



Procedure Information	
Related to Policy No:	AD-HR-1.05
Approved by:	Executive Management
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Executive Responsible:	President
Administrator Responsible:	Executive Dir. of Human Resources
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## STANDARDS OF ETHICAL CONDUCT

### Definitions

1. Family relationship includes the spouse, common-law spouse, partner, parent, grandparent, sibling, son, daughter or any other familial relationship
2. Family” or “family member” means a spouse, child, parent or sibling of an Employee
3. “Relative(s)” means a person connected to another by blood or affinity
4. “Conflict” means a conflict of interest or apparent conflict of interest
5. “Apparent” conflict of interest means any situation where it would appear to a reasonable person that the Employee is in a conflict of interest situation

### Procedures

- 1) Compliance with the Law
  - a) In the employment context, employees shall act in full compliance with both the letter and the spirit of all applicable laws and regulations and avoid any situation which could be perceived as improper or indicate a casual attitude towards compliance. If in doubt, employees are expected to ask for clarification.
- 2) Inappropriate Conduct
  - a) Employees shall not engage in conduct that interferes with the College operations and may be considered inappropriate by any reasonable standard. Such inappropriate conduct includes, but is not limited to:
    - i) Conduct that creates disruption to the learning environment and/or impedes the instructional process or the delivery of College services;
    - ii) Conduct that creates an atmosphere of hostility, intimidation, discrimination or disrespect for others;
    - iii) Conduct that contradicts common standards and/or protocols of safety including regulations and protocols for classrooms, laboratories, the library and any other College facility including those used in partnership with other parties;

- iv) Conduct of a violent or non-violent nature that endangers or threatens to endanger or subject any person, present on campus or facilities used in partnership with other parties, to physical, mental or verbal abuse, or potential injury;
- v) Conduct that damages, defaces or destroys College property; or
- vi) Conduct that brings the College or any part of the College into disrepute.

3) Workplace Relationships

- a) Relationships with Students - Employees in teaching positions, or who have influence, input or decision-making power over a student's marks, academic interests or other matters shall not become involved in a business or inappropriate personal relationship (including romantic or sexual) with the student for the duration of the professional relationship or evaluative role.
- b) Relationships with Co-Workers - Employees must ensure that social relationships with co-workers do not interfere with work performance or effective functioning of the workplace:
  - i) Employees who engage in personal relationships (including romantic or sexual) will be responsible for ensuring that the relationship does not raise concerns about the abuse of power, harassment, favouritism, bias or conflict of interest.
  - ii) If an employee has a concern with respect to a personal relationship, then the employee should discuss it with their Manager or Executive Director Human Resources to review the concern and determine what measures, if any, need to be taken to address the concern.

4) Conflict of Interest

- a) In general, a conflict of interest exists for employees who use their position at the College to benefit themselves, friends, family or relatives.
- b) An employee shall not use his or her position with the College to pursue or advance his or her personal interests, the interests of a family member, friend, relative, employee, business associate, corporation, union or partnership, or the interests of a person to whom the employee owes an obligation.
- c) An employee shall avoid any situation in which there is, or may appear to be, potential conflict which could appear to interfere with the employee's judgment in making decisions in the best interest of the College.
- d) There are a variety of situations that could give rise to a conflict of interest. These include, but are not limited to: accepting gifts, entertainment, favours or kickbacks from suppliers or other organizations, close or family relationships with outside suppliers or other organizations, passing confidential information to competitors or other interested parties or using confidential information inappropriately. Without limitation, the following are examples of the types of conduct and situations that can lead to a conflict of interest:
  - i) Influencing the College to lease equipment from a business owned by the employee's family member or relative;

- ii) Taking personal advantage of an opportunity available to the College that the employee learned about through their position at the College, unless the College has clearly and irrevocably decided against pursuing the opportunity, and the opportunity is also available to the public;
- iii) Influencing the College to allocate funds to an institution where the employee or his or her family or relative works or is involved;
- iv) Participating in a decision by the College to hire or promote a family member or relative of the employee;
- v) Using their position with the College to solicit clients for their business, or a business operated by a family member or relative;
- vi) Influencing the College to make all its travel arrangements through a travel agency owned by a family member or relative of the employee; or
- vii) Influencing or participating in a decision of the College that will directly or indirectly result in the employee's, family member's or relative's own financial or other gain.

