

# Premier's Council on Arts and Culture

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## *Code of Conduct and Ethics*

### **Preamble**

The people of Alberta have a right to public services that are conducted with impartiality and integrity. It is this special obligation to Albertans that demands that there not be, nor seem to be, any conflict between the private interests of members of the Premier's Council on Arts and Culture and their duty to the public.

At the same time, it is recognized that members of the Premier's Council on Arts and Culture should enjoy the same rights in their private dealings as any other citizens, unless it can be demonstrated that a restriction is essential to the public interest.

The council is an integral and key part of the Ministry of Culture and Community Spirit's cultural policy, *The Spirit of Alberta*. It supports the Ministry in championing and implementing the policy. Council members are accountable to the Minister, who in turn is accountable to Premier and the Legislature.

Council member appointments are based on merit through a fair and open competition. Council members are expected to carry out their roles with dedication and a commitment to the Government of Alberta and its Core Values: *Respect, Accountability, Integrity and Excellence*. In this Code:

- *Integrity* is to behave ethically, honestly, fairly, transparently and put the obligations of public service above one's own personal interests;
- *Respect* is fostering an environment in which each individual is valued and heard and to work together in a complimentary fashion;
- *Accountability* is taking responsibility for your actions and for contributing to the effectiveness of the Council; and
- *Excellence* is to use innovation and continuous improvement to achieve excellence to provide expert advice to the Minister.

These Core Values support good governance and ensure the achievement of the highest possible standards in all that the Government of Alberta does. This in turn helps the Government of Alberta to gain and retain the respect of Ministers, Legislature and the public.

This Code sets out the standards, based on Core Values, of behaviour expected of council members.



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### **Part 1 Definitions**

1. For purposes of this Code, unless the context otherwise requires,
  - (a) "Council/PCAC" means the Premier's Council on Arts and Culture;
  - (b) "Code" means this Code of Conduct and Ethics for the Premier's Council on Arts and Culture, as amended from time to time;
  - (c) "Chair" means the Council member who is appointed, designated or elected to preside over the Council;
  - (d) "Code administrator" means the Executive Director responsible for administering this Code for the Chair, as outlined in section 3, or his or her designate;
  - (e) A member is the individual, who sits on the Council (includes the Chair and Vice-chair);
  - (f) "employee" includes the Executive Director, wage staff and persons employed on a contractual basis;
  - (g) The "private interest" of a member does *not* include an interest:
    - (i) in a matter that is of general application, or
    - (ii) that affects a person as one of a broad class of the public, or
    - (iii) that affects the compensation or benefits of a member or
    - (iv) an interest that is trivial;
  - (h) "relative" includes spouse, adult interdependent partner, children, step-children, legal dependents, parents, siblings, in-laws, grandparents, grandchildren, nieces, nephews, aunts, uncles and first cousins.

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### **Part 2 Application**

#### **2. General**

- (1) This Code applies to all Council members.
- (2) This Code is in addition to any statute pertaining to the actions of the members and to any instructions issued by the Government of Alberta or the Minister.
- (3) Conflicts between the private interests of members and their duty to the public not specially addressed in this Code must be dealt with according to the principles and intent of the Code.

### **Part 3 Administration of the Code**

#### **3. Responsibilities**

- (1)
  - (a) The Chair will administer the Code for the members, and will issue instructions as necessary for implementation of the Code.
  - (b) For the Chair, the Code will be administered by the other members.
  - (c) The Executive Director will administer the Code for employees, and will issue instructions as necessary for implementation of the Code.
- (2) The Chair and Executive Director may each issue supplementary instructions which modify but do not detract from matters dealt with in this Code, provided that the supplemental instructions are not more permissive than this Code.
- (3) The Chair and Executive Director or designate[s] will promote the Code and any supplemental Codes on a regular basis to ensure that members are aware of their obligations.
- (4) The responsible minister will ensure that the Council has a Code in place.
- (5) Any questions regarding the interpretation or application of this Code are to be directed to the Chair and Executive Director. Supplemental resources are available from the Agency Governance Secretariat.



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### **Part 4 Member Responsibilities under the Code**

#### **General Member Responsibilities**

#### **6. Impartiality**

- (1) Members are expected in all regards to conduct their duties with impartiality. Members are expected to act in the best interests of the Council in conducting their duties.

#### **7. Disclosure**

- (1) Members are required to disclose to the Chair or designate any situation involving them which is a conflict or an apparent conflict of interest.
- (2) The Chair is required to disclose to the other members, or designate, any situation involving them which is a conflict or an apparent conflict of interest.

#### **8. Furthering Private Interests**

- (1) Members are in conflict of interest and in violation of this Code if they:
  - (a) take part in a decision in the course of carrying out their duties, knowing that the decision might further a private interest of themselves or those in which the relationship between them might bring into question the impartiality of the member;
  - (b) use their public role to influence or seek to influence a Government decision which could further a private interest of themselves or those in which the relationship between them might bring into question the impartiality of the member;
  - (c) use or communicate information not available to the general public that was gained in the course of carrying out their duties, to further or seek to further a private interest of themselves or those in which the relationship between them might bring into question the impartiality of the member.

