



Subdivision
& Development
APPEAL BOARD

**Calgary Subdivision
and
Development Appeal Board

Code of Conduct**

*Approved by the Calgary SDAB: July 24, 2012
Amended: January 5, 2018*

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1.0 PREAMBLE

Amended March 2016

1.1 General

The Calgary Subdivision and Development Appeal Board (SDAB), hereinafter referred to as the “Board”, is a quasi-judicial adjudicative tribunal established in accordance with the *Municipal Government Act*, RSA 2000, c M-26, as amended, (MGA) and The City of Calgary Bylaw 25P95, as amended. The MGA sets out certain obligations and limitations of the Board and consequently, the conduct of the Board. Members are required to understand and uphold these obligations and limitations. The Board has established this Code of Conduct to provide guidance concerning the conduct of Board Members. The chief goal of this Code of Conduct is to improve the quality of governance of the Board in order to achieve the expected high standards of conduct from Board Members while adhering to the applicable legislation in exercising the Board’s mandate.

1.2 Purpose

The purpose of this Code of Conduct is as follows:

- (a) To preserve the integrity and impartiality of the Board;
- (b) To provide guidance to Board Members respecting the behaviour and conduct during their engagement with the Board;
- (c) To assist Board Members in contributing to the optimization of the Board’s efficacy during hearings and deliberations;
- (d) To maintain the quality of the Board’s decisions;
- (e) To protect the rights of the public; and
- (f) To protect the rights of the Board Members.

1.3 Application

The application of this Code of Conduct in no way precludes any Board Member from complying with any common law, statute law, or any other applicable legislation.

1.4 Acknowledgments

Each Board Member, through his or her participation on the Board, enables the Calgary Subdivision and Development Appeal Board to administer justice and function for the betterment of society. All Board Members' contributions are hereby acknowledged.

2.0 GUIDING PRINCIPLES

Amended March 2016

This Code of Conduct is based upon the following guiding principles including but not limited to:

- (a) Rules of Natural Justice;
- (b) Procedural Fairness;
- (c) Integrity and high ethical standards;
- (d) Mutual respect;
- (e) Avoidance of bias and/or conflict of interest;
- (f) Avoidance of the use of improper or undue influence;
- (g) Confidentiality; and
- (h) Judicious and dutiful execution of Board matters.

3.0 DEFINITIONS

Amended March 2016

In this Code of Conduct, the following definitions shall apply:

- (a) "Authority" or "authority" means the decision making authority as defined in the *Municipal Government Act*, RSA 2000, c M-26, as amended, and includes but is not limited to the "Development Authority" and/or the "Subdivision Authority" and any designated agents of the aforementioned authorities;
- (b) "appellant" means a person or persons making an appeal;
- (c) "respondent" means a person or persons responding to an appeal;

- (d) “applicant” means the person or persons who have applied for a subdivision or a development permit that is the subject of an appeal;
- (e) “affected person” means a person or persons affected by an appeal who have the right to submit evidence pertaining to the issues before the Board;
- (f) “Board” means the Calgary Subdivision and Development Appeal Board, also referred to as the Subdivision and Development Appeal Board and/or the SDAB;
- (g) “Board Member” means a person appointed to the Subdivision and Development Appeal Board by City Council in accordance with The City of Calgary Bylaw 25P95, as amended;
- (h) “Board Solicitor” means the solicitor (legal counsel) retained by the Board who provides the Board with independent legal advice from time to time;
- (i) “Board staff” means a person or persons employed by The City of Calgary serving as administrative and resource personnel to the Board, commonly referred to as SDAB Administration;
- (j) “Chair” means the Board Member appointed as Board Chair pursuant to and in accordance with The City of Calgary Bylaw 25P95, as amended;
- (k) “Code” means this Code of Conduct and all provisions and stipulations herein;
- (l) “Council” means the municipal Council of The City of Calgary;
- (m) “Deliberation” means orderly discussions among Board Members pertaining to an appeal, in camera, and intended to generate a decision on an appeal;
- (n) “hearing” means the public portion of a meeting of the Board in which an appeal is heard in accordance with the MGA;
- (o) “MGA” means the *Municipal Government Act*, RSA 2000, c M-26, as amended, of the Province of Alberta;
- (p) “Panel member” means a Board Member assigned by the Chair to sit on a panel of the Board to hear an appeal;

