



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

## POLICY

<b>POLICY</b>	Code of Conduct for Board members
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Code of Conduct for Board members

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## THE CODE

### 1. About this Code

#### 1.1 Mission, Vision and Core Values

Engineers and Geoscientists BC's mission is to serve the public interest as an inclusive, progressive, and future-focused regulator. The vision is modern regulation for a resilient world. Engineers and Geoscientists BC's core values define who we are and what we authentically and deeply relate to. In the delivery of our Strategic Plan, the following our values drive our behaviour and our decisions.

- **Collaboration** – We approach challenges and opportunities with a mindset of inclusivity and shared success.
- **Excellence** – We are passionate about what we do because we believe wholeheartedly in our duty to protect the public interest.
- **Integrity** – We are trusted to fulfil our mandate with an unwavering focus on the public interest. We mean and do what we say.
- **Innovation** – We use creativity to find solutions. We are open to new ideas and approaches as we strive for continuous improvement.

As leaders of Engineers and Geoscientists BC, it is essential that all members of the Board demonstrate the core values to maintain and enhance the public's and registrants' trust and confidence in the organization. In this role, each Board member has a fiduciary duty of loyalty to Engineers and Geoscientists BC and must act in the overall best interests of the organization. By committing to the delivery of the vision, mission and values and adhering to the expected behaviors set out in this Code of Conduct (Code), Board members contribute to the collective success of Engineers and Geoscientists BC in upholding its duty to protect the public.

#### 1.2 Application and Purpose

This Code applies to all Board members of Engineers and Geoscientists BC. The Code sets standards of expected conduct for Board members and provides a practical framework designed to help Board members understand what is expected in terms of appropriate conduct and behavior. The Code is designed to assist in the promotion of honest and ethical conduct, including identifying, preventing and resolving real, perceived and potential conflicts of interest for Board members.

The provisions of the Code are in addition, and not in substitution for, any obligations imposed on Board members by common law, equity and statute. Compliance with the Code does not relieve a Board member from any such obligation.

A Board member uncertain of their duties or of how the Code applies in any particular circumstance should raise this concern with the Chair in order to obtain appropriate guidance and advice.

As a Board member, you are expected to uphold the highest standards of integrity for yourself and Engineers and Geoscientists BC. You are responsible for understanding and following this Code and to apply common sense, exercise good judgment and be accountable for your actions. If you are unsure of the appropriate thing to do in a certain situation, you should act in the best interests of EGBC and consider the following guiding questions:

- Is it legal?
- Is it “the right thing to do”?
- Does it reflect Engineers and Geoscientists BC’s core values and culture?
- Does it comply with Engineers and Geoscientists BC’s policies?
- Is it in conflict with the best interests of Engineers and Geoscientists BC?
- Could this action or decision create a negative perception of Engineers and Geoscientists BC or the Board? Would it embarrass me or Engineers and Geoscientists BC?
- Do I have a private interest that others may feel influences, or may influence, my ability to carry out my duties in a responsible way?
- Would I feel concerned if this appeared in a news headline or in social media?

## 2. Expectations and Duties

### 2.1 General

The [Board member Position Descriptions](#) set out the key expectations and standards of conduct of individual Board members, which all Board members should be familiar with. The organization gains the most from a Board when its Board members are committed and maximize their contribution.

Board members appointed by Order-In-Council will also be expected to conduct themselves in accordance with the British Columbia government’s Standards of Ethical Conduct established by the Crown Agencies and Board Resourcing Office.

### 2.2 Fiduciary Duties

In addition to the general expectations and standards of conduct expected of Board members, each Board member is expected to discharge the following legal duties:

#### a. Duty to Act in Best Interests of Engineers and Geoscientists BC

All Board members are fiduciaries of Engineers and Geoscientists BC, and as such, are expected to act honestly and in good faith in their dealings with Engineers and Geoscientists BC and others on behalf of the organization. Board members are expected to remain impartial and loyal with a view to serving the best interests of Engineers and Geoscientists BC as this relates to Engineers and Geoscientists BC’s interest in upholding its duty to protect the public.

