



## HRPA Codes of Conduct

HRPA has adopted a number of codes-of-conduct which apply to different roles within HRPA. These Codes are separate from the Rules of Professional Conduct which apply to all members of HRPA in the practice of the profession.

These Codes of Conduct are parts of the By-laws of the Association.

Every Board Director, Committee Member, Officer, Adjudicative Committee Member and Volunteer of HRPA must become familiar and agree to abide by the applicable code of conduct and attest to having done so in writing before taking on any duties at HRPA and annually after that.

### **Code of Conduct for Board Directors, Committee Members, and Officers**

This Code applies to all individuals who are fiduciaries of HRPA.

### **Code of Conduct for Members of Adjudicative Committees**

This Code applies to all individuals who are members of one of HRPA's adjudicative committees.

### **Code of Conduct for Volunteers**

This Code of conduct applies to all individuals who act in a volunteer capacity including Chapter volunteers. Although Board Directors and Committee Members are volunteers, because they are fiduciaries of HRPA they are, in addition, subject to the Code of Conduct for Board Directors, Committee Members, and Officers.





# Code of Conduct for Board Directors, Committee Members, and Officers

## Preamble

A fiduciary is a person who holds a legal or ethical relationship of trust with one or more other parties (person or group of persons). At HRP, fiduciaries are Board Directors, Committee Members, and Officers of the Association. These individuals make important decisions on behalf of the Association.

Fiduciaries act on behalf of the members but do not represent or serve the interests of the members. The Association, and its members, are bound by the objects set out in the *Registered Human Resources Professionals Act, 2013*, (the “Act”) which are designed to promote and protect the public interest. Therefore, the fiduciaries of the Association have a duty to promote and protect the public interest on behalf of the Association and its members.

Although Board Directors, Committee Members, and Officers each have different roles to play, all are called upon to act for and on behalf of the Association in a particular matter in circumstances which give rise to a relationship of trust and confidence.

The role of the HRP Board of Directors is to manage and administer the Association’s affairs in accordance with the Act and the by-laws. In carrying out these duties, the Board may delegate any of its powers or duties under this Act, except the power to make by-laws, to one or more committees or the Registrar or any other officer of the Association, subject to any restrictions or conditions that the Board may specify. Statutory committees derive their authority directly from the Act, other committees derive their authority from the By-laws. Officers of the Association have the powers and duties that are set out in the Act and the by-laws, as well as the powers and duties that are granted or assigned to them by the Board. All are bound, directly or indirectly, by the Act and the By-laws. All are required to act in the best interests of the corporation in the fulfillment of its objects as set out in the Act.

## 1.0 Scope of the Code

- 1.1 The purpose of this Code is to record the minimum standards of conduct required of all individuals who are in a fiduciary relationship vis-a-vis the Association.
- 1.2 Nothing in this Code requires or permits a Board director, committee member, or officer to act in a way that would be a breach of any duty owed by that Board director, committee member, or officer or that would be unlawful.
- 1.3 Since no code or policy can anticipate every situation that may arise, this Code is intended to

provide guidance to Board directors, committee members, and officers for handling unforeseen situations that may arise. Board directors, committee members, and officers are encouraged to bring questions about particular situations to the attention of the Chair of HPRA's Governance and Nominating Committee ("GNC") and/or the Chair of the Board of HRP.

## **2.0 Duties**

### **2.1 Duty to promote and protect the public interest**

**2.2** The role and duty of the Board of Directors is to ensure that the Association is fulfilling its objects as set out in the Act, hence the role and duty of the Board of Directors is to ensure that HRP is meeting its public protection mandate by ensuring that human resources professionals registered with and certified by HRP are competent and act in an ethical manner.

**2.3** All those who are involved in the administration of the Act (i.e., Board Directors, committee members, and officers) inherit the same obligation to act in the public interest.

### **2.4 Duty of Good Faith**

As a fiduciary, a Board director, committee member, or officer must act honestly, in good faith in the best interests of HRP as a whole and for a proper corporate purpose.

Board directors, committee members, or officers must exercise the powers granted to them for the purpose for which they were given, rather than any collateral purpose. For example, a Board director, committee member, or officer must not directly or indirectly use their powers to protect their own position or perpetuate their own control or the position or control of a particular group of members.

A Board director, committee member, or officer must not make improper use of information acquired in their role as a Board director, committee member, or officer to gain an advantage for himself or herself or someone else or to cause detriment to HRP.

A Board director, committee member, or officer must not take improper advantage of their position to gain an advantage for himself or herself or someone else or to cause detriment to HRP.

### **2.5 Duty of Loyalty**

A Board director, committee member, or officer must not place himself or herself in a position where there is the possibility of conflict between their personal or business interests, the interest of any associated person, or their duties to any other company and the interest of HRP or duties to HRP.

Once a possible conflict is known to a Board director, committee member, or officer he/she shall advise the Board through the Chair of the Board or Chair of the GNC as soon as possible.