5) Disclosure

- a) At the time of appointment or employment each individual must disclose to the employee's Manager all interests and relationships of which the employee is aware which will or may give rise to a conflict of interest.
- b) Full disclosure enables employees to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.
- c) If, at any time during the course of their employment at the College, an employee:
  - i) Perceives that their actions/activities may be deemed, by a reasonable person, as an actual or potential conflict of interest or an employee becomes aware of a conflict before or after a transaction is complete;
  - ii) Is concerned that another employee is in a conflict of interest situation; or
  - iii) Is in doubt whether a situation involves a conflict, the employee shall disclose, in writing, to their Manager the nature, facts and extent of their concern immediately upon becoming aware of a potential conflict of interest. However, if the conflict involves the Manager or, for any reason, the employee is not comfortable disclosing their concern to their Manager, then such disclosure shall be made to a Vice President or the Executive Director Human Resources. If the conflict involves the President, then such disclosure shall be made to the Board Chair.
- d) Upon receiving disclosure under section 5.c above, or where other sections in this Code make reference to this paragraph, the following procedure shall apply:
  - i) If the disclosure is made to a Manager, that Manager shall immediately consult with and follow the direction and advice provided by their Vice President or the Executive Director Human Resources;
  - ii) if the disclosure is made to or advice is sought from a Vice President or the Executive Director Human Resources, the Vice President or Director shall, as necessary, consult with the appropriate people, internal and external to the College, and seek the direction of the Executive to address the concern; and

- iii) in all cases, the matter shall be documented including the circumstances surrounding the issue, the nature of the follow-up required and confirmation that the matter has been resolved by means of a waiver or alternate resolution method
- e) Where the College receives a complaint of a conflict of interest, and the substance of the complaint has not been disclosed according to paragraph 5.c above, the matter shall be assigned to the Manager who shall consult with and follow the direction and advice of their Vice President or the Executive Director Human Resources to resolve the matter and make a determination of real or potential conflict of interest.
- f) If it is determined that an employee has been involved in conflict of interest activity, and/or has failed to disclose such activity, the Manager and their Vice President or the Executive Director Human Resources shall make a recommendation to the appropriate person concerning a remedy, including possible disciplinary actions.
- g) Decisions that impact on employees who are parties to a collective agreement may be grieved through the appropriate grievance process or, where decisions impact on exempt or contracted employees, may be appealed in accordance with the applicable policy.

6) Outside Business Interests

- a) Employees shall disclose possible conflicting outside business activities at the commencement of their employment at the College or immediately upon the employee becoming aware of it. Such disclosure shall be made to the employee's Manager in writing; however, if for any reason, the employee is not comfortable disclosing their concern to their Manager, then such disclosure shall be made to their Vice President or the Executive Director Human Resources. Notwithstanding any outside activities, employees are required to act in the best interest of the College.
- b) No employee shall hold a significant financial interest, either directly or through a family member, relative or associate, or hold or accept a position as an officer or employee in an organization in a material relationship with the College, where by virtue of his or her position in the College, the employee could in any way benefit the other organization by influencing the purchasing, selling or other decisions of the College, unless that interest has been a) fully disclosed in writing to the employee's Manager or Vice President or the Executive Director Human Resources , and b) a remedy to any actual conflict situation has been developed.
- c) Upon an employee making a disclosure pursuant to paragraphs 6.a or 6.b above, the procedure set out at paragraph 5.d shall be followed.
- d) A "significant financial interest" in this context is any interest substantial enough that decisions of the College could result in a personal gain for the employee, their family, relatives or friends.
- e) These restrictions apply equally to interests in companies that may compete with the College in all of its areas of activity.

7) Outside Remuneration

- a) Employees may be invited by other colleges, institutions, businesses, government agencies, community groups, etc. to engage in remunerative employment. The College encourages this participation in the community, providing that such ventures do not disrupt College services or impose a financial burden on the College.
- b) Employees may engage in remunerative employment with other employers, maintain businesses and receive remuneration from public funds for activities outside their position, provided that:
  - i) It does not interfere with the performance of their duties as an employee;
  - ii) It does not bring the College into disrepute;
  - iii) It does not represent a conflict of interest;
  - iv) It is not performed in such a way as to appear to be an official act of the College or to represent the College's opinion or policy; and
  - v) It does not involve the use of College premises, services, equipment, supplies, or college-paid time to which an employee has access by virtue of their employment with College of New Caledonia.