Board members should not act in their own self-interest or act as a delegate or representative of any stakeholder or registrant group. Board members are expected to exercise their own independent judgment about matters that come before them as Board members and, while they may take into account the interests of Engineers and Geoscientists BC’s stakeholders and registrants, they cannot prefer the interests or views of any particular stakeholder or member over the best interests of the organization.

#### b. Duty of Care

Board members are expected to exercise the degree of care, skill, and diligence reasonably expected from a person having their knowledge and experience, and in comparable circumstances.

#### c. Duty of Confidentiality

In the course of their duties, Board members will have access to confidential information relating to Engineers

and Geoscientists BC and may also learn of other confidential or non-public information relating to third parties.

Board members are expected to maintain the confidentiality of all such confidential and non-public information and are required not to disclose or release any such confidential or non-public information unless authorized by the Board or required by law to do so.

Proceedings in closed and *in-camera* sessions of the Board are confidential. Proceedings in strategy sessions, forums, workshops or other sessions the Board may hold from time to time are also confidential, unless otherwise provided. Board members must comply with any applicable policies that may restrict circulation and disclosure of materials prepared for the Board, and Board members must hold in confidence all views and opinions expressed by other Board members or individuals in such sessions.

The duty to maintain information in confidence continues after the Board member ceases to be a Board member.

**d. Duty of Compliance**

Board members are expected to comply at all times with both the letter and the spirit of all applicable laws and policies applicable to Board members, including the *Professional Governance Act*, Engineers and Geoscientists BC's bylaws, and this Code.

**e. Duty of Knowledge**

Board members are expected to be familiar with and generally knowledgeable about:

- Engineers and Geoscientists BC's mission, vision, goals, objectives, strategic plans and operations
- The environment within which Engineers and Geoscientists BC operates
- The relevant legislation and any agreements applicable to Engineers and Geoscientists BC and Board members

**f. Duty to Disclose**

Board members must disclose information within their knowledge that is of significance to Engineers and Geoscientists BC. This could include any material fact or material information that would reasonably be expected to result in a significant impact (e.g., financial, operational, reputational, etc.), and not limited to a detrimental impact only, to the business and affairs of Engineers and Geoscientists BC.

### 3. Diversity, Anti-Harassment and Discrimination

Engineers and Geoscientists BC is committed to maintaining an environment that supports diversity, where everyone is treated with dignity and respect and is free from bullying, harassment and discrimination of any kind, as is defined in the organization's Anti-Bullying and Anti-Harassment Policy and Anti-Discrimination Policy. All new Board members are required to complete training on anti-bullying and anti-harassment.

Board members are expected to adhere to and conduct themselves in a way that is consistent with and upholds Engineers and Geoscientists BC's policies, as well as obligations under applicable human rights legislation. Board members are expected to lead by example in supporting a respectful environment. This includes:

- Being respectful of different viewpoints that may be expressed, in good faith, by others in the course of Board deliberations

- Treating Board members, employees, stakeholders and registrants with dignity and respect and ensuring an environment that is free from discrimination including discriminatory conduct based on any of the prohibited grounds including race or colour, religion, sex, physical or mental disability, age, ancestry or place of origin, marital status, family status, sexual orientation, gender identity or expression, and political belief
- Ensuring and supporting an environment for Board members, staff, registrants and stakeholders that is free from bullying, harassment, unwelcome sexual attention or physical contact, psychological, verbal or physical abuse, threats or violence
- Establishing and respecting personal boundaries and engaging in consent-based interactions
- Supporting equity, diversity and inclusion initiatives as a path to changing behaviour, breaking down barriers, and promoting equity for historically marginalized or oppressed groups
- Taking a zero-tolerance approach to any display of abuse of power, ridicule, vulgarity, belittlement or impropriety (including unwelcome communication that may cause embarrassment, offence or humiliation), made privately or otherwise
- Working to ensure there is no retaliation or reprisal of any Board member or other individual who in goodfaith alleges violations of this Code

At Engineers and Geoscientists BC, it is the obligation of Board members to not engage in bullying, harassment or discrimination and to report any incidents of bullying, harassment or discrimination they may witness or of which they become aware to the Chair (or for incidents involving the Chair, to the Vice-Chair) so that it may be investigated and responded to appropriately.