- (a) Board director, committee member, or officer should not receive a personal benefit from any person or firm that is seeking to do business or to retain business with HRP.
- (b) Board director, committee member, or officers and members of their families must not accept gifts from persons or firms that deal with HRP where any such gift has a value

beyond what is a normal and customary business courtesy.

- (c) Board director, committee member, or officers must not use the assets, resources or information of HRP A except in connection with HRP A business.

Any action with the possibility of conflict must cease until a determination has been made on the matter.

Actions where conflict arises: Apart from the obligation to notify the other Board director, committee member, or officers of any material personal interest or other actual or potential conflicting interest, a Board director, committee member, or officer shall recuse him or herself from any decision involving a firm or company with which the Board director, committee member, or officer is affiliated. This includes abstaining from voting on the matter and absenting him or herself from all deliberations relating to the matter. This does not preclude the Board director, committee member, or officer being informed of the decision once it has been taken.

## **2.6 Duty of Care**

The duty of care refers to the Board director's, committee members, or officer's obligation to exercise due diligence in making decisions and is often expressed as the duty of care that "an ordinarily prudent person would exercise in a like position and under similar circumstances." It applies to all decision making and to every action of the HRP A Board and committees and includes the obligation to stay informed and attentive—regardless of their degree of participation, presence or absence at a meeting, or lack of opportunity to read, question, or otherwise intervene. While Board directors, committee members, or officers may rely upon the advice of professional consultants, the duty of care standard requires a Board director, committee member, or officer to conduct a thoughtful and careful inquiry before reaching a decision.

The "business judgment rule" protects Board director, committee member, or officers from liability for business decisions that turn out poorly if it can be demonstrated that they acted in good faith, considered all of the relevant facts, and delegated decision making only to qualified individuals.

## **2.7 Duty of Obedience**

The duty of obedience requires Board director, committee member, or officers to be faithful to the HRP A statutory objects. Every decision a Board director, committee member, or officer makes concerning the allocation of resources should support and reinforce HRP A's statutory objects. Activities that knowingly depart from HRP A's statutory objects may constitute a breach of trust.

## **3.0 Conduct at Board and Committee Meetings**

Note that this section applies to meetings and not adjudicative proceedings.

### **3.1 Decisions at Board and Committee Meetings**

A Board director, committee member, or officer must bring an open and independent mind to Board and Committee meetings, listen to the discussion on each issue raised, consider all of the viewpoints—both for and against each motion and reach a decision that they believe, in good faith and on reasonable grounds, to be in the best interests of HRP A.

### **3.2 Dialogue**

An opportunity must be provided for a Board director, committee member, or officer to put his or her views on issues before the Board or a Committee on which he or she sits. While Board director, committee member, or officers must treat each other with courtesy and observe the other rules in this Code, Board directors, committee members, or officers should be able to engage in constructive dialogue to reach decisions that are in the best interest of HRP A.

### **3.3 Attendance**

All elected Board directors, committee members, or officers must attend all meetings where attendance is deemed mandatory as per the annual schedule. Should they miss a meeting, leave early or arrive late at three consecutive meetings or miss more than one third of the total meetings, the Board may consider the removal of the Board director, committee member, or officer from the Board or from a committee or from the position of officer, as the case may be.

### **4.0 Confidentiality**

#### **4.1 Confidential Information**

Confidential information (including the contents of Board or Committee documents received by a Board director, committee member, or officer in the course of the exercise of the Board director, committee member, or officer's duties) remains the property of HRP A. Accordingly, a Board director, committee member, or officer must not disclose such confidential information, the content of discussions and any decisions, resolutions, recommendations or directives made or given at Board or Committee meetings or any confidential communications between HRP A and the Board director, committee member, or officers or between some or all of the Board directors, committee members, or officers in relations to the affairs of HRP A, or allow any of the foregoing to be disclosed, unless that disclosure:

- (a) has first been duly authorized by the Chair; or
- (b) is compelled by law in connection with proceedings before a court, commission of inquiry or other public tribunal of competent jurisdiction or at the request of any regulatory or supervisory authority having jurisdiction; or
- (c) is made to such employees, agents or advisers of HRP A who have a legitimate interest in the subject of the disclosure and on the basis that the information being disclosed is to remain confidential; or
- (d) is of information that is in the public domain or has come into the public domain other than by reason of a breach of the confidentiality requirements in this Code; or
- (e) is made by the Board Chair but only where the Board Chair honestly and reasonably believes that such disclosure would not constitute a breach of the Board Chair's statutory duties as a Board director, committee member, or officer.

If a Board director, committee member or officer believes that disclosure of confidential information is or is about to be required in one of the circumstances described in (b), or in any circumstances not referred to above, the Board director, committee member or officer shall

notify the Board Chair orally as soon as reasonably possible and as much in advance of the impending disclosure as possible, of the circumstances and scope of the disclosure and shall immediately confirm such oral notice in writing.

The above confidentiality restrictions are of fundamental importance. All Board directors, committee members, or officers must feel free to discuss without inhibition their views on issues before the Board. Likewise, executives must feel confident that commercially sensitive and potentially controversial issues concerning the business and affairs of HRP A can be fully and frankly canvassed in the boardroom without risk of later unauthorized release to the public domain.

