

# Nova Scotia Real Estate Commission Code of Conduct

This Code of Conduct applies to all Board, Committee and Task Force Members (Members) of the Nova Scotia Real Estate Commission.

By agreeing to serve on the Board of Directors (the Board), a Committee, or a Task Force, each Member provides a valuable service to the public of Nova Scotia and the real estate profession. The Commission, its Board, Committees, and Task Forces are well-served by individuals who come together to collaboratively lead the Commission in the public interest and adhere to the *Real Estate Trading Act*, the Commission By-law and the Commission Policies.

As stewards of the public trust, the Commission aspires to maintain the confidence of the public, the government, and the real estate profession in the Commission's ability to fulfill its statutory responsibilities.

The Commission can only deliver on its mandate through the diligence, commitment, and integrity of its volunteers. This agreement sets out the conduct required of Board, Committee and Task Force Members when servicing the Commission's objectives.

## 1. Compliance with prescribed requirements

Members must

- 1.1 exercise all powers and discharge all responsibilities in the public interest above all other considerations.
- 1.2 have a working knowledge of the *Real Estate Trading Act*, the Commission By-law, and the Commission Policies and act in compliance with the letter and spirit of these documents.
- 1.3 respect and abide by any resolution or policy of the Board.
- 1.4 not hold sub-meetings with other Members without authorization

## 2. Duties to the Board and the Commission

Members must

- 2.1 act at all times in the public interest, and not as a delegate or representative of any region, organization, interest group, or industry sector.
- 2.2 perform their duties in good faith to the best of their abilities.
- 2.3 at all times conduct themselves in a way that protects the Commission's reputation, and in particular, act with professionalism, ethical conduct, and integrity.
- 2.4 support all decisions of the Board, Committee or Task Force, once made, even if they do not personally agree with the decision.
- 2.5 refrain from speaking on behalf of the Commission, the Board, a Committee or a Task Force unless explicitly authorized to do so by the Board, the Chair, or the Registrar.
- 2.6 make no attempt to exercise undue influence over other Members.

## Nova Scotia Real Estate Commission Code of Conduct

- 2.7 review all material for which they are responsible and attend all meetings prepared to contribute to the discussion.
- 2.8 respond promptly to all communication received from the Board or the Commission.
- 2.9 interact in a courteous, respectful, and non-discriminatory manner with the Board, Committee Members, Task Force Members, and staff.
- 2.10 understand and abide by the rules applicable to them, as set out in the *Board Governance Manual*, including the roles of the Board and staff.

### 3. Avoidance of bias and conflict of interest

Members must

- 3.1 approach all discussions and decisions fairly and objectively with an open mind.
- 3.2 fully and promptly advise if a situation exists or arises in which the Member has a bias or could reasonably be perceived to have a bias that prevents them from carrying out their duties in a fair and objective manner.
- 3.3 fully and promptly inform of any circumstance that is a real or reasonably perceived conflict of interest that could benefit or be seen to benefit the Member's personal finances, business dealings, family, friends, or organizations with which the Member is associated.
- 3.4 refrain from any participation in the discussion, consideration, or decision of any matter towards which the Member has an actual or reasonably perceived bias or conflict of interest.
- 3.5 address with the Chair, situations where it is clearly apparent that a Member is biased or in a conflict of interest and does not recuse themselves. If the Chair is the Member who is biased or in conflict, raise the matter with the Vice chair.

### 4. Duty of confidentiality

- 4.1 Members must maintain strict confidentiality of any confidential information regarding the Board or the Commission, its licensees, staff, Committees, and Task Forces including:
  - a) personnel information;
  - b) personal information of a licensee;
  - c) complaints/discipline information;
  - d) legal issues;
  - e) information related to the Commission's finances;
  - f) internal communication;
  - g) correspondence received by the Commission or the Board where the sender has a reasonable expectation of privacy;

## Nova Scotia Real Estate Commission Code of Conduct

- h) internal discussions or deliberations;
  - i) policy discussions or decisions that have not been publicly communicated;
  - j) any other information related to matters that have been or will be discussed in-camera.
- 4.2 Members must take all reasonable steps to safeguard confidential materials in their possession and must promptly notify the Registrar if they believe that confidential materials that were in their possession or control have been lost or otherwise compromised.
- 4.3 Members must disclose information that is or was confidential only in the following circumstances:
- a) as explicitly authorized by the Board;
  - b) after the information has been publicly communicated by the Commission on its website, through its newsletter, or by other official means;
  - c) in accordance with the *Real Estate Trading Act* and Commission By-law; and/or
  - d) as otherwise required by law.
- 4.4 Members must, upon the end of their term, return any confidential materials remaining in their possession to the Commission or arrange for those materials to be destroyed.
- 4.5 The duty of confidentiality applies both during and after the Member's term in perpetuity.
- 4.6 Notwithstanding any term of this code, the Commission remains entitled to any remedy otherwise available at law for a breach of confidentiality.

### 5. Complaints

- 5.1 A Member may be subject to removal from the Board, Committee or Task Force if they are found to be in breach of this Code of Conduct.
- 5.2 A Member of a Committee or a Task Force may be removed at any time, as determined appropriate by the Board.
- 5.3 An allegation that a Member of the Board is in breach of this Code, or their responsibilities under the Act, the Regulations or the By-law may be made by any person, in writing to the Chair of the Board. If the complaint is about the Chair of the Board, it may be made to the Vice Chair.
- 5.4 If the complaint is about a Board Member, the Board Chair or Vice Chair will establish a conduct Committee composed of three Board Members, including at least one public representative. The role of the Conduct Committee is to investigate and report on allegations that a Board Member is in breach of this Code of Conduct.
- 5.5 The Chair or Vice Chair will refer the complaint to the Conduct Committee to investigate and report on the allegation. The Conduct Committee shall provide the Member with an opportunity to respond to the allegation and make such other inquiries or obtain such other information as they deem necessary to fully investigate the complaint. The Member shall co-operate in the investigation process.

## Nova Scotia Real Estate Commission Code of Conduct

- 5.6 The Conduct Committee will report their findings to the Board, with a recommendation regarding disposition of the matter. The Member will receive a copy of the recommendations, and the opportunity to make submissions to the Board. Any Board Member who is a complainant or respondent shall not participate in the consideration of the recommendations.
- 5.7 If the Board determines that a Member is in breach of the Code, the Board may determine an appropriate response, which may include a sanction up to and including removal from the Board. Should the Board determine that a Member is in breach of the Code of Conduct in such a way that they should be removed from the Board, the Member hereby agrees to resign from the Board. If the Member fails to resign from the Board within 15 days, they will be deemed to have resigned their position.
- 5.8 If the Member has been appointed to their position on the Board, the Board shall report the resignation or deemed resignation to the appointing authority.

While the Code of Conduct is intended to assist Board, Committee and Task Force Members by establishing appropriate standards of conduct in typical circumstances, it is recognized that the Code of Conduct cannot anticipate all possible situations in which Members may be called upon to exercise judgement on appropriate standards of conduct.