



<b>Title</b>	Code of Ethical Practices
<b>Policy Area</b>	Operations – Human Resources
<b>Policy Number</b>	E.2.5
<b>See also</b>	<i>Faculty Association Collective Agreement BCGEU Support Staff Collective Agreement BCGEU Vocational Instructor Collective Agreement Discrimination, Bullying and Harassment Policy Violent and Threatening Behaviour Policy Social Media Policy Travel Policy and Procedures Sexual Violence and Misconduct Policy</i>

<b>Effective Date:</b>	November 6, 2014
<b>Approval Date:</b>	November 5, 2014
<b>Applies to:</b>	Employees of Okanagan College
<b>Approving Body:</b>	President
<b>Supersedes:</b>	Code of Ethical Practices, August 18, 2008
<b>Authority:</b>	<i>College and Institute Act</i>

The following are responsible for the administration of this policy,

<b>Primary Office</b>	<b>Contact</b>
Office of the President	Executive Assistant to the President

### Policy Statement

- 1.1 Okanagan College is a College of “first choice,” providing a workplace which supports excellence in education and an environment in which employees are proud to work. To continue to foster these goals, all employees of Okanagan College are accountable for their actions, and must act in an honest and ethical manner at all times.

- 1.2 The purpose of this Code of Ethical Practices ("Code") is to set out the principles and standards of ethical conduct expected of all employees of Okanagan College.

## Policy Details

### 2. SCOPE

- 2.1 This Code applies to all employees of Okanagan College. Section 12, Confidential Information continues to apply to individuals after they have left Okanagan College.
- 2.2 This Code will not interfere with the rights and obligations specified in collective agreements governing employees of Okanagan College, and where there is an inconsistency between a collective agreement and this Code, the collective agreement shall prevail to the extent of the inconsistency.

### 3. PRINCIPLES

- 3.1 The effective and efficient operation of Okanagan College relies on employees fulfilling their roles and responsibilities with the highest standards of conduct.
- 3.2 Employees have a duty to be responsible for the welfare of Okanagan College and accordingly, employees must not allow their private interests, whether personal, financial or of any other sort, to conflict or appear to conflict with their duties and responsibilities at Okanagan College.
- 3.3 Employees are expected to act honestly and in good faith and in the best interests of Okanagan College:
- (i) Employees' conduct and language shall reflect social standards of courtesy, dignity, trust and respect.
  - (ii) Employees must avoid creating the impression of speaking or acting on behalf of Okanagan College when they speak or act as private persons.
  - (iii) Employees must ensure that their interactions and relationships with students, co-workers and any other individual who deals in any way with Okanagan College are appropriate at all times.
  - (iv) Employees must not take credit for others' ideas or work, even in cases where the work has not been explicitly protected by copyright or patent.
- 3.4 Employees are expected to act in a prudent and diligent manner:
- (i) Employees must provide services within the boundaries of their competence, based on their education, training, professional experience and professional development.
  - (ii) Employees must accurately represent their qualifications, educational backgrounds, experience and professional credentials.

#### **4. COMPLIANCE WITH THE LAW**

- 4.1 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.

#### **5. INAPPROPRIATE CONDUCT**

- 5.1 Employees shall not engage in conduct that interferes with Okanagan 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 Okanagan 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 Okanagan 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 Okanagan College property; or
- (vi) conduct that brings Okanagan College into disrepute.

#### **6. WORKPLACE RELATIONSHIPS**

- 6.1 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.

- 6.2 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 Designated Supervisor, Manager, Employee and Labour Relations or the Director, Legal Affairs and Policy

Development to review the concern and determine what measures, if any, need to be taken to address the concern.

## 7. CONFLICT OF INTEREST

- 7.1 In general, a conflict of interest exists for employees who use their position at Okanagan College to benefit themselves, friends, family<sup>1</sup> or relatives<sup>2</sup>.
- 7.2 An employee shall not use his or her position with Okanagan College to pursue or advance their 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.
- 7.3 An employee shall avoid any situation in which there is, or may appear to be, potential conflict<sup>3</sup> which could appear<sup>4</sup> to interfere with the employee's judgment in making decisions in the best interest of Okanagan College.
- 7.4 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 Okanagan 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 Okanagan College that the employee learned about through their position at Okanagan College, unless Okanagan College has clearly and irrevocably decided against pursuing the opportunity, and the opportunity is also available to the public;
  - (iii) influencing Okanagan 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 Okanagan College to hire or promote a family member or relative of the employee;
  - (v) using their position with Okanagan College to solicit clients for their business, or a business operated by a family member or relative;
  - (vi) influencing Okanagan 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 Okanagan College that will directly or indirectly result in the employee's, family member's or relative's own financial or other gain.