- (q) “person” means an individual, company, society, association, or other organization or entity;
- (r) “Presiding Officer” means the Board Member appointed by the Chair to chair a Board meeting in which appeals are heard by the Board;
- (s) “Public” means a person or persons other than a “Board Member” or “Board staff” and includes but is not limited to appellants, respondents, applicants, members of the general public, and agents acting on behalf of any of these whether or not they are affected or have an interest in any Board matters;
- (t) Words in the singular include the plural, and words in the plural include the singular;
- (u) Words using masculine gender include feminine gender, and words in feminine gender include masculine gender;
- (v) A word or expression, other parts of speech, and grammatical forms of the same word or expression have corresponding meanings;
- (w) The word “may” is to be construed as permissive and empowering;
- (x) The words “must”, “shall” and “required” are to be construed as compulsory obligations.

4.0 BOARD MEMBERS BOUND BY THIS CODE OF CONDUCT

Amended March 2016

- 4.1** Board Members shall abide and be bound by this Code of Conduct. As such, Board Members have a duty to uphold the Code of Conduct when discharging their roles and responsibilities as a Board Member in adjudicating appeals before the Board.
- 4.2** The Chair shall implement this Code of Conduct and will take measures deemed appropriate to ensure the Code is adhered to.
- 4.3** The Chair is the sole arbiter in respect of all matters relating to or arising from this Code of Conduct and its applicability and operations, except where specifically stated otherwise.
- 4.4** A Board Member shall immediately consult with the Chair if at any time any issue arises that could potentially put the Board or a Board Member in a position of potential conflict or bias, or give rise to the apprehension of conflict or bias, real or perceived, under this Code of Conduct.

- 4.5** Board Members shall be bound by any decision or ruling made by the Chair respecting this Code of Conduct and its operations.

5.0 ADMINISTRATIVE

Amended January 2018

- 5.1** All Board Members report to the Chair of the Board respecting any Board matter.
- 5.2** (a) Obtaining a legal opinion respecting any appeal, matter, issue, or subject related to a hearing before the Board must initially be approved by the Chair or the Presiding Officer, as the case may be.
- (b) Only the Legal Counsel to the Board, defined as that person(s) who has signed the Engagement of Services Agreement with The City of Calgary (City Solicitor) to act as the Board's Counsel, has the authority to provide such legal opinion or advice to the Board.
- (c) Board members must adhere to the Board's Solicitor Client Privilege Protocol.
- 5.3** A Board Member assigned by the Chair to a panel of the Board established to hear an appeal is expected to read the Board report in full prior to the hearing. Members must advise the Chair and/or Presiding Officer of any errors or omissions in the Board report.
- 5.4** A Board Member shall complete an undertaking that the rules and provisions of the Code of Conduct have been thoroughly studied and will be complied with. Each Board Member is annually required to acknowledge the undertaking by signing the form "Schedule A" attached to the Code of Conduct.
- 5.5** A Board Member is responsible for a thorough understanding and compliance with the rules and provisions of the Code of Conduct.
- 5.6** A Board Member shall be available at the offices of the Board no less than 30 minutes prior to the scheduled commencement of a hearing.
- 5.7** Board Members are expected to be available for a minimum number of hearing days, as determined by the Chair. Board Members may be assigned additional duties such as assisting with decision writing or other duties associated with Board matters.
- 5.8** No original Board record or exhibit from any proceeding before the Board, may be removed from the office of the Board without the authorization of the Chair.

