment or appointment for real or apparent conflicts of interest. If there is no real or apparent conflict of interest, the Code Administrator may approve the employment or appointment in writing. If there is a real or apparent conflict of interest, the Code Administrator must then, in writing, deny the employment or appointment, or allow the employment or appointment and put procedures in place to manage the real or apparent conflict of interest.

4. Conduct of Chair

As a Council member, the Chair is subject to all provisions of this Code applicable to all members. In addition, the Chair is responsible for the proper administration of this Code and its compliance with all existing legislation.

Members can direct any questions regarding the interpretation or application of this Code to the Chair.

The Chair may seek advice from the Ethics Commissioner about whether a proposed activity of the Council, members or the Chair would be a breach of this Code.

The Chair must also disclose any real or apparent breaches of this Code to Council members.

Council's Chair is prohibited from furthering his/her private interests and is prohibited from using influence and insider information related to his/her duties as Chair and Code Administrator. Specifically, as a senior official:

- (1) The Chair must not take part in a decision in the course of carrying out his/her 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;
- (2) The Chair must not use his/her office or powers to influence or 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 Chair, a person directly associated with the Chair, the Chair's minor child, or to improperly further any other person's private interest;

- (3) 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 his/her office or powers to further or seek to further a private interest of the Chair or any other person's private interest; and
- (4) The Chair must appropriately and adequately disclose a real or apparent conflict of interest.

5. Coming into Force and Public Access

This Code and any further amendments to this Code shall be made available to the public on CAQC's website following approval by the Council and the Ethics Commissioner. The Code and any amendments shall enter into force 30 calendar days after being made public on the CAQC website.

The Code shall be reviewed at least every 36 months with a view to ensuring ongoing currency and effectiveness.