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### **Specific Member Responsibilities**

#### **9. Dealings with Others**

- (1) When matters related to the exercise of regulatory, inspection or other discretionary authority over others arise before the council, members must disclose any relationships that might bring the member's impartiality into question. The Chair shall determine how to proceed in order to avoid any perception of conflict. This may include, but is not limited to, having the member recuse themselves from the discussion in question.
- (2) Relatives of a member may work in the same branch, division, institution or department provided there is no opportunity to exercise favouritism, and no conflict of interest exists for the members or employees involved. A member may not supervise a relative unless there are extenuating circumstances and the Code administrator approves an exemption from this section of the Code.
- (4) Members shall, so far as it is known to them, disclose and discuss with their Code administrator situations which may be, or may appear to be, conflicts of interest under this section.

#### **10. Outside Employment**

- (1) Members may pursue employment outside the agency, including self employment, unless such employment:
  - (a) causes an actual or apparent conflict of interest;
  - (b) is performed in such a way as to appear to be an official act, or to represent an agency opinion or policy;
  - (c) interferes with regular duties; or
  - (d) involves the use of government premises, equipment or supplies, unless such use is otherwise authorized.
- (2) Prior to accepting any position outside the Council, the member should discuss it with their Code administrator. Should the member or Code administrator believe that a conflict of interest may arise or be perceived; the manner of managing the situation will be determined and set out in writing. This may include a range of solutions, up to and including the member's resignation.
- (3) Members shall not accept additional compensation for duties which they perform in the course of their Council work.



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- (4) Members shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment.

### **11. Teaching**

- (1) Members may teach courses at institutions for a fee provided that:
  - (a) Council information protection and privacy is respected;
  - (b) course preparation, instruction and marking is done on the member's own time; and
  - (c) no other real or perceived conflict arises.

Should there be potential for a conflict, the member must inform the Chair, who will determine suitable actions.

### **12. Volunteer Activities**

- (1) Participation in volunteer activities is encouraged; however the restrictions as listed in section 10(1) also apply to volunteer activity. Members who are actively associated on a volunteer basis with any organization shall disclose to their Code administrator, or designate, their interest in such an organization where a conflict of interest may arise. Such members shall disqualify themselves from participating in any Council decision which could impact the organization.

### **13. Investment and Management of Private Assets**

- (1) Where an actual or proposed business or financial interest of a member or of a person in which the relationship between them might bring into question the impartiality of the member; is affected, appears to be affected or may be affected, by actions taken or decisions made in which the member participates in the course of their employment, the member shall disclose the business or financial interest to their Code administrator, or designate.
- (2) If an actual or apparent conflict of interest situation exists under this section, the Code administrator, or designate, shall determine the method of resolution of the situation.
- (3) The Code administrator or designate may require financial disclosure of directors in specific positions where, in the opinion of the Code administrator or designate, conflict could likely occur.
- (4) Information which is disclosed to the Code administrator or designate under this section shall be maintained on a confidential basis by the Code administrator, or designate.



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### **14. Acceptance of Gifts**

- (1) Members shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their public service duties from any individual, organization or corporation, other than:
  - (a) the normal exchange of gifts between friends;
  - (b) the normal exchange of hospitality between persons doing business together;
  - (c) tokens exchanged as part of protocol; or
  - (d) the normal presentation of gifts to persons participating in public functions.

### **15. Political Activity**

- (1) Council members may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Council members' political activities, however, must be clearly separated from activities related to their Council work. There is no restriction upon participation in political activity by members except that:
  - (a) If engaging in political activities, members must remain impartial and retain the perception of impartiality in relation to their council duties and responsibilities.
  - (b) Council members must not engage in political activities during council work or use government facilities, equipment, or resources in support of these activities.
  - (c) Partisan politics are not to be introduced into council work; however, informal private discussions are acceptable.
- (2) Members who are candidates for municipal office shall, if elected, be subject to the provisions of this Code regarding outside employment.

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### **16. Public Statements**

- (1) Members who speak or write publicly shall ensure that they do not release confidential or privileged information unless they are specifically authorised to do so.

Confidential information includes proprietary, business, financial, legal or other information which the Council treats as confidential.

- (2) Members are responsible for maintaining the confidentiality of information or documents, which includes the responsibility for ensuring that such information or documents are not directly or indirectly made available to unauthorized persons.
- (3) Members and employees must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*.

### **17. Trade Knowledge and Intellectual Property**

- (1) Any product or technology developed by members in the course of their employment with the Council is the property of the Government of Alberta.
- (2) A member shall not sell, trade, market or distribute any such product or technology unless otherwise authorized by the Code administrator, or designate.

### **18. Safe Disclosure**

- (1) Members will respect the principle of safe disclosure and will ensure that the Council has mechanisms for concerns to be brought forward without retribution.

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### **Part 6 Review Process**

#### **19. Review of Decision**

- (1) A member may apply to the Deputy Minister for a review of a ruling of a conflict of interest by their Code administrator under this Code or a supplementary Code issued by a department.
  - (a) The Deputy Minister will be asked to investigate and provide a recommendation to the Chair of the relevant department. In the case of a review requested by the Chair, the recommendation shall be provided to the responsible Minister.
  - (b) Where the Deputy Minister is unable to act, the responsible Minister will determine an alternate review mechanism.

### **Part 7 Penalties and Consequences**

#### **20. Penalties and Consequences**

- (1) Members who do not comply with any provisions of this Code may be subject to disciplinary action, up to and including dismissal.

### **Part 8 Affirmation**

#### **21. Affirmation**

- (1) The Code of Conduct for the members of the Premier's Council on Arts and Culture was introduced on April 24, 2009 and is reaffirmed annually by the Council to ensure it remains current and relevant.