- 5.9** Board Members are expected to attend all Procedural and Organizational Meetings of the Board.
- 5.10** Board Members are expected to attend year round training and development meetings and be willing to take courses in accordance with the Calgary SDAB Training and Development Plan.
- 5.11** The Board Chair, First Vice-Chair, and Second Vice-Chair shall annually conduct performance reviews of all Board Members. Each Board Member shall receive a copy of their review and be given an opportunity to discuss the review with the Chair. All performance reviews shall be kept confidential and records thereof shall be maintained by the Chair.
- 5.12** At all times Board Members are expected to exercise their role and duties in their capacity as a member of the Board with integrity and abide by generally accepted ethical standards.

6.0 COMMUNICATIONS

Amended March 2016

- 6.1** A Board Member shall not communicate directly or indirectly with any party, witness, or representative of a party in respect of a Board proceeding, except during the hearing of an appeal in the presence of all parties and their representatives.
- 6.2** A Board Member shall not communicate directly or indirectly with another Board Member prior to the hearing about an appeal before the Board.
- 6.3** Any correspondence, email, or other communication from a party to a Board Member regarding an appeal shall be remitted to the Chair, and/or if applicable, the Presiding Officer of the Board panel, and the clerk, and shall be dealt with in accordance with the policies and procedures of the Board.
- 6.4** The Board speaks through its written decisions only. Board Members shall not publicly comment on or discuss, orally or in writing, any aspect of an appeal, matter or issue that is before the Board or has been before the Board. A Board Member shall not provide any explanation to any person about decisions of the Board regarding an appeal, matter or issue that has been before the Board.
- 6.5** A Board Member shall not comment on or discuss the outcome of any appeal or decision of the Board with any person.

- 6.6** A Board Member shall not comment on or provide an opinion or advice regarding any appeal, matter or issue that is or has been before the Board or regarding any Board decision.
- 6.7** A Board Member shall not comment on or discuss any matter or issue which potentially could be the subject of an appeal before the Board or otherwise likely could come before the Board.
- 6.8** A Board Member shall not communicate with the media regarding any Board matter and shall direct all media inquiries to the Coordinator of the SDAB Administration (City Appeal Boards) or the Manager of the Quasi-Judicial Boards, City Clerk's Office. A Board Member contacted by the media shall advise the Chair immediately.

7.0 BIAS AND CONFLICTS OF INTEREST

Amended March 2016

7.1 General

In discharging their roles, duties, and obligations, Board Members are bound by the rules of natural justice and procedural fairness as determined by the Courts and applicable case law. As such, Board Members have an obligation to work within the confines of the rules of natural justice and procedural fairness and avoid conflicts of interest or bias, real or perceived. Conflicts and bias by any Board Member put the entire Board at risk and compromises the Board's ability to function properly.

Board Members shall conduct themselves with transparency and integrity at all times.

7.2 Duty to Declare Bias or Conflict of Interest

- 7.2.1** A Board Member shall inform the Chair, at the earliest opportunity, of any basis on which an allegation of bias or conflict, or potential bias or conflict, might be raised with respect to any activity, interest or relationship of the Board Member in an appeal matter before the Board. This applies equally to allegations of bias or conflict and to any apprehension of bias or conflict, either directly or indirectly, or either real or perceived. If the Board Member is unsure whether a real or perceived bias or conflict exists, then he or she should assume that the apprehension of bias or conflict exists and conduct him or herself accordingly.