## Conflicts of Interest

Conflicts of interest can damage the trust between Board members, the organization and stakeholders, including the public. Conflicts can arise and as such, it is important for the Board and individual Board members to effectively manage conflicts.

- **Duty to Avoid**

Every Board member should avoid any situation in which there is an actual, potential or perceived conflict of interest which could interfere with the Board member's judgement in making a decision in Engineers and Geoscientists BC's best interest. Board members must also take steps to resolve any conflicts that may arise in a way that protects the public interest and the interests of Engineers and Geoscientists BC by:

- Promptly disclosing the interest and the nature of the interest
- Not taking part in any discussion or voting on the matter
- Ensuring they take no action to influence voting on the matter
- Leaving the meeting/session while the matter is being considered (whether the matter arises in an open, closed or *in camera* meeting/session)
- Depending on the nature and extent of the conflict, resigning from the Board

### 3.1 Conflict of Interest Defined

A conflict of interest may arise in a situation in which a Private Interest or Private Duty of a Board member conflicts, potentially conflicts, or appears to conflict with or influence the objective exercise or proper discharge of the Board member's duties to Engineers and Geoscientists BC, including the Board member's duty to act in the best interests of Engineers and Geoscientists BC.

Conflicts are generally divided into the following categories:

- a. a **real conflict of interest** refers to a situation where a Board member exercises a power or performs a duty or responsibility, and in so doing, there is the opportunity to further his or her Private Interest, or there is a conflict with the Board member's Private Duty
- b. a **potential conflict of interest** refers to a situation where a Private Interest or Private Duty of a Board member could influence the exercise of the Board member's power or performance of his or her duties or responsibilities, where the Board member has not yet exercised that power or performed that duty or responsibility
- c. a **perceived conflict of interest** refers to a situation where there is not technically an actual conflict but where it might appear to an outsider that there is a conflict of interest on the part of a Board member in relation to a Private Interest or Private Duty

### 3.2 Conflict of Interest Situations

A conflict of interest may be direct, indirect, personal, professional, financial or non-financial. A conflict of interest may arise from:

- Directorships or other employment, or interests in business enterprises, organization or professional practices that have competing fiduciary interests with Engineers and Geoscientists BC
- Share ownership
- Beneficial interests in trusts
- Existing professional or personal associations with Engineers and Geoscientists BC
- Professional or personal associations or relationships with other organizations or groups
- Family relationships

Some conflicts are quite clear, whereas others are less obvious. The following are provided as examples of conflicts of interest situations for Board members. This is not an exhaustive list.

- A Board member or the Board member's Associate contracting or transacting with Engineers and Geoscientists BC
- Influencing the purchase of goods or services for Engineers and Geoscientists BC from a company or firm in which the Board member or an Associate has a financial interest
- Using the position as Board member to obtain employment with Engineers and Geoscientists BC
- Participating in or attempting to influence the appointment, hiring, promotion or evaluation of an Associate to positions within Engineers and Geoscientists BC
- Using confidential or non-public information obtained as a Board member to further the Board member's Private Interest



- Serving on the board of another organization and being in possession of information confidential to Engineers and Geoscientists BC that is of importance to a matter being considered by the board of the other organization
- Assisting an Associate in its dealings with Engineers and Geoscientists BC when such intervention may result in real or perceived preferential treatment to that person or organization by Engineers and Geoscientists BC
- Using Engineers and Geoscientists BC's resources or facilities (including Engineers and Geoscientists BC's name) for a Board member's personal benefit or for the benefit of the Board member's Associates
- Any current or recent employment, association or activity, including political activity, that is, or may reasonably be seen to be incompatible with the Board member's duties, or otherwise be seen to impair their ability to discharge their duties in an impartial fashion, or cast doubt on the integrity or impartiality of the Board or Engineers and Geoscientists BC