## **5.0 Professional Integrity**

### **5.1 Courtesy**

A Board director, committee member, or officer must not be discourteous toward fellow Board directors, committee members, officers or staff or make personal attacks on a fellow Board director, committee member, or officer or a member of staff, whether in Board, Committee or other meetings or in discussion with others or in public statements.

### **5.2 No prejudicial actions or statements**

A Board director, committee member, or officer must not engage in conduct, or make any public statement, likely to prejudice the business of HRP A or likely to harm, defame or otherwise bring discredit upon or denigrate HRP A or any of the Board directors, committee members, officers or employees of HRP A.

## **6.0 Complaints Handling Process and Sanctions**

### **6.1 Breaches of the Code of Conduct**

Breaches may be relatively minor and warrant only a caution or reprimand, or they may be serious, or engaged in repeatedly, or as part of a course of conduct which is a serious threat to the interest of HRP A, including where Board director, committee member, or officers are hampered in or prevented from performing their duties.

### **6.2 Complaints**

Any allegation that a Board director, committee member, or officer has breached this Code will be handled as per the process set out in the By-laws for handling such complaints.







## Code of Conduct for Members of Adjudicative Committees

This Code of Conduct (“Code”) delineates the professional and ethical responsibilities of members of adjudicative committees at HRP.

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#### **1.0 Adjudication defined**

- 1.1** For the purposes of this Code, adjudication refers to the context where an individual or a panel is charged with the responsibility of making a decision about whether an individual is of good character

whether an individual’s experience meets the experience requirements established for the various designations

whether the coursework completed by an individual meets the coursework requirements established for the various designations

whether a record of Continuing Professional Development activities meets the requirements of the Continuing Professional Development requirement

whether a complaint warrants a referral to the discipline committee

whether a proposed settlement of a complaint is in the best interests of the public

whether a member or firm is guilty of professional misconduct and the sanctions to be imposed upon a finding of guilt

whether a member is incapacitated and the conditions that may be placed on a member's practice to protect the public interest

whether a member's bankruptcy or insolvency poses a risk to the public and whether a referral to the discipline committee is warranted

whether a decision rendered by a committee or the Registrar was fair and reasonable

## **2.0 Overarching duty of fairness and impartiality**

The overarching duty of adjudicative committee members is to hear matters put before them and render decisions in a fair and impartial manner and to faithfully and diligently apply the rules as established, without prejudice or bias.

Members of adjudicative committee serve the public interest by making fair and impartial decisions. Although members of adjudicative committee are aware of the need to make decisions efficiently and quickly, this should not be done at the expense of procedural fairness.

A narrow interpretation of the interests of the Association might see members of adjudicative committees scrimp. For instance, all adjudicative committees have access to Independent Legal Council (ILC) for advice on matters of procedure and law. It is recognized that legal counsel are costly resources. However, if the advice of ILC is required to ensure the fairness and impartiality of a proceeding, then this is what takes precedence. In the same way, the appointment of investigators by the complaints committee is another cost to be borne by the Association and ultimately by the members of the Association. Nonetheless, in each case, the faithful and diligent administration of the Act takes precedence over all other concerns and interests. It is in the ultimate interests of the Association to administer the Act faithfully and diligently.

Members and employees must always conduct themselves in accordance with applicable law and, in particular, when engaged in proceedings subject to the *Statutory Powers Procedure Act, 1990*, must adhere to the principles of administrative law governing administrative tribunals.

## **1.0 Purpose of Code**

**1.1** The purpose of this Code of Conduct ("Code") is to establish rules of conduct governing the professional and ethical responsibilities of adjudicative committee members.

This Code is intended to provide guidance to HRP A adjudicative committee members and staff that support these committees on the professional and ethical standards expected of them in the exercise of their adjudicative responsibilities to ensure that all proceedings before the Association's

adjudicative panels are, and are seen to be, conducted with integrity, competence, effectiveness, independence and impartiality.

The Code outlines broad, generally accepted principles governing the conduct of HRPAs adjudicative committee members and employees while engaged in adjudicative processes. The Code is not exhaustive and cannot anticipate all possible circumstances in which HRPAs adjudicative committee members or staff may be called upon to exercise judgement while carrying out their responsibilities in an adjudicative process. HRPAs adjudicative committee members and employees must always conduct themselves in accordance with applicable law and, in particular, when engaged in an adjudicative process, must adhere to the principles of administrative law governing administrative tribunals.

The rules cover the primary areas of member responsibility, that is, the conduct of hearings and decision-making, as well as the institutional responsibilities of members to colleagues, the adjudicative committee chair, and to the adjudicative committee itself.

