



Code of Conduct

Minister's Advisory Council on Higher Education and Skills

Purpose

The purpose of this Code of Conduct (Code) is to establish rules of conduct to govern the professional and ethical responsibilities of council members (Members) in carrying out the responsibilities of the Minister's Advisory Council on Higher Education and Skills (MACHES). As the MACHES Secretariat staff supporting the work of MACHES 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. Although MACHES is not subject to the *Conflicts of Interests Act*, this Code maintains the spirit of the Act and is designed to maintain the effectiveness of MACHES as a whole and to ensure the fairness of all MACHES' procedures and in its provision of advice to the Minister. It addresses common situations that Members may experience as they carry out their responsibilities, while it recognizes that not all situations can be anticipated. All Members have a responsibility to consider appropriate standards of behavior and to conduct themselves ethically and professionally. To guard against real or perceived conflict and/or unethical behavior, the Code strives to balance MACHES' 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 conflicts of interest.

Definition of Terms

1. "Code" means this Code of Conduct, as amended from time to time.
2. "Council" refers to MACHES.
3. "Members" include all individuals serving on MACHES as appointed by the Minister through Ministerial Order, including the Chair.
4. "Chair" refers to the person or persons designated as Chair or Co-Chairs by the Minister through Ministerial Order, to lead the MACHES.
5. "Minister" refers to the Minister of Advanced Education.

Code Administration

The Code applies to all Members in their roles as Members of MACHES. Each Member will affirm, on an annual basis, their understanding of, and commitment to, the expectations of the Code. This includes a signed acknowledgment to abide by the Code.

The Code governs the conduct of Members from the date of appointment. It also includes the continuing responsibilities of Members after the completion of their terms with respect to confidentiality.

As Code Administrator, the Chair will administer the Code for the Members. The Code Administrator for the Chair is the Minister of Advanced Education, who receives disclosures from the Chair and responds to any 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 a potential breach of this Code by them, or by other Members, to the Code Administrator. 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 respond 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 must 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, a letter summarizing the outcome of the investigation 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(s) may apply in writing to the Minister of Advanced Education for a review of a ruling of breach of this Code. The Minister's decision is final.
7. Breaches of this Code may result in a recommendation to the Minister of the removal of the Member from Council.

General Rules of Conduct

All Members shall be oriented to the Code by the Code Administrator and/or the MACHES Secretariat. They will then complete a statement attesting that they have read and agreed to the content of the Code of Conduct. Statements will be provided to the Secretariat for tracking purposes.

Sample Statement

I, _____, have been appointed as a Member of the Minister's Advisory Council on Higher Education and Skills under the *Post-secondary Learning Act*. I have read and understand the MACHES 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 MACHES, and which are satisfactory to the Minister of Advanced Education.

Dated at this ____ day of _____, _____.

Members are prohibited from acting in self-interest and from furthering their private interests by virtue of their position with MACHES, or through the carrying out of their duties as a Member. Members must not engage in any criminal activity and must comply with all relevant laws, regulations, policies, and procedures, and must disclose any criminal convictions to the Code Administrator that take place after appointment to MACHES.

A. Confidentiality

As a result of appointment as a Member to MACHES, Members will receive information from various sources, including Alberta Advanced Education, from stakeholders, and from other MACHES Members for the purpose of contributing to MACHES. All information acquired or which a Member obtains access to as a result of participation in MACHES, whether disclosed in writing, orally, or otherwise, is strictly confidential ("Confidential Information") but shall not include information that:

- Now or in the future becomes available to the public through no fault or breach of the Member;
- Is already known to the Member at the time the information was provided to the Member, as evidenced by the Member's written records;
- The Member received from a third party who has the right to transfer or disclose it to the Member; or
- The Member developed independently, without the use of Confidential Information.

Additionally, Members shall:

- Not discuss or request advice from employees of their current or former institution about matters that are under the review of MACHES, unless formally requested to do so by the Chair. Members employed by a post-secondary institution do not represent and are not advocates for their home institution. They shall not report to their home institution on Confidential Information of any type;

- Treat all Confidential Information in strict confidence and with the care and security required to ensure that it is not disclosed or made known to any person outside the Council;
- Maintain the Confidential Information in confidence, applying sufficient procedures and protections to enforce and maintain confidentiality and to prevent unauthorized use, unauthorized access, and/or unauthorized disclosure of Confidential Information;
- Not make copies of or otherwise reproduce any of the Confidential Information in any form whatsoever;
- Not tamper with, destroy, falsify or otherwise improperly deal with any of the Confidential Information in any manner whatsoever;
- Immediately advise the Code Administrator in writing of any actual or potential breach, including any unauthorized use, access, or disclosure of the Confidential Information;
- Respect the confidential nature of third-party business information submitted to MACHES and restrict the use of this information to MACHES' work; and
- 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, compiled, or collected in relation to MACHES.