- 7.2.2** A Board Member 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.
- 7.2.3** A Board Member shall not participate as a panel member on any hearings in which:
- (a) The appellant, applicant, respondent, agent, affected person, or any party to an appeal or application, is a family member or extended family member of the Board Member or the Board Member's spouse, children, or their children's family or their extended family members, or any other person, organization or entity with whom the Board Member has a relationship and which is a party to or in any form participates in an appeal, matter or application before the Board.
 - (b) The Board Member is an appellant or applicant as referred to in Part 17, Division 10, of the MGA;
 - (c) The Board Member is deemed to be an affected person as referred to in sections 685(2) or 687(1)(d) of the MGA; or
 - (d) The appellant, applicant, respondent, agent, affected person or any party to an appeal or application is a business associate, an employee, or close acquaintance, but does not include a casual acquaintance.
- 7.2.4** If, during or at the conclusion of a meeting or hearing, a Board Member realizes that a conflict or potential conflict exists but which was not known by the Board Member at the commencement of the meeting or hearing, the Board Member shall forthwith advise the Chair, or Presiding Officer as the case may be, of the conflict or potential conflict. The Chair or Presiding Officer shall determine whether or not the Board Member should recuse him or herself from the hearing, deliberation, and vote on the decision regarding the meeting or appeal, and the Board Member shall abide by such determination. After recusing him or herself, the Board Member shall leave the hearing room and shall not be present in the deliberation room during deliberation and voting.
- 7.2.5** In the event of an objection raised by a party to an appeal before the Board regarding a bias or conflict, real or perceived, of a Board Member hearing the appeal, the Chair or Presiding Officer will advise the Board Member of the objection, the details and circumstances of the objection and identity of the person making the objection and request a response from the Board Member accordingly. The Chair or Presiding Officer shall determine whether or not the Board Member should be recused from the

hearing, deliberations and the decision, and the Board Member shall abide by such determination.

- 7.2.6** A Board Member shall not act as a professional or legal consultant, directly or indirectly, in the preparation of a matter to be heard by the Board nor shall she or he assist an appellant, applicant, respondent, agent or affected party in the preparation of any material or argument to the Board.
- 7.2.7** A Board Member shall not hear an appeal or vote on any decision that relates to a matter in respect of which the Board Member has a pecuniary interest. A Board Member has a pecuniary interest in a matter to the same extent that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170(1) and (2) of the MGA.
- 7.2.8** Board Members shall not engage in conduct that would exploit their position on the Board in any way.
- 7.2.9** A Board Member who becomes aware of any conduct by another Board Member in contravention of this Code of Conduct shall report said conduct immediately to the Chair.
- 7.2.10** A Board Member who becomes aware of any conduct by the Chair in contravention of this Code of Conduct shall report said conduct immediately to the First and Second Vice-Chairs. The Vice-Chairs shall review the conduct with the Board Solicitor and determine the appropriate course of action.

7.3 Test for Bias or Conflict

- 7.3.1** In deciding on a matter of alleged bias or conflict, the test to be applied is, whether or not an informed person, viewing the matter realistically and practically, and having thought the matter through, would have a reasonable apprehension of bias or conflict.

7.4 Board Members Seeking Political Office

- 7.4.1** Any Board Member running for political office for any level of government should apply the test for bias or conflict to themselves as soon as they make the decision to seek such office with respect to any appeal or other matter coming before the Board on which they sit as a Board Member. If political contributions, campaign funds, or support is sought or received by the Board Member, the Member shall immediately advise the Chair and recuse themselves from any hearing in which a contributor or supporter may be present or may have, directly or indirectly, any interest in the matter to be heard by the Board.

7.4.2 The Chair may ask a Board Member to recuse him or herself if a reasonable person would likely believe the Board Member's judgment may be influenced by way of receiving any type of financial support while seeking political office.

7.4.3 A Board Member considering running for political office for any level of government or for any other elected public position shall immediately advise the Chair of his or her intentions in this regard.

7.4.4 A Board Member seeking political office for any level of government or for any other elected public position shall take a leave of absence from the Board during the Board Member's political campaign until after the vote for the public office is completed.

