

## Policy: Code of Ethics and Conduct for the Capital Region Assessment Services Commission Assessment Review Boards

### *Purposes of this Code of Ethics and Conduct*

1. To avoid conflicts of interest and the perception that members may be biased.
2. To maintain the integrity and impartiality of the Board.
3. To protect the individual rights of Board Members as normal citizens.

This code is additional to any requirements at law and does not excuse any member from complying with any common law or statute law.

### *Definitions*

1. In this Code of Ethics and Conduct,
  - a) **“Commission”** means the Board of the Capital Region Assessment Services Commission,
  - b) **“Family”** means a member’s spouse, the member’s children, the parents of the member, and the parents of the member’s spouse,
  - c) **“Manager”** means the manager of the Commission or his designate,
  - d) **“member”** means a person appointed to the Assessment Review Board and includes authorized substitutes,
  - e) **“Municipality”** means the municipality in which the complaint has been filed,
  - f) **“Parties”** means parties to a hearing before an Assessment Review Board,
  - g) **“Presiding Officer”** means a member chosen by the municipality of each Local Assessment Review Board to be the Presiding Officer at one or more hearings, or the Provincial Appointee to the Composite Assessment Review Boards under Part 11 of the *Municipal Government Act*,
  - h) **“Spouse”** includes a party to a relationship between interdependent adults who are living together on a *bona fide* domestic basis, and does not include a spouse who is living apart from the other spouse if the spouses have separated pursuant to a written separation agreement or if their support obligation and family property have been dealt with by a court order.

### *Basic Principles*

2. A member must be ***independent, impartial, and responsible***.
3. To maintain public confidence in the integrity of the Assessment Review Boards, members must not use their positions for personal advantage.
4. Each member will abide by all the requirements of
  - a) the relevant provisions of the *Municipal Government Act*, and relevant regulations under the Act,
  - b) the Assessment Review Board Bylaw adopted by the municipality,
  - c) this code of ethics and conduct, and
  - d) all relevant policies of the Commission relating to Assessment Review Boards.

### ***Fairness***

5. Each member shall prior to, during, or following a hearing
  - a) be courteous, professional, fair and unbiased,
  - b) contribute to the preservation of order and decorum in a hearing,
  - c) avoid sarcasm, derogatory comments, questions, or comments, designed to embarrass, and
  - d) be respectful of the rulings and direction of the Presiding Officer.
6. Each member must ensure that all parties are
  - a) treated fairly,
  - b) dealt with in good faith,
  - c) dealt with without bias, and
  - d) given an adequate opportunity to state their case.
7. Each member must
  - a) during a complaint, not enter into dialogue with any of the parties,
  - b) restrict his or her contact with parties prior to, during and following a hearing so as to reflect the judicial nature of the hearing,
  - c) during a complaint, not discuss in public a complaint or an individual appearing before the board (e.g. social events, restaurants, and hallways, and the like),
  - d) not comment on Assessment Review Board decisions to the media or anyone else external to the Assessment Review Board.

### ***Conflict of Interest***

8. A member must not accept any fee, gift or other benefit that is connected directly or indirectly with the performance of the member's duties of office, other than remuneration from the Commission for performance of the member's duties as a member.
9. An Assessment Review Board member shall declare a conflict of interest or bias if, when hearing a complaint, the decision of the hearing could be perceived to be biased or influenced by a personal interest. A conflict of interest or bias is presumed to exist if:
  - (a) the decision might monetarily affect
    - (i) the member,
    - (ii) the member's family,
    - (iii) the member's current employer or client or business associate, or
    - (iv) a previous employer or client or business associate of the member, where the employment or client relationship existed during the previous 12 months; or
  - (b) the member has a strong personal connection with the appellant.
10. In declaring a conflict of interest, actual bias, or reasonable appearance of bias, the member shall, at a hearing
  - a) state the nature of the conflict of interest, bias, or appearance of bias in general terms,
  - b) ensure that the statement of conflict of interest, bias, or appearance of bias is entered into the record of the hearing, and
  - c) step down from the Assessment Review Board, not participate further in the hearing decision, and leave the hearing room unless both parties agree to the continuance of the member.

