

HORSE RACING APPEAL TRIBUNAL – CODE OF CONDUCT

I. Preamble

The Code of Conduct (“Code”) for the Appeal Tribunal applies to all members. This Code does not apply to allegations of bias made in respect of appeals. The Appeal Tribunal has established a Procedural Protocol for Determining Bias Issues which governs any issues of conflict or bias raised in the context of an appeal.

The Code reflects a commitment to the Appeal Tribunal’s values and provides a framework to guide ethical conduct in a way that upholds the integrity and reputation of the Appeal Tribunal. Members are expected to behave in a way that aligns with this Code. They understand that this Code does not cover every specific scenario. Therefore, they use the spirit and intent behind this Code to guide their conduct, and exercise care and diligence in the course of their work with the Appeal Tribunal.

Where services are provided to the Appeal Tribunal by others, it is expected that pertinent aspects of the Code will be reviewed with the service provider by the Chair of the Appeal Tribunal and the service provider will be expected to behave in a manner that aligns with those aspects of the Code. In particular, the service provider would be expected to conduct themselves so that public confidence in the integrity, objectivity and independence of the Appeal Tribunal as a quasi-judicial adjudicative tribunal is maintained and enhanced.

The values of the Appeal Tribunal are:

- **Fairness** - We achieve fairness through being independent, impartial and unbiased.
- **Impartial** - We achieve impartial decision making by ensuring all our actions are independent, free from bias and prejudice.
- **Equitable** - We believe in treating all individuals equitably.
- **Cooperative** - We achieve co-operation through sincere, open communication and teamwork.
- **Open Communication** - We are committed to open communication with each other and all individuals who utilize our services.
- **Security** - We value the freedom and comfort to share our thoughts and feelings, secure in the knowledge they will be given genuine consideration.
- **Teamwork** - We work together as a team focused on the achievement of common, well defined goals.

II. Guiding Principles

These principles guide the behaviour and decisions of the members of the Appeal Tribunal:

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- a. The actions and decisions of members are made pursuant to the *Horse Racing Alberta Act* (“*HRA Act*”). The Appeal Tribunal depends on its members to ensure that its decisions are timely, fair and just, and in accordance with the *HRA Act* and the Rules Governing Horse Racing in Alberta, as established by the Board of Horse Racing Alberta.
- b. Members shall conduct themselves so that public confidence in the integrity, objectivity and independence of the Appeal Tribunal as a quasi-judicial adjudicative tribunal is maintained and enhanced.
- c. Members have a responsibility to uphold the Appeal Tribunal’s jurisdiction and act according to the powers given to them by the *HRA Act*.
- d. Members have a responsibility to act in good faith and to place the interests of the Appeal Tribunal above their own private interests.
- e. When a member, as an individual, is subject to more than one code of conduct, the member must consider the expectations in all. Members understand that this Code is not intended to conflict with other Codes of Conduct, and will discuss any potential conflicts with the Chair of the Appeal Tribunal.
- f. The Code applies to all members unless a specific exemption is granted by the Chair of the Tribunal. Nothing in this Code is meant to apply to allegations of bias or conflicts of interest raised with respect to appeals before the Appeal Tribunal. The Appeal Tribunal will adhere to the Procedural Protocol for Determining Bias Issues when those issues arise in the context of the hearing of an appeal.
- g. Members know that when they become aware of a real or apparent conflict of interest, they must at the first opportunity disclose this conflict to the Chair.
- h. Members understand that disclosure itself does not remove a conflict of interest.
- i. Members encourage their colleagues to act fairly and ethically and know that they are able to raise concerns about a suspected breach by another to the Chair without fear of reprisal.
- j. Members know that breaches of this Code may result in disciplinary action, up to and including removal of the member from the Appeal Tribunal.

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- k. Members know that if they have any questions about the Code, or are not sure how to apply these principles, they should consult with the Chair.
- l. Each member confirms, upon appointment and re-appointment, their understanding of, and commitment to, the Code's expectations.

III. Behavioural Standards

Behavioural standards help members make appropriate decisions when the issues they face involve ethical considerations. Behavioural standards cannot cover all scenarios but provide guidance in support of day-to-day decisions. All members must adhere to the following standards:

- a. Members must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures.
- b. Members must not use their status or position with the Appeal Tribunal to influence or gain a benefit or advantage for themselves or others.
- c. Member conduct contributes to a safe and healthy workplace that is free from discrimination, harassment or violence.
- d. 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 Appeal Tribunal.
- e. Members must act in a way that is consistent with the Appeal Tribunal's protocols on public comment.
- f. Members must take reasonable steps to avoid situations where they may be placed in a real or apparent conflict between their private interests and the interests of the Appeal Tribunal. In other words, actions or decisions that members take on behalf of the Appeal Tribunal must not provide them with an opportunity to further the private interests of themselves, their families, their business associates or others with whom they have a significant personal or business relationship.