### **3.3 Declaration**

Upon becoming a Board member and annually thereafter, each Board member must complete an Acknowledgement and Disclosure Statement which identifies any known or potential conflicts of interest involving the Board member (set out at **Appendix B**). Acknowledgement and Disclosure Statements are filed with the CEO who will retain the records at the Board's office and make copies available to the Chair and Vice-Chair.

In addition, a Board member has an obligation to declare a real, potential or perceived conflict of interest as soon as reasonably practicable and, in any event, prior to discussion or decision of an issue at a Board meeting. The declaration should be directed to the Chair with a copy to the CEO. For conflicts involving the Chair, declaration should be directed to the Vice-Chair with a copy to the CEO.

A Board member who perceives another Board member to be in conflict should identify the potential conflict to the Chair at the first opportunity. A Board member who perceives the Chair to be in a conflict of interest should identify the potential conflict to the Vice-Chair at the first opportunity.

### **3.4 Protocol for Dealing with Conflicts of Interest**

In straight-forward cases, the Chair will review the circumstances and provide the Board member in a conflict or potential conflict of interest situation with advice on whether a conflict of interest exists and, if so, the steps required to manage the conflict. In such cases, the Chair will inform the Board of the issue raised and how it was resolved.

For more complex cases, the Chair can also request the Board as a whole or a Sub-Committee to determine whether a conflict exists and the action that should be taken to manage the conflict. Where the Board or a Sub-Committee determines whether a conflict exists, the Board or Sub-Committee will do so by a simple majority vote.

In any given case, throughout the process a Board member, the Chair, the Board or Sub-Committee can seek guidance or advice from the CEO, a designated member of Engineers and Geoscientists BC management, or external advisor, as appropriate.

Where a Board member's conflict of interest is discovered after consideration of the matter, the conflict must be declared to the Board as soon as reasonably practicable. If the Chair or, if referred to the Board or a Sub-Committee, determines that the involvement of the Board member influenced the decision of the matter, the

Chair or the Board or Sub-Committee, as the case may be, shall re-examine the matter and may rescind, vary or confirm the decision.

The Board member shall be counted in the quorum for a meeting at which the Board member attends, notwithstanding that the Board member is absent while any matter is considered in respect of which a conflict of interest exists for that Board member.

### 3.5 Role of the CEO

If the CEO has reason to believe that an agenda item could result in a conflict of interest for a Board member, the CEO will alert the Board member, and make reasonable efforts to discuss the issue with the Board member before circulating information to that Board member and so that Board member can make a declaration accordingly. If the matter is scheduled for a closed or *in camera* session, the CEO will ensure the information is withheld from a conflicted Board member.

A summary of the disclosure, as well as any restrictions on the Board member's participation, will be recorded in the minutes of the meeting.

## 5 Professional Governance Act Application

Subject to the *Professional Governance Act* (the Act), if a Board member:

- a. Has been served a Notice of Inquiry, they are required to immediately cease participating in the related work of the Board or Board Sub-Committee until the complaint is resolved
- b. Has been found guilty in a Discipline Hearing<sup>1</sup>, they are expected to resign from the Board

Board members may also be removed from the Board in accordance with applicable provisions of the Professional Governance Act, including where a Board member contravenes a provision of the Act, applicable regulations, rules and bylaws.<sup>2</sup>

## 6 Breaches of the Code

### 6.1 Reporting a Concern

Board members are expected to raise a concern in the event they become aware of or suspect any violation of the Code to the Chair. Any other person who believes there may be any misconduct or a breach of the Code on the part of a Board member should raise the matter in writing to the Chair. If the situation involves the Chair, the matter should be raised to the Vice-Chair.