11. If a party objects to the participation of a member in a hearing on the grounds that the member has an actual bias or reasonably appears to be biased, or is in a conflict of interest, the Presiding Officer will determine whether
    - a) to proceed with the hearing subject to the objection, or
    - b) to require the member to withdraw from the hearing.
  12. If a party objects to the participation of the Presiding Officer in a hearing on the grounds that the Presiding Officer has an actual bias or reasonably appears to be biased, or is in a conflict of interest, one of the other members (as chosen by the other members in the absence of the Presiding Officer) will decide whether
    - a) to proceed with the hearing subject to the objection, or
    - b) to require the Presiding Officer to withdraw from the hearing.
- If the Presiding Officer withdraws, the remaining members will select a replacement.

### ***Confidentiality***

13. Each member shall retain in confidence any information presented to the Board in connection with any hearing.

### ***Process for dealing with allegations of ethical breaches***

14. Allegations of ethical breaches may be made by any member, the Chair, or the Manager.
15. All allegations of ethical breaches must be submitted to the Manager.
16. Allegations about the conduct of the Chair must be submitted to the Manager.
17. The Chair or the Manager, at his/her discretion, may require the complaint be made in writing.
18. The Chair or the Manager (as appropriate) will talk to the member against whom the allegation is made and to any other persons who can assist in determining what occurred. Resolution of the allegation should occur in a timely manner.
19. The Chair must notify the Manager of allegations of ethical breaches and consult with the Manager regarding their resolution.
20. Where it is clear that an ethical breach has been committed by the Chair, the Manager may consult with the Chief Elected Official of Municipality regarding the resolution of the breach.
21. a) Where a breach exists, consequences may include:
  - i. reporting the breach as part of the annual evaluation process;
  - ii. a reprimand;
  - iii. a recommendation that the member not be reappointed as a member or Chair;
  - iv. suspension from sitting on a hearing;
  - v. removal of the member from the Commission's Assessment Review Boards membership list;
  - vi. an application to Council to immediately terminate the person's appointment.
- b) Where the breach is serious or the member has committed previous breaches, the Chair may choose to immediately make application to Council to terminate the member's appointment.
23. All allegations and their resolution will be documented by the Chair, or in the case of a breach by the Chair, the Manager. Where the breach is found to exist, it shall form part of the evaluation of the member or Chair.
24. If the member or Chair does not agree that the conduct occurred or that it was a breach, the member is entitled to note this on their annual evaluation form.

***Process for dealing with allegations of conduct breaches***

- 25. Allegations about the conduct of a member may be made by another member or the Chair or the Manager.
- 26. Allegations against a member, which are not urgent or severe, should be made to the Manager or the member’s Chair. They may be resolved informally by the Manager or the Chair. If they are so resolved, they should be reported to the Commission.
- 27. The following allegations must be submitted to the Manager:
  - a) Allegations under #2 above which have not been resolved in a timely manner;
  - b) All urgent or serious allegations of conduct breaches; and
  - c) Any allegations of breaches by a Chair.
- 28. Allegations about the conduct of the Chair must be submitted to the Manager.
- 29. The Chair or the Manager, at his/her discretion, may require the complaint be made in writing.
- 30. The Manager, or Chair (as appropriate) will talk to the member against whom the allegations is made and to any other persons who can assist in determining what occurred. Resolution of the allegations should occur in a timely manner.
- 31. The Chair must notify the Manager of allegations of breaches of conduct and consult with the Manager regarding the resolution of serious breaches.
- 32. Where it is clear that a serious breach of conduct has been committed by the Chair, the Manager may consult with the Chief Elected Official of the municipality regarding the resolution of the breach.
- 33. a) Where a breach exists, consequences may include:
  - i. reporting the breach as part of the annual evaluation process;
  - ii. a reprimand;
  - iii. a recommendation that the member not be reappointed as a member or Chair;
  - iv. suspension from sitting on hearing panels;
  - v. an application to Council to immediately terminate the person’s appointment.
 b) Where the breach is serious or the member has committed previous breaches, the Manager may choose to immediately make application to Council to terminate the member’s appointment.
- 34. All allegations and their resolution will be documented by the Chair, or in the case of a breach by the Chair, the Manager. Where the breach is found to exist, it shall form part of the evaluation of the member.
- 35. If the member or Chair does not agree that the conduct occurred or that it was a breach, the member is entitled to note this on their annual evaluation form.

**Adopted by: Capital Region Assessment Services Commission**  
**Date: February XXX, 2010**

**I \_\_\_\_\_, a candidate for an Assessment Review Board, after reviewing this Code of Conduct For Assessment Review Board Members, agree to abide by the terms and conditions as outlined above.**

\_\_\_\_\_  
**Signature of Panelist**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Witness**

\_\_\_\_\_  
**Date**