**1.2** The Code has been developed in recognition of the fundamental and over-riding responsibility of all adjudicative committee members to maintain the integrity, competence and effectiveness of the adjudicative committee as a whole. The rules are intended to assist members by establishing appropriate standards of conduct in typical professional adjudicative circumstances. It is recognized, however, that the Code cannot anticipate all possible fact situations in which members may be called upon to exercise judgment as to the appropriate standard of conduct. Some circumstances will require that the rules in the Code be adjusted to reflect a different standard of conduct, whether more or less onerous. In each case, it remains the responsibility of each individual member to consider the appropriate standard and to conduct him/herself in an ethical and professional manner.

**1.3** Members shall carry out their adjudicative duties with reasonable skill, diligence, care, courtesy and promptness and shall endeavour to ensure that their other obligations as HRPAs Board members or otherwise do not detract from the performance of their adjudicative duties.

## **2.0 Application of Code**

**2.1** In this Code, the term 'member' is used as a short form of 'member of an adjudicative committees' and should not be confused with 'Board member' or 'Association member.'

**2.2** The rules in this Code apply to all members of HRPAs adjudicative committees: the chair, vice-chairs, and members including Public members. For simplicity, the term 'member of an adjudicative committee' is used to include all adjudicative positions unless otherwise specifically differentiated. Where certain responsibilities of the adjudicative committee chair have been delegated to a designate, the term "chair" in this Code should be taken to include such designates.

**2.3** For the purposes of this Code, 'adjudicative' shall refer to all committees that review and make decisions on individual cases. HRPAs committees are the:

Registration Committee,

Experience Assessment Committee,

Educational Standards Committee

Continuing Professional Development Committee,  
Certified Human Resources Executive Review Committee,  
Complaints committee  
Discipline Committee,  
Capacity Committee,  
Review Committee, and  
Appeals Committee.

- 2.5** Members of adjudicative committees must agree to abide by the present Code as a condition of their appointment. This agreement must be in writing and renewed annually upon re-appointment to the same or other adjudicative committee.
- 2.6** The Code governs the conduct of members from the commencement of the term of appointment. Also included are the continuing responsibilities of members after completion of their term.
- 2.7** The Code may be amended from time to time to reflect the developing experience of the adjudicative committees.

### **3.0 Conflict of Interest**

#### **3.1 Definitions**

- 3.1.1** A conflict of interest is any interest, relationship, association or activity that is incompatible with the member's obligations to the adjudicative committee. A 'conflict of interest' is defined for the purpose of this Code to include both pecuniary and non-pecuniary conflicts.
- 3.1.2** A pecuniary conflict of interest will exist where a member of an adjudicative committee has a financial interest that may be affected by the resolution or treatment of a matter before the adjudicative committee. The financial interest may be that of the member, or of a family member or other person with whom the member of an adjudicative committee has a close relationship, personal or professional relationship.
- 3.1.3** A non-pecuniary conflict of interest will arise where a member has an association, relationship or non-financial interest or activity that is incompatible with his/her responsibilities as an impartial decision-maker and as a member of the adjudicative committee. The relationships, interests or activities of a close family member or close associate may raise a potential conflict for a member of an adjudicative committee if they will be affected beneficially or detrimentally by the determinations of the adjudicative committee.
- 3.1.4** A conflict of interest, as defined above, is incompatible with neutral adjudication. Where the circumstances surrounding a proceeding raise a possible conflict of interest on the part of a adjudicative committee member, the test as to whether or not the member should be disqualified from adjudicating in the matter is whether or not the facts could give rise to a reasonable apprehension of bias in the mind of a reasonable and informed person.

#### **3.2 Rules of Conduct**

- 3.2.1** A member of an adjudicative committee shall not adjudicate in any proceeding, or participate in adjudicative committee discussions of any matter, in which the member of an adjudicative

committee, or a family member or close associate, has a significant financial interest.

- 3.2.2** A member of an adjudicative committee shall not adjudicate in any proceeding, or participate in adjudicative committee discussions with respect to any matter, if he or she believes that his/her impartiality may be affected by a personal interest or by a relationship with one of the parties.
- 3.2.3** A member of an adjudicative committee will not normally be eligible to conduct or participate in a hearing involving a party with whom he or she was formerly in a significant professional relationship until a period of time has elapsed, as determined by the committee from the termination of the relationship. A significant professional relationship would include employment, solicitor/client or partnership/.
- 3.2.4** A member of an adjudicative committee will not normally be eligible to conduct or participate in a hearing involving a party with whom he or she has a close personal relationship. For example, a member of an adjudicative committee should consider disqualifying him/herself from a hearing if counsel for one of the parties is a close friend. The appropriate response will vary depending on the facts, but in every case, the particular circumstances of the relationship, and the position of the other parties should be considered carefully.
- 3.2.5** A member of an adjudicative committee shall not adjudicate in any proceeding in which the member of an adjudicative committee, or a close family member or associate, has had any prior involvement.
- 3.2.6** A member of an adjudicative committee shall not adjudicate in any proceeding in which the outcome may have an impact on any other legal or adjudicative proceeding in which the member of an adjudicative committee has a significant personal interest.
- 3.2.7** A member of an adjudicative committee shall refrain from publicly taking a partisan position in respect of an issue currently under consideration in a proceeding before the adjudicative committee.
- 3.2.8** A member of an adjudicative committee shall not accept money, awards or gifts from persons who may be, or have been, affected by an adjudicative committee decision. Where a gift is, or may be perceived to be, offered because of membership in the adjudicative committee, the adjudicative committee chair must be advised forthwith. A member will normally be allowed to accept a small token gift offered as an honorarium for a speaking engagement. Other gifts should be returned immediately or delivered to the chair for prompt action.
- 3.2.9** A member of an adjudicative committee shall not appear before the adjudicative committee on which he or she serves as an expert witness or as an agent for a party.
- 3.2.10** A member of an adjudicative committee shall not act as a professional or legal consultant in the preparation of a case before the adjudicative committee or in any matter relating to the work of the adjudicative committee.
- 3.2.11** A member of an adjudicative committee must not take improper advantage of information obtained through official duties and not generally available to the public, to obtain a personal benefit. This would not, in most cases, include contributions to professional educational activities, such as public conferences.
- 3.2.12** A member of an adjudicative committee shall ensure that HRPAs property is used only for officially approved activities.