1. Confidential Information

Members must respect and protect confidential information, use it only for the work of the Appeal Tribunal and do not use it for personal gain. Members must comply with protocols that guide the collection, storage, use, transmission and disclosure of information.

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2. Gifts and Gratuities

Members must not accept or receive gifts and gratuities other than the normal exchange of gifts between friends or business colleagues, tokens exchanged as part of protocol or the normal presentation of gifts to people participating in public functions.

3. Outside Activities

Members must avoid participating in outside activities that conflict with the interests and work of the Appeal Tribunal. For example:

- i. **Business Interests:** Members must not hold interests in a business directly or indirectly through a relative or friend that could benefit from, or influence, the decisions of the Appeal Tribunal.
- ii. **Employment:** Members must not take employment that affects their performance or impartiality with the Appeal Tribunal.
- iii. **Political Activity:** Members may participate in political activities including membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not participate directly in soliciting contributions for a political party. In addition, any political activity must be clearly separated from activities related to the work for the Appeal Tribunal, must not be done while carrying out the work of the Appeal Tribunal and must not make use of Appeal Tribunal facilities, equipment or resources in support of these activities.
- iv. **Volunteer Activity:** If members are involved in volunteer work, the activity must not influence or conflict with decisions relating to the Appeal Tribunal.

4. Pre-Separation

Members considering a new offer of appointment must be aware of and manage any potential conflicts of interest between their current position and their future circumstance, and must remove themselves from any decisions affecting their new appointment.

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5. Post-Separation

Once members have left the Appeal Tribunal, they must not disclose confidential information that they became aware of during their time with the Appeal Tribunal and must not use their contacts with their former colleagues to gain an unfair advantage for their current circumstance.

6. Related Persons or Parties

The Appeal Tribunal has adopted guidelines to deal with potential bias which governs the conduct of members when dealing with appeals.

IV. Administrative Processes

Administrative processes help members manage ethical dilemmas, including any real or apparent conflict of interest concerns.

a. Administration

The Code Administrator for members is the Chair of the Appeal Tribunal.

The Code Administrator for the Chair of the Appeal Tribunal is the Ethics Commissioner.

The Code Administrator receives and ensures the confidentiality of all disclosures except for disclosures made to the Ethics Commissioner pursuant to the *Conflicts of Interest Act*. The Code Administrator ensures that any real or apparent conflict of interest is avoided or effectively managed. As well, the Code Administrator is responsible for providing advice and managing all concerns and complaints concerning potential breaches of the Code, including conflicts of interest within the Appeal Tribunal.

b. Disclosure

It is the responsibility of each member to declare in writing to the Code Administrator those private interests and relationships that they think could be seen to impact the decisions or actions they take on behalf of the Appeal Tribunal except for those interests and relationships that are disclosed to the Ethics Commissioner pursuant to the *Conflict of Interest Act*. Nothing in this Code alters the reporting requirements contained in the *Conflict of Interest Act*. When there is a change in their responsibilities within the Appeal Tribunal or in their personal

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circumstance, members shall disclose in writing any relevant new or additional information about those interests as soon as possible. Where a real or apparent conflict of interest cannot be avoided, members must take the appropriate steps to manage the conflict.

Members must govern themselves in accordance with the Procedural Protocol for Determining Bias Issues when involved in an appeal. When this Code is applicable, members disclose these real or apparent conflicts of interest so that the Code Administrator is aware of situations that could be seen as influencing the decisions or actions they are making on behalf of the Appeal Tribunal. This provides members, following a review by the Code Administrator, an opportunity to take action to minimize or remove the conflict. To actively manage a conflict of interest, options include:

- removing themselves from matters in which the conflict exists or is perceived to exist;
- giving up the particular private interest causing the conflict; and,
- in rare circumstances, resigning their position with the Appeal Tribunal.

c. Reporting a Potential Breach by Another

Members are encouraged to report in writing a potential breach of this Code by another to the applicable Code Administrator. When reporting a potential breach in good faith and with reasonable grounds, members are protected from retaliation for such reporting.

d. Responding to Potential Breach

Once a potential breach has been reported, the Appeal Tribunal's procedures for responding to and managing a potential breach will be promptly initiated. The Code Administrator will review the circumstance and details of the potential breach and will notify the alleged member. The alleged member has the right to complete information and the right to respond fully to the potential breach. The identity of the reporter will not be disclosed unless required by law or in a legal proceeding. The Code Administrator makes the final internal decision and completes a report of the review in a timely manner. The decision may range from finding no potential breach to one that reveals suspected criminal conduct.

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e. Consequences of a Breach

Members who do not comply with the standards of behaviour identified in this Code, including taking part in a decision or action that furthers their private interests, may be subject to disciplinary action up to and including removal of the member from the Appeal Tribunal.

V. 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:

- the Code Administrator; or
- the Appeal Tribunal's General Counsel, if any

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?
- Have I considered the issue from a legal perspective?
- Have I investigated whether my behaviour aligns with a policy or procedure of the Appeal Tribunal?
- 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?