7.5 Withdrawal of a Panel Member

7.5.1 Where a panel member becomes aware of any circumstance that potentially raises the issue of a reasonable apprehension of bias or conflict that Board Member shall:

- (a) Inform the Chair, or Presiding Officer as the case may be, that a potential apprehension of bias or conflict exists and abide by the advice of the Chair, or Presiding Officer, to withdraw from the panel;
- (b) Disclose the circumstances to the Chair, or Presiding Officer, and abide by the Chair's or Presiding Officer's advice to withdraw from the panel or other such advice as may be provided; and
- (c) If advised to withdraw from a panel, the Board Member shall forthwith remove him or herself from the hearing room and shall not return until:
 - (i) The hearing is concluded in its entirety;
 - (ii) The item is adjourned; or
 - (iii) Such other time as determined by the Chair or Presiding Officer.

Upon the occurrence of an event as set out in 7.2.4 or 7.2.5 above, if the Chair or Presiding Officer determines that the Board Member should be recused from the hearing of an appeal, the Chair or Presiding Officer shall place it on the Record of the appeal that the Board Member is recused and, where appropriate, the reason for the recusal. Subject to quorum,

the Board shall continue with the appeal in the absence of the Board Member.

8.0 CONFIDENTIALITY

Amended March 2016

8.1 Maintaining Confidentiality

- 8.1.1** Board Members shall not disclose or release by any means, directly or indirectly, to any member of the public, or to any member of City Council or City Administration, any information acquired by virtue of their service on the Board, in either oral or written form, except when required by law, or authorized to do so by the Board Chair.
- 8.1.2** Board Members shall not use confidential information for personal or private gain, or for the gain of relatives or any person or corporation, either directly or indirectly. For the purposes of this section confidential information includes but is not necessarily limited to any and all information provided to the Board, or acquired, pursuant to the Board exercising its authority under the MGA and The City of Calgary Bylaws.
- 8.1.3** Board Members shall not speak with the public, Authority, appellants, applicants, parties to an appeal, or respondents or any of their agents or representatives before or during hearings, during adjournments of hearings, or after the hearing. This applies to all appeals before the Board whether or not they have become a matter of public record and regardless of whether they have been decided upon by the Board.
- 8.1.4** Board Members shall maintain at all times, the confidentiality of the Board's deliberations regarding decisions on all appeals, matters or issues that are before or have come before the Board.
- 8.1.5** Board Members shall not, directly or indirectly, disclose or discuss with any other party their position or the Board's position on any appeal, matter or issue heard or to be heard by the Board.
- 8.1.6** Board Members shall not, directly or indirectly, discuss or comment on the conduct or behavior of individual Board Members in their role as a member of the Board.
- 8.1.7** Board Members shall not, directly or indirectly, disclose or discuss with the Public, or any member of City Council or City Administration, the position of the Board or any of its Board Members or the results of any vote by the Board or any of the Board Members on any appeal, matter or issue before, heard, decided, or yet to be heard or decided by the Board.

8.1.8 Confidentiality regarding an appeal shall remain in effect at all times during and after any decision made by the Board regarding any appeal, matter or issue. Confidentiality of all Board matters shall remain in effect even after the decision is made public.

8.1.9 Any attempt by the public or any member of City Council or City Administration, to discuss any appeal, matter or issue before the Board with a Board Member shall be immediately reported or otherwise brought to the attention of the Chair.

8.2 Confidential Information

8.2.1 Confidential information is information in the possession of or received in confidence by the Board, that the Board is either prohibited from disclosing, or is required to refuse to disclose under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, as amended, and any other applicable legislation including but not limited to the MGA.

8.2.2 Confidential information includes but is not necessarily limited to:

- (a) All information pertaining to appeals before the Board or appeals for which the Board has conducted hearings and/or rendered a decision;
- (b) Content, outcome, expressed opinions or subject matter discussed during deliberations and decisions regarding appeals before the Board or decided by the Board;
- (c) Advice or comments received from the Board Solicitor or Board Chair; and/or
- (d) Any other information Board Members may have received or been privy to in their capacity as a Board Member.

