

CONFLICT OF INTEREST GUIDELINES

Background

The Commission's code of conduct establishes the basic standards of behaviour for all Commissioners. The code of conduct is an internal communication tool as well as a device to protect the Commission in cases where it must request Council remove a Commissioner for cause. Having a Code builds loyalty through respect, promotes care and diligence and helps resolve conflict. The Code sets out the value based system as a statement to Commissioners, staff, the City and the public about the integrity of the Commission. The Commission's Code of Conduct recognizes that the Commission's reputation and work environment are based on the actions and behaviours of the Commissioners and their employees.

Both confidential information and conflict of interest are integral to the Commission Code of Conduct. Conflict of interest can be a confusing area that can easily become a legal issue for the Commission. Some guidance on types of conflict is necessary to help inform and guide all Commissioners and staff.

Commissioners must discharge their duties of skill, diligence and loyalty by: acting honestly and in good faith; not improperly delegating their accountabilities and responsibilities; and avoiding conflict of interest.

The regulation of public sector conduct can result in higher standards than seen in the private sector. Commissioners are volunteers in public service. Commissioners owe a duty of loyalty to the Commission and the Public. The City must have the confidence in the ability of the Commissioners to effectively fulfill their public duties and the public must also have confidence in the actual and apparent impartiality of Commissioners.

Commissioners are in a position of trust and are accountable for fulfilling their duties with integrity. Conflict of interest rules assist Commissioners in acting honourably and avoiding situations where their private interests may interfere with their public service duties and responsibilities. Commissioners are trustees, with a fiduciary relationship to the public they serve. As a result, their conduct is more restricted than that of a private citizen.

Definition

A conflict of interest is any situation where a Commissioner's private interests are, or appear to be, in conflict with their public service responsibilities. For example, having certain outside interests could impair a public servant's ability to undertake their duties fairly and impartially.

Political Involvement

Although political expression is fundamental to the guarantee of freedom of expression, a Commissioner may be in conflict of interest with their role as Commissioner to maintain neutrality, professionalism, and loyalty to the Commission.

To protect their independent roles, Commissioners may not discuss political views while acting in the capacity as a Commissioner on Commission business, while at the Commission offices and when speaking with the EPS or any other Commission stakeholders. Commissioners can participate in political activity, apart from running for municipal office; however, such activity must be conducted during non-Commission time and may not conflict with decisions made by the Commission as a Whole and may not make use of information obtained during the course of work with the Commission.

Meeting Procedure

All agendas and materials are received by Commissioners prior to any meeting. At that time, each Commissioner must review the agenda and related materials to determine if they may have a conflict of interest. If a conflict of interest may exist, that Commissioner must notify the Chair and Legal Counsel so that a determination as to conflict can be made prior to the meeting. Legal Counsel may engage the advice of the ED. Legal Counsel will then provide the Chair with a legal opinion to rely upon as to whether the matter is a conflict of interest; and whether the Commissioner needs to be excluded from any further participation in the matter at issue; or any further receipt of related documentation.

At the start of each meeting, following approval of the agenda and any protocol items, the Chair will ask if any Commissioner has a conflict of interest to declare. Any Commissioner who may have an actual or perceived conflict of interest must speak up and identify the fact that the Commissioner may have a conflict. If a Commissioner raises the issue at a meeting first, rather than prior to the meeting, the Chair will call a recess to meet with the Commissioner, Legal Counsel and the ED to determine whether a conflict exists and the extent of that conflict

The Commissioner declaring a conflict may not participate in any related discussion or try to influence the discussion. The Commissioner may not participate in a vote on the matter. The Commissioner with the conflict may have to leave the room during any related discussion if confidential information is being discussed that could, for example, give the Commissioner (or spouse, sibling or parent) an unfair business/monetary/bargaining advantage.

Examples of Potential Conflicts of Interest:

- Using the position of Commissioner for personal or family benefit (ie. Trying to get special treatment on a speeding ticket or trying to get special treatment on a police investigation for family or friends)
- Accepting gifts that may be perceived as influencing the business of the Commission – it is wise to annually disclose all gifts received, the dollar value, the reason, the donor, etc. and all gifts over \$300 should be refused or donated. Once cumulative gifts from one donor reach an amount of \$300, any further gifts must be donated.
- Disclosing confidential information – which is also a breach of Oath of Office
- Giving preferential treatment to a group, person or company due to a personal relationship
- Hiring a spouse, child, parent or sibling
- Engaging in any outside activities that conflict with Commission duties
- Making personal use of work resources
- Secondary employment or other board or volunteer positions depending on their nature
- Running for political office or participating in high profile political activities that have the potential to use information obtained during the course of working with the Commission
- Public criticisms of the Commission or Commission decisions (Note: dissent votes are recorded in the minutes but votes are final and must be supported by the Commission as a Whole)
- Participating in decision-making where a Commissioner, or family member, could benefit from the result
- Acquiring financial interests related to their duties as a Commissioner (ie. Inside information on acquisitions made by the EPS or CoE may enable a Commissioner to know when to purchase land or offer a service)

Not all Conflict of Interests are covered under this list and if in doubt, Commissioners are encouraged to speak with the Chair, who will then seek the advice of the Legal Counsel of the Edmonton Police Commission.