8) Use of College of New Caledonia's Property

- a) Employees are entrusted with the care, management and cost-effective use of College property and assets, including the use of the College's name and intellectual property.
- b) Employees may not dispose of or purchase College property or assets except in accordance with policies and procedures established by the College.
- c) Employees may use property owned by the College, excluding vehicles, for incidental personal purposes, meaning:
  - i) Infrequent and of short duration (i.e. overnight or over the weekend);
  - ii) Does not impact College operations;
  - iii) Sign-out procedures are followed, if applicable;
  - iv) Occurs outside of working hours wherever possible and does not have an impact on employee productivity;
  - v) Does not cause the College to incur any cost;
  - vi) Does not use College supplies;
  - vii) Does not expose the College to any risk;
  - viii) The employee has received appropriate training to use the College property and will not use the property without that training;
  - ix) Is not part of an activity which the employee does for personal profit or profit for a family member or relative;
  - x) The employee returns the property in the same or better condition;
  - xi) The employee reimburses College of New Caledonia for any costs to repair or replace damaged or lost property; and
  - xii) Does not contravene the Standards of Ethical Conduct in any way.
- d) If the intended use of property owned by the College is for personal purposes but does not meet the definition of incidental personal use as described above, then the employee must obtain approval from their Designated Manager.

e) Employees may not use College vehicles for personal purposes.

9) Confidential Information

- a) In the course of employment or performing their duties, employees may be given access to or become aware of confidential or proprietary information of the College or of a third party who has disclosed such information to the College.
- b) Employees are to maintain the confidentiality of such information, in whatever form or however stored or transmitted, and to protect such information from loss, theft or misuse.
- c) Confidential information includes proprietary, technical, operational, business, financial, legal affairs, student information or any other information which the College treats as confidential.
- d) Employees shall not disclose or use confidential information gained by virtue of their association with the College for personal gain, or to benefit friends, family, relatives or associates.
- e) If in doubt regarding what is considered confidential, employees shall seek guidance from their Manager.

10) Investment Activity

- a) Employees shall not, either directly or through family, relatives or associates, acquire or dispose of any interest, including publicly traded shares, in any company while having undisclosed confidential information obtained in the course of their work at the College which could reasonably affect the value of such securities.

11) Entertainment, Gifts and Favours

- a) It is essential to fair business practices that all those who associate with the College, as suppliers, contractors or employees, be treated fairly and without favouritism.
- b) Notwithstanding section 4.d, entertainment, gifts and favours may be accepted or offered by employees in the normal exchanges common to, and generally accepted in, established business or professional relationships. An exchange of entertainment, gifts or favours must create no sense of obligation. The following criteria should be used as a guide:
  - i) The transaction must be lawful;
  - ii) The entertainment, gift or favour is modest and would be considered by the business or professional community to be within the bounds of propriety and local ethical standards taking into account all of the circumstances of the occasion;
  - iii) The exchange does not, nor is it expected to, create an obligation;
  - iv) It occurs infrequently; and
  - v) The entertainment, gift or favour is not used for financial gain by the employee, their family or their relatives.

- c) Employees and their family or relatives shall not accept entertainment, gifts or favours that create or appear to create a favoured position for doing business with the College.
- d) Similarly, no employee shall offer or solicit entertainment, gifts or favours in order to secure preferential treatment for themselves or the College.
- e) Under no circumstances shall employees offer or receive cash, preferred loans, securities, or commissions in exchange for preferential treatment. Any employee experiencing or witnessing such an offer shall report the incident to their Manager immediately.
- f) Inappropriate gifts received by employees shall be returned to the donor.
- g) There must be full and immediate disclosure to the employee's Manager in all cases where there is uncertainty about the appropriateness of entertainment, gifts or favours and the direction of the Manager shall be followed.

12) Exemptions or Waivers from Standards of Ethical Conduct Requirements

- a) Employees may request an exemption from, or waiver of, a requirement of the Standards of Ethical Conduct through their Manager. All such requests must be documented and require the approval of the President.
- b) Conditions may be attached to an exemption or waiver. The fully executed waiver, if any, along with full and detailed disclosure of all material and relevant circumstances respecting the matter will be held in the employee's personnel file.