9.0 CONDUCT DURING BOARD MEETINGS

Amended March 2016

9.1 General

9.1.1 Board Members shall conduct themselves with decorum at meetings and hearings of the Board in accordance with the Board's procedures, as directed by the Chairman, as well as with other applicable common law and statutory requirements. Where the Board's procedures do not address or do not appear to address an issue, Board Members shall consult with the Chair.

In addition, the following behaviours are expected of Board Members at all times during meetings and hearings:

- (a) Follow the directions and guidance of the Chair or Presiding Officer, as the case may be;
- (b) Refrain from side conversations;
- (c) Use a respectful tone during questioning;
- (d) Remain engaged and actively listening to all speakers or presenters;
- (e) Avoid interrupting a speaker or presenter. Allow those speaking (panel members, Chair or Presiding Officer, other speakers, presenters or participants) to finish before continuing with questions. Allow the Chair or Presiding Officer to interject if the speaker or presenter is taking longer than necessary to make submissions or presentations or answer a question;
- (f) Refrain from any body language, facial expressions, demeanour or gestures that convey or may convey inappropriate or unprofessional thoughts and emotions, such as boredom, disrespect, sarcasm, anger, strong agreement, impatience, etc.;
- (g) Refrain from indicating approval or disapproval of any presentation or submission to the Board;
- (h) Avoid leading questions or proposing scenarios to a speaker or presenter which would invite a presumption of evidence not directly given by the speaker or presenter;
- (i) Avoid making conclusions or applying concluding logic to a speaker or presenter's statements or submissions. Allow the speaker or presenter's statements to stand alone. If unclear, ask for clarification;
- (j) Avoid prejudging or appearing to prejudge any statement, submission or revelation provided at the meeting or hearing;
- (k) Avoid reacting to any speaker or presenter's appearance, demeanour or behaviour even if the speaker or presenter's appearance, demeanour or behaviour during the meeting or hearing is in your view inappropriate. Avoid any emotional response if you feel baited or drawn in by a speaker or presenter;

- (l) Board Members shall be aware that hearings are recorded and that what is done and said during a hearing is on the permanent record of the hearing; and
- (m) Allow the Chair or Presiding Officer to chair and conduct the meeting or hearing and to deal with disruptive behaviour or other situations during the meeting or hearing.

9.2 Fair Treatment

9.2.1 Each Board Member shall ensure that his or her conduct at the meeting and hearing is in accordance with the rules of natural justice and procedural fairness, and exercise her or his role, duties and obligations under the provisions of the MGA, The City of Calgary Bylaw 25P95 and any other applicable legislation, including but not limited to:

- (a) Acting without malice;
- (b) Acting for a proper purpose;
- (c) Acting ethically and with integrity;
- (d) Not ignoring relevant evidence;
- (e) Maintaining an open mind at all times;
- (f) Acting without prejudice; and
- (g) Being respectful and courteous to all parties during the meeting or appeal hearing.

9.2.2 Each Board Member has a responsibility to ensure that during a meeting or a hearing all persons are:

- (a) Treated fairly regardless of their personal characteristics or background;
- (b) Dealt with in good faith;
- (c) Dealt with without bias, and in an open, orderly, impartial manner;
- (d) Given adequate opportunity to state their case;
- (e) Treated in accordance with the rules of natural justice and procedural fairness to enable the Board to consider the

submissions of all parties to an appeal fairly and in accordance with its jurisdiction under the MGA and The City of Calgary Bylaws; and

- (f) Assisted, as, when and where appropriate, when unfamiliar with the hearing process, ensuring, however, that the Board's willingness to assist those unfamiliar with the hearing process does not lead to the perception of bias or advocacy on behalf of any party to an appeal.