B. Conflicts of Interest

- Members must avoid situations that might impair or impugn the independence, integrity, or impartiality of MACHES. A conflict of interest is any interest, relationship, association, or activity that is incompatible with a Member's responsibility to act in the best interests of the Council. The relationships, interests, or activities of a close family member or close associate may raise potential conflicts of interest for a Member.
- Members shall not participate in any proceeding or MACHES discussion of any matter in which they or a family member or close associate have a significant financial interest.
- Members shall not take advantage of information obtained through official duties as a Member and not generally available to the public to obtain a personal benefit.
- Members shall not own shares in a company or private for-profit post-secondary institution that is likely to be directly affected, beneficially or detrimentally, by MACHES' advice/recommendations.
- Members shall not participate in soliciting contributions for political parties.
- Members shall not be elected members of a federal, provincial, or municipal government, and must resign from MACHES upon deciding to run as a candidate.
- Members are required to disclose in writing to the Code Administrator at the earliest possible opportunity and at the beginning of all MACHES meetings any real or apparent conflicts of interest. As a Member may be the only person in a position to recognize possible conflicts of interest, Members are required to identify possible conflicts and take appropriate steps to manage and disclose such conflicts. The meeting record will reflect this disclosure. Disclosure itself does not remove a conflict of interest.

C. Public Statements

- A Member shall not make public statements, orally or in writing, on any issues or topics of advice/recommendation that are currently under consideration by MACHES, 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 Chair or the MACHES Secretariat. Members should review carefully the *MACHES Handbook* which outlines the responsibilities of Members.
- A Member other than the Chair shall refrain from communicating with the media regarding the discussions and recommendations/advice from MACHES unless designated to do so by the Chair or the MACHES Secretariat. All inquiries from the media shall be referred to the MACHES Secretariat.

- A Member shall refrain from engaging with stakeholders on behalf of MACHES unless advised to do so by the Chair or as part of the MACHES Stakeholder Engagement Plan.

D. Gifts

- A Member shall not accept money, awards, or gifts from a person or organization who may be, or have been, affected by MACHES recommendations or advice to the Minister, other than the normal exchange of hospitality between friends or persons doing business together or tokens exchanged as part of protocol. Acceptance of cash or cash equivalents is strictly prohibited at all times.

E. Conduct of Members

- Members shall be aware of and sensitive to issues of gender, race, language, culture, religion, sexual orientation, ability, and other personal biases that may affect the advice they provide.
- 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. This conduct must contribute to a safe and healthy working environment that is free from discrimination, harassment, and violence.
- Members must not use drugs or alcohol in a way that affects their performance and safety or the performance and safety of their colleagues, or that negatively impacts the reputation or operations of the Council.
- Members shall promote positive relationships among Members and MACHES Secretariat staff, and will make themselves available on a timely basis for consultation or discussions initiated by the Chair or MACHES Secretariat staff on policy or procedural issues.
- Members will demonstrate respect for the views and opinions of colleagues. Members will not publicly comment on other Member(s) statements at meetings, or the manner in which another Member(s) have conducted themselves during a meeting or discussion.

F. Employment and Concurrent Appointments

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

- Causes an actual or apparent conflict of interest;
- 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;
- Interferes with regular duties; or
- Involves the use of the Council's premises, equipment, supplies, or assets, unless such use is otherwise authorized.

Conduct of Chair

As a 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.

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

The Chair may seek advice from the MACHES Secretariat.

Coming into Force and Public Access

This Code and any further amendments to this Code shall be made available to the public on the MACHES website following approval by the Council and the Minister of Advanced Education.

The Code and any amendments shall become effective when approved by the Council and the Minister of Advanced Education.

Other Resources

A. Where to Get Advice

When Members require advice and guidance in determining whether misconduct or a conflict exists, or need clarification, they may discuss their issue with their Code Administrator. The Code Administrator may, if the Code Administrator believes it would be helpful, request advice and guidance from the Secretariat.

B. Questions to Consider

When Members are faced with a difficult situation, the following questions may help them decide the right course of action:

- Have I reflected on or consulted with the Code Administrator about whether I am compromising the Code's values, principles, or behavioural standards?
- If my exact situation is not referred to in the Code, what is the closest comparison or principle that might offer guidance in my circumstances?
- Have I investigated whether my behaviour aligns with a policy or procedure of the Council?
- Could my private interests or relationships be viewed as impairing my objectivity?
- Could my decision or action be viewed as resulting in personal gain, financial or otherwise?
- Could my decisions or actions be perceived as granting or receiving preferential treatment?

Affirmation

The Code of Conduct for the *Minister's Advisory Council on Higher Education and Skills* was introduced and approved by the Minister of Advanced Education on October 7, 2022 and must be reaffirmed *annually* by the Council to ensure it remains current and relevant.

.