

PART A – GENERAL MATTERS

1. General

1.1. Introduction

The Calgary Licence and Community Standards Appeal Board (the “Board”) is a quasi-judicial tribunal empowered by the City of Calgary to hear appeals of certain decisions respecting permits, licences, and orders. The Board has established this Code of Conduct to provide guidance to its Members.

1.2. Purposes

The purposes of this Code of Conduct are to:

- (a) Preserve the Board’s integrity and impartiality;
- (b) Provide guidance for Members respecting their conduct during and after their engagement with the Board;
- (c) Make the Board’s hearings and deliberations as effective as possible;
- (d) Maintain the quality of the Board’s decisions;
- (e) Protect the rights of parties appearing before the Board and the public; and
- (f) Protect the rights of the Board’s Members.

1.3. Application

This Code of Conduct applies to Members at all times during their engagement with the Board when carrying out their duties on behalf of the Board or when their conduct could otherwise be reasonably expected to reflect on the Board. There are some provisions of this Code of Conduct such as the confidentiality obligations which, by their nature, are intended to and will continue to apply to and bind Members following the end of their term with the Board.

1.4. Applicable Laws

This Code of Conduct is secondary to any bylaws, enactments, legislation, or applicable Court decisions. If this Code of Conduct conflicts with those other requirements, those other requirements will take precedence.

1.5. Guiding Principles

This Code of Conduct is based on the guiding principles of:

- (a) Natural justice and procedural fairness for all parties;
- (b) Integrity and high ethical standards;
- (c) Mutual respect;
- (d) Avoidance of the use of improper or undue influence;
- (e) Protection of confidential information; and
- (f) Judicious and dutiful execution of the Board’s duties.

PART B – MEMBER OBLIGATIONS

2. Attendance at Hearings

2.1. Selection of Panel

The Chair will establish the panel for hearings, taking into consideration Members' availability, skills, and the requirements of the Calgary Licence and Community Standards Bylaw. The Chair will notify Members of their selection, and Members shall respond promptly advising whether they agree to sit on the panel.

2.2. Attendance at Hearing

Members who have agreed to sit on a panel shall sit on that panel. If unexpected circumstances arise which prevent them from doing so, Members shall notify the Chair as soon as possible.

3. Preparation for Hearings

3.1. Report Review

Members who have agreed to sit on the panel must review the entire Board report prior to the hearing.

3.2. Attendance Prior to Hearing

Members who are sitting on a panel must be available at the Board's offices (or by teleconference, if applicable) at least 30 minutes prior to the scheduled commencement of the hearing.

3.3. Training

The Chair of the Board may require Members to take training prior to sitting on the panel for hearings. If the Chair imposes such a requirement, Members will be required to complete such training before they are scheduled to hear appeals.

4. Availability for Hearings

4.1. General Availability

Members shall make reasonable efforts to be available for the Board's scheduled hearing days and to assist with additional duties associated with Board matters such as decision writing.

5. Availability for other Matters

5.1. Procedural and Organizational Meetings

Members shall make reasonable efforts to attend all procedural and organizational meetings of the Board.

6. Board Materials

6.1. Removal of Original Materials

Members shall not remove any original record or exhibit from the office of the Board except with the authorization of the Chair or presiding officer.

PART C – BOARD MEMBER CONDUCT

7. Conduct

7.1. General

Members shall conduct themselves with decorum and integrity.

7.2. Conduct during Hearings

During hearings of the Board, Members shall:

- (a) Conduct themselves in accordance with the Board's procedures;
- (b) Follow the directions and guidance of the Chair or presiding officer;
- (c) Refrain from side conversations;
- (d) Use a respectful tone when speaking;
- (e) Remain actively engaged and actively listening to all speakers or presenters;
- (f) Avoid emotional responses to any comments made by speakers;
- (g) Avoid unnecessarily interrupting speakers or presenters;
- (h) Avoid any statements, body language, or other conduct that may convey inappropriate or unprofessional messages or pre-judgment of the appeal; and
- (i) Allow the Chair or presiding officer to conduct the meeting or hearing and to deal with disruptive behaviour or other situations that may arise.

7.3. Conduct During Deliberations

During the Board's deliberations, Members shall:

- (a) Follow the directions and guidance of the Chair or presiding officer;
- (b) Show respect toward other Members;
- (c) Allow each Member an opportunity to express their thoughts and opinions without interruption;
- (d) Avoid coercive language and application of undue influence;
- (e) Consider relevant evidence and arguments of the parties;
- (f) Accept and support the decision of the Board; and
- (g) After the decision is made, remain respectful toward other Members who may have had opposing views.

7.4. Other Conduct

Members shall not engage in any conduct or behaviour that may damage the reputation or integrity of the Board.

7.5. Conduct towards Others

Members shall be courteous towards all appellants, agents, parties, and others with whom they come into contact while exercising their roles as Members and shall ensure that at all times they present themselves in a way that:

- (a) Is professional and unbiased;
- (b) Contributes to the orderly conduct of hearings; and
- (c) Upholds the reputation of the Board.

7.6. Conduct towards Board Administration

Members shall be courteous and respectful in all dealings with the Board's Administration and shall not:

- (a) Interfere with their ability to carry out their duties; and
- (b) Compel or attempt to compel them to engage in partisan political activities.

8. Communications

8.1. Communications Outside of the Hearing Process

Members shall not communicate directly or indirectly with any party, any party's witness or representative, or any other person in respect of a matter which is before the Board, which has been before the Board, or which could be the subject of an appeal before the Board, except during the hearing of an appeal or in the course of the hearing process including deliberations and the preparation of the Board's decision.