**3.2.13** A member of an adjudicative committee shall not use HRP letterhead for personal business.

### **3.3 Procedural Protocol**

**3.3.1** It is the responsibility of each member of an adjudicative committee to consider and actively inquire into any circumstance which might suggest a possible conflict of interest or raise a perception of bias in respect of any of his/her responsibilities. The member of an adjudicative committee may at first be the only person in a position to recognize a possible conflict or an issue of bias. As soon as a potential conflict, or grounds for a perception of bias, is identified, a member of an adjudicative committee should take appropriate steps as outlined below forthwith.

**3.3.2** Where a member of an adjudicative committee has a potential conflict of interest in respect of a matter before the adjudicative committee, but not assigned to the member for adjudication, the member of an adjudicative committee will refrain from participation in any discussion of the matter, and will absent him/herself from such discussions, until the adjudicative committee chair has been advised of the circumstances. If the member of an adjudicative committee becomes aware of the potential conflict during an adjudicative committee meeting, he or she must absent him/herself from the relevant portion of the meeting. If minutes of the meeting are being recorded, the member of an adjudicative committee should ask that his absence be noted and that the relevant portion of the minutes be deleted from any copy distributed to him/her.

**3.3.3** Where a member of an adjudicative committee declares a direct pecuniary conflict of interest in respect of a matter before the adjudicative committee (and not before the particular member of an adjudicative committee), the adjudicative committee chair is required to record the declared conflict in the minutes.

**3.3.4** Where a member of an adjudicative committee becomes aware, prior to accepting an appointment to adjudicate a particular matter, or prior to commencing the hearing, that circumstances exist that suggest a possible conflict of interest on the part of the member of an adjudicative committee, or that may raise a perception of bias, he or she shall inform the adjudicative committee chair forthwith. If the chair determines that the circumstances are insignificant, the member of an adjudicative committee may continue with the hearing unless he or she decides that the issue should be placed before the parties for submissions at the commencement of the hearing.

**3.3.5** Where an allegation of conflict of interest or bias is raised by a party during a hearing, the member of an adjudicative committee may:

- (a) resign from the proceeding forthwith if he or she considers this to be appropriate in any event, given the nature and circumstances of the alleged conflict (for example, if the member of an adjudicative committee recognizes an actual pecuniary conflict);
- (b) hear submissions from the parties with respect to the alleged conflict and reserve to consider the submissions; or schedule a time for submissions on the allegation of conflict.

**3.3.6** Where the member of an adjudicative committee becomes aware during a hearing of a possible conflict of interest, or of facts which may give rise to a perception of bias, and the related circumstances are unknown to the parties, the member of an adjudicative committee may advise the parties forthwith of the possible conflict and hear submissions on the issue; or recess the hearing to consider the seriousness of the possible conflict and whether it is appropriate to inform the parties of the circumstances and hear submissions.

- 3.3.7** Circumstances which may raise a conflict of interest, or a perception of bias, should be disclosed to parties as soon as known unless the member of an adjudicative committee determines, upon reflection, that the potential issue is trivial and of no significance. A member of an adjudicative committee may wish to consult adjudicative committee counsel or the chair before making this determination.
- 3.3.8** Once the adjudicative process has begun, determinations on issues of conflict of interest or reasonable apprehension of bias are for the member of an adjudicative committee to make. However, given that allegations of conflict and bias affect the credibility and integrity of the adjudicative committee as a whole, a member of an adjudicative committee whose neutrality is challenged should inform the adjudicative committee chair of the nature of the allegations made.
- 3.3.9** Where a party before the adjudicative committee has made submissions challenging the neutrality of a member of an adjudicative committee, it will be advisable in most cases for the member of an adjudicative committee to release a written decision on the allegation of bias or conflict of interest.