10.0 CONDUCT DURING DELIBERATIONS

Amended March 2016

10.1 The Presiding Officer will ensure fair, orderly and time sensitive deliberations as required for each appeal or other matter. The following behaviour is expected during meetings, hearings and deliberations:

- (a) Generally, the same guidelines provided for behaviour and decorum during a meeting or hearing shall apply to Board deliberations;
- (b) Board Members shall at all times during deliberations maintain appropriate decorum in accordance with their duties and obligations as Board Members;
- (c) Board Members shall show respect toward other Board Members, the Chair and Presiding Officer's authority and shall respect the amount of time they use in contributing to deliberations;
- (d) Each Board Member shall allow time for other Board Members to share their thoughts and opinions without interruption and shall give each Board Member equal opportunity to express him or herself;
- (e) Board Members shall use a respectful tone when interacting with other Board Members;
- (f) Board Members shall avoid coercive language or applying undue influence in arguing points;
- (g) Board Members shall come to a conclusion or position thoughtfully and decisively;
- (h) Board Members shall respect differences of opinion and remain open-minded throughout the deliberation process. Board Members shall remain respectful and receptive to Board Members who carry opposing views;

- (i) On matters of legal interpretation, Board Members shall defer to the Chair who will advise as to whether an opinion from the Board Solicitor should be sought;
- (j) Board Members shall refrain from conjecture or commentary not supported by facts and relevant evidence. Board Members shall at all times remain open to facts including evidence that may have been overlooked. Board Members shall consider all relevant written and oral evidence and arguments of the parties.
- (k) Board Members shall accept and acknowledge the authority of the Chair in conducting the procedures of the Board and its operations;
- (l) Board Members shall accept the Board's decision regarding appeals gracefully and with deference, and shall support the Board's written decision, as issued by the Board; and
- (m) After a Board decision is made, Board Members shall remain respectful and receptive to Board Members who carried opposing views, and shall refrain from conjecture or comments to or of those Members regarding the Board's decision.

11.0 OTHER CONDUCT

Amended March 2016

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

12.0 IMPROPER USE OF INFLUENCE

Amended March 2016

- 12.1** Board Members shall not, directly or indirectly, use the influence of their position or capacity as Board Member, or by any other means, for any other purpose than for the discharge of his or her official duties as a Board Member.

Examples of prohibited conduct in respect of the use of influence include but are not limited to:

- (a) The use of one's status as a Board Member to improperly influence the decision of another person to the private advantage of oneself, one's parents, children, children's family, partner or spouse, staff at a Board Member's place of employment, friends, associates,

business or otherwise, or any other person with whom the Board Member has a relationship that would lead a reasonable person to believe the Board Member's judgment may be influenced in any way. This would include attempts to secure preferential treatment beyond activities in which Board Members normally engage in the carriage of their official duties;

- (b) Seeking preferential treatment from persons, organizations or entities that were involved in or are party to an appeal or other matter that is, was, or likely will come, before the Board;
 - (c) The holding out of the prospect or promise of future advantage through a Board Member's supposed influence within the Board , in return for present actions or inactions; or
 - (d) The use of one's office as a public official for the purposes of influencing the outcome of a decision of the Board in return for personal political advantage of any kind from any source.
- 12.2** For the purposes of this provision "private advantage" does not include a matter that:
- (a) Is of general application; or
 - (b) Concerns regarding the remuneration, honoraria or benefits of a Board Member pursuant to The City of Calgary Bylaw 25P95.
- 12.3** For the purposes of this provision "personal political advantage" includes anything that could instill the feeling of mutual reciprocity by the constituent that may unduly influence the constituent's voting preference in respect of the Board Member or otherwise impair the constituent's right to vote freely.

13.0 TREATMENT OF OTHERS

Amended March 2016

13.1 General

- 13.1.1** Board Members are to follow the common social guidelines of courtesy when interacting with others. Each Board Member shall ensure that their behaviour prior to, during, or following a hearing, towards Board Members, appellants, applicants or any other party to the appeal, and/or their agents, the Authority and its associated City staff and/or any of their agents, is at all times:

- (a) Courteous, professional, fair, and unbiased;
- (b) Contributes to the preservation of orderly decorum in a hearing;
- (c) Avoids ridicule, sarcasm, derogatory comments, or questions or comments designed to embarrass; and
- (d) Is respectful of the rulings, direction and guidance of the Chair, or the Presiding Officer as the case may be.