8.2. Communications from Others

Members shall immediately notify the Chair of any attempts by any party, any party's witness or representative, or any other person to contact the Member regarding a matter which is before the Board, which has been before the Board, or which could be the subject of an appeal before the Board, received outside of the hearing process.

8.3. Communications with Media

Members shall not communicate with the media regarding any Board matter and shall direct all media inquiries to the Coordinator of the LCSAB Administration (City Appeal Boards) or the Manager of Quasi-Judicial Boards, City Clerk's Office. In addition, Members who are contacted by the media shall notify the Chair immediately.

9. Confidentiality

9.1. General Duty to Maintain Confidentiality

Members shall not use or divulge information obtained as a result of their appointment to the Board for personal benefit or for the benefit of any other person, organization or entity.

9.2. Confidentiality of Deliberations and Votes

Members shall not disclose the content of any deliberations or votes, the position of themselves or any other Members, or the conduct of themselves or any other Members regarding any hearings which come before the Board.

PART D – ADMINISTRATION OF JUSTICE

10. Bias and Conflicts of Interest

10.1. Bias and Conflicts of Interest

Members shall not participate in any hearing or decision in which they have a bias or conflict of interest or may be perceived to have a bias or conflict of interest.

10.2. Notice of Bias and Conflicts of Interest

Members shall inform the Chair at their earliest opportunity of any situation which may lead to an allegation or perception of bias or a conflict of interest in the Member's hearing of an appeal or other exercise of their duties as a Member. If the situation is identified during the hearing, the Member shall request an immediate recess to notify the Chair.

10.3. Specific Prohibitions

In addition to the general duty to avoid conflicts of interest and bias and the perception thereof, Members shall not participate on a panel in any hearings in which:

- (a) any party to the appeal is the Member's spouse, partner, child, or other family member, including extended family members;
- (b) any party to the appeal is any person with whom the Member has a significant current or recent relationship including personal relationships and business relationships;
- (c) the Member is a party to the appeal; or
- (d) any party to the appeal is any corporation, company or other legal entity in which a person identified in a-c has a material interest.

10.4. Determination by the Chair

The Chair may require any Member to recuse themselves from a panel for a hearing in which the Member has or may be perceived to have a bias of conflict of interest.

10.5. Recusal

If a Member has recused themselves from a hearing, the Member shall leave the hearing room for the duration of the hearing and shall not be present in the deliberation room during deliberation or voting.

10.6. Members Seeking Political Appointment

Any Member running for political office for any level of government must immediately notify the Chair and take a leave of absence from the Board during their political campaign.

10.7. Gifts and Benefits

Members shall not accept any fee, advance, gift or personal benefit of any kind connected directly or indirectly with the performance of their duties on the Board, except:

- (a) Compensation authorized by law;

- (b) A suitable memento of a function honouring the Member as approved by the Board;
or
- (c) Food, beverages, training materials, or lodging at conferences, seminars, receptions or similar events if attendance is approved by the Board.

11. Use of Influence

11.1. Improper Use of Influence

Members shall not, directly or indirectly, use the influence of their position as Members for any purpose other than discharge of their official duties as Members. This shall include but is not limited to:

- (a) Using their position to improperly influence the decision of another person to the benefit of themselves or others with whom they have a relationship;
- (b) Using their position to seek preferential treatment from persons, organizations or entities;
- (c) Holding out the prospect of future advantage through a Member's influence on the Board in return for present actions or inactions; or
- (d) Using their position to influence the outcome of a decision of the Board in return for a benefit to themselves or others with whom they have a relationship.

11.2. Allowable Use of Influence

For clarification, Members are permitted to include their membership on the Board in their resumes, CV's or professional biographies, provided that they do not otherwise breach this Code of Conduct in doing so.

12. Assisting Parties

12.1. Prohibition on Assisting Parties Outside of the Hearing

Members shall not act as consultants in any capacity in preparation of a matter to be heard by the Board or assist any parties appearing before the Board in the preparation or presentation of any material or argument to be presented to the Board.

PART E –ENFORCEMENT AND SANCTIONS

13. Breaches and Potential Breaches

13.1. Notice to Chair

Members shall immediately notify the Chair of any issues which arise which may constitute a breach of this Code of Conduct.

14. Role of the Chair

14.1. Enforcement of Code of Conduct

The Chair is responsible for ensuring that this Code of Conduct is adhered to by all members. Members are bound by the decisions of the Chair respecting this Code of Conduct.

14.2. Allegations of Breach Involving Chair

Where an issue arises in which the conduct of the Chair is to be reviewed, the Vice-Chair of the Board shall step into the role of the Chair for the purposes of administering this Code of Conduct.

15. Sanctions and Disciplinary Actions

15.1. Sanctions for Breach

If the Chair, in consultation with the Vice-Chair at the option of the Chair, finds that a Member is in breach of this Code of Conduct, the Chair may impose any of the following sanctions having regard to the severity of the incident and its potential impacts on the Board:

- (a) Recording the incident in the Member's annual performance review;
- (b) Suspending the Member's privileges to serve on panels for a period of time;
- (c) Requesting the resignation of the Member;
- (d) Requesting that City of Calgary Council revoke the Member's appointment to the Board;
- (e) Any other action deemed appropriate having regard to the circumstances; or
- (f) Any combination of the above.