#### **3.4 Conflict of Interest Affecting adjudicative committee chair**

- 3.4.1** Where the chair becomes aware of a possible conflict of interest, or of facts which may give rise to a perception of bias, with respect to a matter which he or she is adjudicating, the procedural protocol established in this Code for members of adjudicative committees will be followed with appropriate adjustments.
- 3.4.2** Where the chair determines that he or she has a possible conflict of interest or a potential bias in respect of a matter before the adjudicative committee, which he or she is not adjudicating, the chair will instruct adjudicative committee staff that all communications regarding the matter are to be directed to a designated vice-chair. The file will be marked "*No Access to Adjudicative committee Chair*". All decisions regarding the choice of hearing panel, the scheduling and conduct of the hearing and the release of the decision will be made without the participation of the chair.
- 3.4.3** The chair will not participate in any panel consultations or discussions of substantive or procedural determinations in respect of a proceeding for which a conflict of interest exists. If the matter is on the agenda for an adjudicative committee meeting, the chair will state the conflict and absent him/herself from that part of the meeting. The minutes will record the chair's declaration of conflict and absence, and the portion of the minutes dealing with that matter will be recorded separately and not communicated to the chair.

#### **4.0 Conduct of the Hearing**

- 4.1** A member of an adjudicative committee shall approach every hearing with an open mind with respect to every issue, and shall avoid doing or saying anything that could cause any person to think otherwise.
- 4.2** A member of an adjudicative committee shall listen carefully and with respect to the views and submissions of the parties.
- 4.3** A member of an adjudicative committee shall show respect for the parties, witnesses, and for the hearing process itself, through his/her demeanour, timeliness, dress and conduct throughout the proceeding.
- 4.4** A member of an adjudicative committee must demonstrate a high degree of sensitivity to issues of gender, ability, race, language, culture and religion which may affect the conduct of a hearing. Such

issues may, for example, affect the affirmation/swearing-in of witnesses, the scheduling and time of the hearing day, the attire of the participants, among other things. In considering the demeanour of a witness in the context of an assessment of credibility, the member of an adjudicative committee should recognize that he or she may not be familiar with cultural norms affecting the manner of the witness.

- 4.5** A member of an adjudicative committee shall endeavour, in accordance with the guidelines and procedures established by the adjudicative committee, to ensure that the hearing room and process is accessible and barrier-free for all parties and witnesses.
- 4.6** A member of an adjudicative committee shall endeavour to conduct all hearings expeditiously, preventing unnecessary delay while ensuring that all parties have a fair opportunity to present their case.
- 4.7** A member of an adjudicative committee shall avoid undue interruption and interference in the examination and cross-examination of witnesses. It is permissible for a member of an adjudicative committee to question a witness in order to clarify the evidence, but unnecessary leading questions should be avoided. A member of an adjudicative committee should not show undue impatience or a negative attitude towards a witness.
- 4.8** A member of an adjudicative committee should avoid unnecessary interruptions in the submissions of a party. Interruptions may be necessary to clarify a submission or to ensure the relevance of a particular argument.
- 4.9** A member of an adjudicative committee shall attempt to ensure that parties who are unrepresented are not unduly disadvantaged at the hearing. While a member of an adjudicative committee cannot act as counsel to the unrepresented party, it is appropriate to clearly explain the procedure to be followed in the hearing. In the course of the hearing, the member of an adjudicative committee may, in clear and simple language, outline for the party the relevant evidentiary and procedural rules which have a bearing on the conduct of the proceeding.
- 4.10** A member of an adjudicative committee shall not communicate directly or indirectly with any party, witness or Public in respect of a proceeding, except in the presence of all parties. Telephone calls to the member of an adjudicative committee should be referred to the Registrar or adjudicative committee counsel. Correspondence to or from a party or counsel should be handled by the Registrar or adjudicative committee counsel and forwarded to all parties not already copied.
- 4.11** A member of an adjudicative committee shall not make public comment, orally or in writing, on any aspect of a matter before the adjudicative committee. A member of an adjudicative committee shall not discuss in private, outside the adjudicative committee, any aspect of a matter before the adjudicative committee.
- 4.12** A member of an adjudicative committee shall not, in the course of a hearing, have meals or other significant social interaction with a party, Public or witness, except if all parties and Publics are present and there is no discussion with respect to the subject matter of the hearing.

## **5.0 Decision-Making Responsibilities**

- 5.1** A member of an adjudicative committee shall make each decision on the true merits and justice of the case, based on the law and on the evidence.
- 5.2** A member of an adjudicative committee shall apply the law to the evidence in good faith and to the



best of his/her ability. The prospect of disapproval from any person, institution, or community must not deter a member of an adjudicative committee from making the decision which he or she believes is correct based on the law and the evidence. Members of adjudicative committees must be prepared to go where the evidence and law fairly takes them.