13.2 Conduct respecting Board Staff

13.2.1 Board Members shall be respectful of the role of the Board staff to provide advice based on political neutrality and objectivity, and without undue influence from any individual Board Member or faction of the Board.

13.2.2 Board Members shall not, directly or indirectly, maliciously or falsely injure the professional or ethical reputation or the prospects or practices of the Board or Board staff. All Board Members shall show respect for the professional capacities of the staff.

13.2.3 Board Members shall not, directly or indirectly, compel any staff to engage in partisan political activities or subject any staff to threats or discrimination for refusing to engage in such activities.

13.2.4 Board Members shall not use, or attempt to use, directly or indirectly, their authority, influence or position on the Board, for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

14.0 PROHIBITION OF ACCEPTING GIFTS AND/OR BENEFITS

14.1 Board Members shall not accept a fee, advance, gift or personal benefit of any kind that is connected directly or indirectly with the performance of his or her duties on the Board, unless permitted by the exceptions listed below.

14.2 The following are recognized as exceptions:

- (a) Compensation authorized by law;
- (b) A suitable memento of a function honouring the Board Member;

- (c) A political contribution otherwise reported by law, in the case of a Board Member who is running for political office;
- (d) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government, or by a conference, seminar or event organizer where the Board Member is either speaking or attending in an official capacity;
- (e) Food and beverages consumed at banquets, receptions or similar events, if:
 1. Attendance serves a legitimate business purpose of the Board;
 2. The person extending the invitation or a representative of the organization is in attendance; and/or
 3. The value is reasonable and the invitations infrequent; or
- (f) Communications that are educational or training materials received from professional associations related to similar boards, tribunals or adjudicative bodies.

15.0 SANCTIONS AND DISCIPLINARY ACTIONS

Amended March 2016

- 15.1** If a Board Member is found to be in contravention of the Code of Conduct, he or she is subject to disciplinary action.
- 15.2** If a contravention is identified, the Board Chair, in consultation with the Vice-Chairs, shall determine whether the contravention is of a minor or severe nature, based on factors such as the potential impact of the contravention on the Board.
- 15.3** If the Board Chair, in consultation with the Vice-Chairs, determines that the contravention is minor, the Board Chair may deal with the contravention directly with the Board Member. In doing so, the Chair may impose any or all of the following disciplinary actions:
- (a) Recording the incident in the Board Member's annual performance review; or
 - (b) Suspending the privileges of the Board Member to serve on panels for a period of time determined by the Board Chair.

15.4 If the Board Chair and the Vice-Chairs determine that the contravention is severe, the Board Chair and the Vice-Chairs shall meet with the Board Member to discuss the contravention and impose any or all of the following disciplinary actions:

- (a) Recording the incident in the Board Member's annual performance review;
- (b) Suspending the privileges of the Board Member to serve on panels for a period of time determined by the Board Chair;
- (c) Requesting the resignation of the Board Member;
- (d) Requesting that City Council revoke the appointment of the Board Member; or
- (e) Any other action deemed appropriate and necessary by the Board Chair.

16.0 INTERPRETATION OF THIS CODE OF CONDUCT

Amended March 2016

16.1 Any interpretation of this Code of Conduct or the application of any of the provisions herein by or to any Board Member shall be referred to the Board Chair. The Board Chair shall decide the issue in consultation with the Board Solicitor.

16.2 Any matters arising from applying the provisions of this Code of Conduct shall be referred to the Board Chair.

SCHEDULE A

Amended March 2016

ACKNOWLEDGMENT

I, _____ (print name), member of the Calgary Subdivision and Development Appeal Board, acknowledge that I have been provided with a copy of the Calgary Subdivision and Development Appeal Board Code of Conduct (the Code of Conduct). I have read and understood the Code of Conduct and I agree to abide by its terms.

(Signature)

(Date)