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<sup>1</sup> "family" or "family member" means a spouse, child, parent or sibling of an Employee

<sup>2</sup> "relative(s)" means a person connected to another by blood or affinity

<sup>3</sup> "conflict" means a conflict of interest or apparent conflict of interest

<sup>4</sup> "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

## 8. DISCLOSURE

- 8.1 At the time of appointment or employment each individual must disclose to the employee's Designated Supervisor all interests and relationships of which the employee is aware which will or may give rise to a conflict of interest.
- 8.2 Full disclosure enables employees to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.
- 8.3 If, at any time during the course of their employment at Okanagan 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 Designated Supervisor the nature, facts and extent of their concern immediately upon becoming aware of a potential conflict of interest. However, if the conflict involves the Designated Supervisor or, for any reason, the employee is not comfortable disclosing their concern to their Designated Supervisor, then such disclosure shall be made to the Manager, Employee and Labour Relations or the Director, Legal Affairs and Policy Development.

- 8.4 Upon receiving disclosure under section 8.3 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 Designated Supervisor or Manager, Employee and Labour Relations that person shall immediately consult with and follow the direction and advice provided by the Director, Legal Affairs and Policy Development;
  - (ii) if the disclosure is made to or advice is sought from the Director, Legal Affairs and Policy Development, the Director shall, as necessary, consult with the appropriate people, internal and external to Okanagan 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 or a waiver has been approved.
- 8.5 Where Okanagan College receives a complaint of a conflict of interest, and the substance of the complaint has not been disclosed according to paragraph 8.3 above, the matter shall be assigned to the Designated Supervisor who shall consult with and follow the direction and advice of the Director, Legal Affairs and Policy Development to resolve the matter and make a determination of real or potential conflict of interest.
- 8.6 If it is determined that an employee has been involved in conflict of interest activity, and/or has failed to disclose such activity, the Designated Supervisor and the

Director, Legal Affairs and Policy Development shall make a recommendation to the appropriate person concerning a remedy, including possible disciplinary actions.

- 8.7 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.

## **9. OUTSIDE BUSINESS INTERESTS**

- 9.1 Employees shall disclose possible conflicting outside business activities at the commencement of their employment at Okanagan College or immediately upon the employee becoming aware of it. Such disclosure shall be made to the employee's Designated Supervisor in writing, however, if for any reason, the employee is not comfortable disclosing their concern to their Designated Supervisor, then such disclosure shall be made to the Manager, Employee and Labour Relations or the Director, Legal Affairs and Policy Development. Notwithstanding any outside activities, employees are required to act in the best interest of Okanagan College.
- 9.2 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 Okanagan College, where by virtue of his or her position in Okanagan College, the employee could in any way benefit the other organization by influencing the purchasing, selling or other decisions of Okanagan College, unless that interest has been a) fully disclosed in writing to the employee's Designated Supervisor, Manager, Employee and Labour Relations or the Director, Legal Affairs and Policy Development, and b) a remedy to the conflict situation has been developed.
- 9.3 Upon an employee making a disclosure pursuant to paragraphs 9.1 or 9.2 above, the procedure set out at paragraph 8.4 shall be followed.
- 9.4 A "significant financial interest" in this context is any interest substantial enough that decisions of Okanagan College could result in a personal gain for the employee, their family, relatives or friends.
- 9.5 These restrictions apply equally to interests in companies that may compete with Okanagan College in all of its areas of activity.

## **10. OUTSIDE REMUNERATION**

- 10.1 Employees may be invited by other colleges, institutions, businesses, government agencies, community groups, etc. to engage in remunerative employment. Okanagan College encourages this participation in the community, providing that such ventures do not disrupt Okanagan College services or impose a financial burden on Okanagan College.
- 10.2 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 Okanagan 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 Okanagan College or to represent Okanagan College's opinion or policy; and
- (v) it does not involve the use of Okanagan College's premises, services, equipment, supplies, or college-paid time to which an employee has access by virtue of their employment with Okanagan College.

## **11. USE OF OKANAGAN COLLEGE'S PROPERTY**

- 11.1 Employees are entrusted with the care, management and cost-effective use of Okanagan College's property and assets, including the use of Okanagan College's name and intellectual property.
- 11.2 Employees may not dispose of or purchase Okanagan College's property or assets except in accordance with policies and procedures established by Okanagan College.
- 11.3 Employees may use property owned by Okanagan College, excluding vehicles, for incidental personal purposes, meaning:
  - (i) infrequent and of short duration (i.e. over night or over the weekend);
  - (ii) does not impact Okanagan 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 Okanagan College to incur any cost;
  - (vi) does not use Okanagan College supplies;
  - (vii) does not expose Okanagan College to any risk;
  - (viii) the employee has received appropriate training to use the Okanagan 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 will return the property in the same or better condition;
  - (xi) the employee will reimburse Okanagan College for the any costs to repair or replace damaged or lost property; and
  - (xii) does not contravene this Code in any way.
- 11.4 If the intended use of property owned by Okanagan 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 Supervisor.
- 11.5 Employees may not use Okanagan College vehicles for personal purposes.

**12. CONFIDENTIAL INFORMATION**

- 12.1 In the course of employment or performing their duties, employees may be given access to or become aware of confidential or proprietary information of Okanagan College or of a third party who has disclosed such information to Okanagan College.
- 12.2 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.
- 12.3 Confidential information includes proprietary, technical, operational, business, financial, legal affairs, student information or any other information which Okanagan College treats as confidential.
- 12.4 Employees shall not disclose or use confidential information gained by virtue of their association with Okanagan College for personal gain, or to benefit friends, family, relatives or associates.
- 12.5 If in doubt regarding what is considered confidential, employees shall seek guidance from their Designated Supervisor.