- 5.3** A member of an adjudicative committee is responsible for ensuring that all decisions are rendered promptly. Written reasons should be prepared without undue delay.
- 5.4** A member of an adjudicative committee shall not ignore relevant adjudicative committee decisions on a question at issue before them. Where previous decisions are relevant and are not followed, the decision must explain the reasons for the departure clearly and respectfully. Due weight must be given to previous adjudicative committee decisions and the need for a degree of consistency in the interpretation statutes, by-laws, and policies.
- 5.5** A member of an adjudicative committee is responsible for ensuring that decisions are prepared in accordance with guidelines on form, language and length, and meet adjudicative committee standards with respect to the quality of written decisions.
- 5.6** A member of an adjudicative committee shall endeavour to use clear and accessible language in decision writing and shall endeavour, in accordance with adjudicative committee guidelines on service equity, to ensure that decisions are available in a format which meets the special needs of the parties.
- 5.7** A member of an adjudicative committee shall never communicate with the media regarding a decision of the adjudicative committee. All inquiries from the media shall be referred to the adjudicative committee chair or counsel.

## **6.0 Collegial Responsibilities**

### **6.1 Collegial responsibilities to other members**

- 6.1.1** A member of an adjudicative committee shall, through his/her conduct, endeavour to promote collegiality among adjudicative committee members and with adjudicative committee staff.
- 6.1.2** A member of an adjudicative committee will make him/herself available on a timely basis for consultation or caucus discussions initiated by a member on any policy, legal or procedural issue.
- 6.1.3** In discussions and consultations with other adjudicative committee members, a member of an adjudicative committee will conduct him/herself in a manner which demonstrates respect for the views and opinions of colleagues.
- 6.1.4** A member of an adjudicative committee will not comment publicly on a decision of a colleague, or on the manner in which another member has conducted him/herself during a hearing.

### **6.2 Collegial Responsibilities when sitting as a hearing panel**

- 6.2.1** When sitting as a hearing panel, members of adjudicative committees will comply with the adjudicative committee's statutory or policy guidelines governing the respective roles of the presiding member and the other members in the conduct of a hearing and in making interim rulings on procedural and substantive questions.
- 6.2.2** Where the adjudicative committee has no set policy for the conduct of a hearing panel, the panel should discuss in advance their mutual expectations with respect to matters such as dealing with

objections, questions to witnesses, and panel caucusing.

- 6.2.3** When, during a hearing, a presiding member of an adjudicative committee becomes aware of a difference of opinion among members of a hearing panel on a procedural or substantive issue affecting the conduct of the hearing, he or she should call a recess to allow the panel to discuss the issue and reach a decision on how to proceed.
- 6.2.4** All members of a hearing panel must make themselves available on a timely basis for discussions with their panel colleagues on the conduct of the proceeding and on the substance of the determinations to be made. When a draft decision is provided to a hearing panel member for comments, he or she should respond at the earliest opportunity.
- 6.2.5** A member of a hearing panel will consider carefully the reasons of colleagues where there is a difference in their proposed determinations on an interim or final decision. However, a member of an adjudicative committee should not abandon strongly held views on an issue of substance, either for the sake of panel unanimity or in exchange for agreement on any other point.
- 6.2.6** In circumstances where a member of a hearing panel is unable, after discussion and careful consideration, to agree with the proposed decision of a majority of the panel, he or she shall prepare, in a timely fashion, a reasoned dissent.

### **6.3 Collegial Responsibilities to adjudicative committee Chair**

- 6.3.1** Each member is responsible to the adjudicative committee chair for adherence to this Code. The interpretation and enforcement of the rules are matters within the authority of the chair. It is recognized that failure to comply may result in the chair recommending against reappointment of a member.
- 6.3.2** A member of an adjudicative committee will make him/herself available to meet with the adjudicative committee chair on a timely basis when requested to do so.
- 6.3.3** A member of an adjudicative committee will inform the adjudicative committee chair forthwith of any basis on which an allegation of bias or conflict might be raised with respect to any activity, interest or relationship of the member of an adjudicative committee.
- 6.3.4** When a member of an adjudicative committee becomes aware of conduct of a colleague that may threaten the integrity of the adjudicative committee or its processes, it is the duty of the member of an adjudicative committee to advise the adjudicative committee chair of the circumstances as soon as practicable.

### **6.4 Collegial Responsibilities to adjudicative committee**

- 6.4.1** A member of an adjudicative committee shall maintain a high level of expertise in adjudication and procedural issues, as well as in the relevant HRP professional guidance documents.
- 6.4.2** A member of an adjudicative committee will make every effort to comply with the policies, procedures and standards established for the adjudicative committee. This will include, for example, rules regarding permissible expenditures, documentation of expenses, travel and accommodation, as well as procedural rules and practice directions governing the conduct of proceedings.
- 6.4.3** Upon appointment to the adjudicative committee, a member will review with the adjudicative committee chair all organizational memberships.

- 6.4.4** Where a member of an adjudicative committee questions the appropriateness of any policy, procedure or standard, he or she will raise that issue with colleagues and the adjudicative committee chair in the appropriate forum.
- 6.4.5** A member of an adjudicative committee will not publicly criticize the decisions, procedures or structures of the adjudicative committee.
- 6.4.6** A member of an adjudicative committee will make him/herself available to participate, as assigned, in non-hearing related functions and activities, such as training new members, participating in committees, developing adjudicative committee procedures and policies.
- 6.4.7** A member of an adjudicative committee shall not divulge confidential information unless legally required to do so, or appropriately authorized to release the information.
- 6.4.8** A member of an adjudicative committee shall not engage in conduct that exploits his/her position of authority.