The privacy of an individual who makes a complaint in respect of this Code will be respected as much as is possible in the circumstances. All disclosures will be kept confidential unless the matter disclosed constitutes an actual or potential threat of serious harm to Engineers and Geoscientists BC or to the general public.

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<sup>1</sup> Established under section 75 of the *Professional Governance Act*

<sup>2</sup> Section 30 of the *Professional Governance Act*

## 6.2 Conduct Review by the Chair/Sub-Committee

In the event that a reported misconduct or Code violation is raised, the Chair (or the Vice-Chair where the conduct relates to the Chair) shall review the concern and conduct initial inquiries. If the Chair determines that the conduct in question was not inappropriate or did not constitute a violation of the Code, no further action is required.

The Chair (or the Vice-Chair where the conduct relates to the Chair) may decide to refer the reported misconduct or Code violation to a Sub-Committee of the Board for further inquiry. The Board member whose conduct is called into question shall have a reasonable opportunity to respond to any allegations of misconduct and to present information to the Sub-Committee.

In conducting any inquiry in accordance with this Code, the Chair and/or the Sub-Committee may refer the matter to an Independent Investigator to conduct an independent investigation and make recommendations. The Chair and/or the Sub-Committee may take the Independent Investigator's recommendations into account in determining the appropriate course of action.

The Board member whose conduct is in question shall refrain from participating in any Board review or discussions concerning their conduct and refrain from participating in all regular Board deliberations for so long as the Board member's conduct is under inquiry.

If the Board member is found to have breached the Code, the Chair and/or the Sub-Committee will determine an appropriate course of action, including but not limited to the following:

- Issue an oral or written reprimand to the Board member
- Request the Board member to take courses or additional training or to review educational materials
- Request the Board member to take appropriate corrective action
- Request the Board member to resign

If an appointed Board member is found to have breached the Code, the Chair and/or Sub-Committee may submit a written report to the Office of the Superintendent of Professional Governance, detailing the circumstances of the breach.

## 7 Responsibilities and Administration of the Code

### 7.1 The Board

The Board is responsible for this Code and for its review and approval.

### 7.2 Board member

Upon becoming a Board member, and annually thereafter, each Board member must sign an Acknowledgement and Disclosure Statement<sup>3</sup> acknowledging in writing that the Board member has read, considered, and agreed to abide by the Code and disclosed any real, potential or apparent conflicts of interest.

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<sup>3</sup> Form of the Acknowledgement and Disclosure Statement is set out at Appendix B

Additionally, Board members are expected, by oath or solemn affirmation, to take and sign the oath of office.<sup>4</sup>

### **7.3 CEO**

The CEO is responsible to ensure:

- a. Each Board member, upon election or appointment, is provided with a copy of the Code and an Acknowledgement and Disclosure Statement form
- b. A current record of Acknowledgement and Disclosure Statements and ensuring the Acknowledgement and Disclosure Statements is maintained and updated annually
- c. Board members with conflict of interest issues are assisted, and monitoring the subject matter of Board agendas for potential conflicts of interest for individual Board members; Board members are alerted to business coming before the Board that might raise a conflict of interest for the Board member; and, information is withheld as required by the circumstances

### **7.4 External Advisors**

The Chair, the CEO, Board and/or a Sub-Committee may consult external advisors, including legal counsel, on the interpretation, implementation and operation of this Code, including possible conflict of interest situations that have been raised under this Code.

## **7 Code Amendments**

The Board in its sole discretion may amend this Code from time to time. All Board members are expected to continue to abide by the Code as amended.