**13. INVESTMENT ACTIVITY**

- 13.1 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 Okanagan College which could reasonably affect the value of such securities.

**14. ENTERTAINMENT, GIFTS AND FAVOURS**

- 14.1 It is essential to fair business practices that all those who associate with Okanagan College, as suppliers, contractors or employees, be treated fairly and without favouritism.
- 14.2 Notwithstanding s.7.4, entertainment, gifts and favours may be accepted or offered by employees in the normal exchanges common to, and generally accepted in, established business 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 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.

- 14.3 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 Okanagan College.
- 14.4 Similarly, no employee shall offer or solicit entertainment, gifts or favours in order to secure preferential treatment for themselves or Okanagan College.
- 14.5 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 Designated Supervisor immediately.
- 14.6 Inappropriate gifts received by employees shall be returned to the donor.
- 14.7 There must be full and immediate disclosure to the employee's Designated Supervisor in all cases where there is uncertainty about the appropriateness of entertainment, gifts or favours and the direction of the Designated Supervisor shall be followed.

## **15. EXEMPTIONS OR WAIVERS FROM CODE REQUIREMENTS**

- 15.1 Employees may request an exemption from, or waiver of, a requirement of this Code through their Designated Supervisor. All such requests must be documented and require the approval of the Executive.
- 15.2 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.

## **16. COMPLIANCE, REPORTING & RETALIATION**

- 16.1 The President is responsible for monitoring compliance with this Code.
- 16.2 Okanagan College 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.
- 16.3 Employees are responsible for making themselves aware of, understanding and complying with all Okanagan College policies, including this Code, and are expected to seek clarification where necessary. Normally, the employee's Designated Supervisor will be responsible for providing guidance on a policy, including this Code.
- 16.4 Integrity, honesty, and trust are essential elements of Okanagan College's success. Any employee who knows or suspects a breach of this Code has a responsibility to report it to their Designated Supervisor. However, if for any reason the employee is uncomfortable reporting a breach to their Designated Supervisor, they may report it to the Manager, Employee and Labour Relations or the Director, Legal Affairs and Policy Development.
- 16.5 Compliance with this Code is a condition of employment for all employees.
- 16.6 Okanagan College and its employees will not retaliate against any employee, who in good faith, reports a known or suspected violation of this Code. This means that

employees will not be terminated, demoted or discriminated against in any way for reporting legitimate concerns about matters in accordance with this Code, 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 Okanagan College reserves the right to discipline anyone who knowingly makes a false accusation or knowingly provides false information to Okanagan College or others.

## **17. BREACH**

- 17.1 Employees found to have breached his/her duty by violating the requirements of this Code may be subject to discipline that will be addressed through relevant Okanagan 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.
- 17.2 Any supervisor or manager who directs or approves of a violation of this Code, or who fails to report a violation, of which he or she has knowledge, is also in violation of this Code and is subject to disciplinary action.

## **18. POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXECUTIVES**

### **Definitions**

- 18.1 For the purpose of the post-employment restrictions set out below:
- (i) "Senior Executive" means a person employed by Okanagan College as President, Vice President, or Associate Vice President; and
  - (ii) "Outside Entity" means a person or entity other than a public sector employer as defined in Section 1 of the *Public Sector Employers Act*.

### **After Leaving Okanagan College**

- 18.2 The following is a condition of a Senior Executive's employment with Okanagan College. If the Senior Executive had a substantial involvement in dealings with an Outside Entity on behalf of Okanagan College at any time during the year immediately preceding the end of the Senior Executive's employment with Okanagan College then, for one year after the end of the Senior Executive's employment, the Senior Executive must not:
- (i) accept an offer of employment with, an appointment to the board of directors of, or a contract to provide services to, that Outside Entity, or
  - (ii) provide consulting or other services to that Outside Entity, in connection with its dealings with Okanagan College.

**Reduction of One-Year Limitation**

- 18.3 The President, or the Okanagan College Board of Governors if the Senior Executive is the President, may reduce a Senior Executive's one-year restriction, upon application, after considering the following:
- (i) the circumstances under which the Senior Executive's employment ended;
  - (ii) the Senior Executive's general employment prospects;
  - (iii) the significance to Okanagan College of information the Senior Executive possessed by virtue of the Senior Executive's position with Okanagan College;
  - (iv) the desirability of a rapid transfer of the Senior Executive's skills to an employer other than Okanagan College;
  - (v) the degree to which the new employer might gain unfair commercial advantage by hiring the Senior Executive;
  - (vi) the authority and influence the Senior Executive possessed while employed by Okanagan College;
  - (vii) the disposition of other cases.
- 18.4 The decision of the President, or the Board of Governors if the Senior Executive is the President, on the application to reduce the Senior Executive's one-year restriction shall be issued in writing within ten (10) working days of receipt of the application.
- 18.5 If the President reduces the one-year restriction for a Vice President, the President shall report the change to the Board of Governors at the next regularly scheduled meeting.