#### **7.0 Confidentiality and Handling of Confidential Information**

- 7.1** A member of an adjudicative committee shall preserve secrecy respecting information or material that comes to his or her knowledge or possession in the course of his or her duties as a member of an adjudicative committee, and shall not disclose any such information or material to any person except,
  - a. to his or her counsel;
  - b. with the consent of the person to whom the information or material relates;
  - c. to the extent that the information or material is available to the public;
  - d. as may be required by the by-laws; or
  - e. as may otherwise be required by law.
- 7.2** A member of an adjudicative committee shall take all necessary precautions to ensure the security of all confidential information.
- 7.3** A member of an adjudicative committee shall retain information pertaining to individual cases only as long as it is necessary to do so. Upon disposition of a case, a member of an adjudicative committee shall destroy all confidential information in their possession pertaining to the case.

#### **8.0 Post-Term Responsibilities**

- 8.1** Upon completion of his or her term, a member of an adjudicative committee shall destroy all confidential information in his or her possession pertaining to their tenure as a member of an adjudicative committee.
- 8.2** A member of an adjudicative committee is prohibited from appearing before the adjudicative committee as an expert witness or consultant until six months after ceasing to be a member or after the release of any outstanding decisions, whichever is later.
- 8.3** A member of an adjudicative committee shall not take improper advantage of past office after ceasing to be a member of an adjudicative committee.





## HRPA Code of conduct for volunteers

### **Preamble**

This Code of conduct applies to all individuals who act in a volunteer capacity including Chapter volunteers. Although Board Directors and Committee Members are volunteers, because they are fiduciaries of HRP A they are, in addition, subject to the Code of Conduct for Board Directors, Committee Members, and Officers.

Association volunteers are expected to conduct themselves and the work they perform on behalf of the Association in a manner that honours HRP A's reputation and does not detract from the public's trust and confidence in HRP A. Accordingly, all volunteers must comply with the Code of Conduct described below.

### **1.0 Respect for role**

Volunteers must understand the nature of their role and responsibilities within the Association. Volunteers must keep their activities within the scope and boundaries of their roles and remain accountable to responsible authorities within the Association (the Board, Committee Chairs, and Officers of the Association).

### **2.0 Expenditures**

HRP A volunteers shall abide by HRP A's travel and expense policy and shall only incur expenses as authorized by HRP A staff or other responsible individual.

### **3.0 Personal gains**

Volunteers must not use their status as an Association volunteer to obtain personal gain from those doing or seeking to do business with the Association. Additionally, volunteers should neither seek nor accept gifts, payments, services, fees, special valuable privileges, pleasure or vacation trips, accommodations or loans from any person (except in the case of loans, from persons in the business of lending and then only on conventional terms) or from any organization or group that does, or is seeking to do business with the Association.

### **4.0 Conflict of interest**

Volunteers must avoid all situations in which their personal interests conflict or might conflict with duties to the Association (for example, if you or your spouse provides a service and you are involved in the selection of suppliers of that same service for the Association). Volunteers shall, at the first opportunity, disclose any conflict of interest. The nature of this reported conflict must be noted in appropriate official records of the Association, such as meeting minutes.

## **5.0 Confidentiality**

At all times, the privacy and dignity of members, other volunteers and HRPAs staff must be respected. Volunteers may have access to information and documents relating to members, other volunteers, or Association business that are private and confidential in nature; reasonable care and caution will be exercised to protect and maintain total confidentiality. Volunteers will not read records or discuss such information unless there is a legitimate purpose. All member records are the property of the Association and are kept in a secure location at the HRPAs office.

## **6.0 Privileged information**

Volunteers must not use for their own purposes, including financial gain, or disclose for the use of others, information obtained as a result of their role with the Association (for example, lists of sponsors or suppliers). This applies both during and after the period in which the individual is an Association volunteer.

## **7.0 Intellectual property**

Any intellectual property developed by a volunteer in the course of his or her role with the Association (for example, guidebooks, training resources, promotional materials) is the property of the Association.

## **8.0 Respectful conduct**

Volunteers must treat with respect all fellow volunteers, HRPAs staff, and all others with whom they interact while conducting Association business with respect. Harassment, discrimination or other behaviours that compromise the dignity and self-worth of others cannot be tolerated, and will be addressed promptly, in confidence, and in accordance with standards of due process developed by the Association. The Association expects all staff and volunteers to abide by the Ontario Human Rights Code. These are minimum standards and by no means cover every contingency. However, any material failure to comply with these standards will be sufficient grounds for disciplinary action up to and including termination of the individual from their volunteer position.

Any volunteer who is uncertain of the application of this Code of Conduct should contact the employee staff liaison for their assignment.