13) Compliance, Reporting & Retaliation

- a) The President is responsible for monitoring compliance with the Standards of Ethical Conduct.
- b) College of New Caledonia shall behave, and be perceived, as an ethical organization and accordingly each employee shall adhere to the standards described herein and to the standards set out in applicable policies, guidelines or legislation.
- c) Employees are responsible for making themselves aware of, understanding and complying with all College policies, including this the Standards of Ethical Conduct, and are expected to seek clarification where necessary. Normally, the employee's Manager will be responsible for providing guidance on a policy, including the Standards of Ethical Conduct.
- d) Integrity, honesty, and trust are essential elements of the College's success. Any employee who knows or suspects a breach of the Standards of Ethical Conduct has a responsibility to report it to their Manager. However, if for any reason the employee is uncomfortable reporting a breach to their Manager, they may report it to a Vice President or the Executive Director Human Resources.
- e) Compliance with the Standards of Ethical Conduct is a condition of employment for all employees.
- f) The College and its employees will not retaliate against any employee, who in good faith, reports a known or suspected violation of the Standards of Ethical Conduct. This means that employees will not be terminated, demoted or discriminated against in any way for reporting legitimate concerns about matters

in accordance with the Standards of Ethical Conduct, including giving information in relation to an investigation. However, given the seriousness of a false allegation and the resources which will be expended to investigate complaints, the College reserves the right to discipline anyone who knowingly makes a false accusation or knowingly provides false information to the College or others.

- 14) Post-Employment Restrictions for Senior Management (Presidents, Vice-Presidents and Associate Vice-Presidents) in the BC Public Service After Leaving Public Service
- a) The following are conditions of your employment with the government:
- i) After your employment ends, you must not disclose confidential information that you obtained through your employment;
  - ii) If you had a substantial involvement in dealings with an outside entity at any time during the year immediately preceding the end of your employment then, for a year after the end of your employment, you must not
    - (1) Accept an offer of employment, an appointment to the board of directors or a contract to provide services to that outside entity;
    - (2) Lobby or otherwise make representations for that outside entity to the government; or
    - (3) Give counsel to that outside entity, for its commercial purposes, concerning the programs or policies of any organization or ministry of the government in which you were employed at any time during the year immediately preceding the termination of your employment; or
  - iii) Until one year after your employment ends, you
    - (1) Must not lobby or otherwise make representations for any outside entity to any ministry or organization of the government in which you were employed at any time during the year immediately preceding the termination of your employment; or
    - (2) Act for an outside entity in connection with any ongoing proceedings, transaction, negotiation or case in which the outside entity and the government are involved
      - (a) if you, during your former employment with the government, acted for or advised the government concerning the proceedings, transaction, negotiation or case; and
      - (b) acting for the outside entity in that connection would result in the receipt by the outside entity of a private or commercial benefit or of any benefit not for general application.
- b) The Board Chair may reduce the one-year restriction, upon your application, after considering the following:
- i) the circumstances under which your employment ended;
  - ii) your general employment prospects;
  - iv) the significance to the government of information you possessed by virtue of your position with the government;
  - iv) the desirability of a rapid transfer of your skills to an employer other than the government;



- v) the degree to which the new employer might gain unfair commercial advantage by hiring you;
- vi) the authority and influence you possessed while employed by the government;
- vii) the disposition of other cases.

15) **BREACH**

- a) Employees found to have breached his/her duty by violating the requirements of this the Standards of Ethical Conduct may be subject to discipline that will be addressed through relevant College policies, collective agreements or terms of employment. If a violation of law is involved, the matter may also be referred to the appropriate law enforcement agency.
- b) Any supervisor or manager who directs or approves of a violation of this the Standards of Ethical Conduct or who fails to report a violation, of which he or she has knowledge, is also in violation of the Standards of Ethical Conduct and is subject to disciplinary action.

**Legislative and Collective Agreement References**

Faculty Collective Agreement

CUPE Collective Agreement

[http://www.cnc.bc.ca/Human\\_Resources/Collective\\_Agreements.htm](http://www.cnc.bc.ca/Human_Resources/Collective_Agreements.htm)

Respectful Workplace Policy

**Links to Other Related Policies, Documents and Websites**

Standards of Ethical Conduct POLICY AD-HR-1.05

College and Institute Act

[http://www.bclaws.ca/civix/document/id/complete/statreg/96052\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96052_01)