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<sup>4</sup> Section 28 of the *Professional Governance Act*

## **APPENDIX A**

### **Interpretation and Definitions**

In this Code:

**"Associate"** includes but is not limited to:

- i. a spouse of a Board member, to whom the Board member is married or with whom the Board member is living in a marriage-like relationship, including a person of the same gender;
- ii. a child of a Board member, regardless of age;
- iii. a relative of the Board member, by blood, adoption, or marriage, who is living in the same residence as the Board member;
- iv. a friend of the Board member whom is connected by frequent or close association;
- v. a corporation, partnership or organization of which the Board member is an officer or partner or beneficially owns, directly or indirectly, or exercises control or direction over, equity interests of the corporation, partnership, or organization carrying more than 10% of the voting rights attached to all equity interests of the corporation, partnership, or organization for the time being outstanding; and
- vi. a trust or estate in which the Board member has a substantial beneficial interest or for which the Board member serves as trustee.

**"Board member"** reference to Board member means a member of the Board, the Chair, Vice Chair and Past Chair.

**"Acknowledgement and Disclosure Statement"** means the Acknowledgement and Disclosure Statement in the form attached as Appendix B to this Code (as may be amended from time-to-time) and to be completed by each Board member upon election/appointment and annually.

**"Independent Investigator"** means an external third party who is experienced in carrying out regulatory investigations.

**"Private Duty"** means a duty that a Board member owes to someone other than Engineers and Geoscientists BC.

**"Private Interest"** means a pecuniary or economic interest or advantage and includes any real or tangible benefit that personally benefits the Board member or their Associate.

**"Sub Committee"** means such committee of the Board as may be delegated by the Board from time-to-time to have authority for interpreting and applying Code provisions and investigating misconduct or Code violations, which may consist of the Governance Sub-Committee, Human Resource Oversight Sub-Committee, any other BoardSub-committee, or a special committee appointed by the Board for such purpose.

## APPENDIX B Acknowledgement and Disclosure Statement<sup>5</sup>

As part of your commitment as a Board member, you are required to acknowledge that you have read and understood the Board members Code of Conduct for Engineers and Geoscientists BC (the Code) and will comply with it. In addition, you are required to disclose information relevant to conflict of interest procedures.

I, \_\_\_\_\_ (print name), declare that:

- a) I have read and understood the Code.
- b) I agree to conduct myself in accordance with the provisions of the Code.
- c) I agree to disclose any situation that may be reasonably construed as constituting a real, potential or perceived conflict of interest in connection with my duties and role as a Board member at my earliest opportunity upon becoming aware of same.

- In completing part (d) below, you are required to disclose circumstances that may be reasonably construed as constituting an actual, perceived or potential conflict of interest. The following are examples of conflict of interest situations which would need to be disclosed, but this is not an exhaustive list:
  - Directorships, trusteeships or partnerships with other organizations
  - Organizations from which you or an Associate receive financial remuneration (for services performed directly or indirectly as an owner or part owner, trustee or employee)
  - Offices, interests, relationships or activities (financial<sup>6</sup> or otherwise) that could create a real, potential or perceived conflict of interest for you or an Associate
  - Real property interests for you or an Associate (other than personal real estate holdings that have no bearing on potential conflicts of interest with Engineers and Geoscientists BC's interest)
  - Facts or matters that if publicly disclosed could cause Engineer and Geoscientists BC embarrassment or hinder your performance as a Board member
  - Other circumstances that could lead a reasonable person to question your objectivity or whether an unfair advantage has been created
- Disclosure on this form does not automatically mean that a conflict is present. If in doubt about whether an interest should be disclosed, you are encouraged to seek guidance or to disclose that information in accordance with the Code.

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<sup>5</sup> This form is subject to change from time to time. Please ensure that you use the current form

<sup>6</sup> Financial interests, relationships or activities may include employment, stock ownership, a creditor or debtor relationship, or a prospective employee or employer relationship with another person or entity. Other interests, relationships or activities may include volunteer activities or the provision of services for which no remuneration is received.



## REVISION AND APPROVAL LOG

September 15, 2023 (CO-23-68) – Revisions authorized by the Board<sup>1</sup>  
April 23, 2021 (CO-21-67) – Approved by Council

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<sup>1</sup> Revisions to align with legislative terminology changes