



Title	<b>Standards of Employee Conduct &amp; Conflict of Interest</b>
Policy No.	A.3.6
Approval Body	Board of Governors
Policy Sponsor	President
Last Revised/Replaces	February 6, 2015; Replaces VCC Code of Ethics (October 26, 2000) and B.2.12 Employment of Relatives Policy (October 8, 2000)
Effective Date	April 4, 2013

### CONTEXT AND PURPOSE

Vancouver Community College (VCC; the College) expects all employees of the College to adhere to the highest standards of conduct, ethics and professionalism, in accordance with VCC's Policies and Procedures, and local, provincial and federal legislation. In addition, employees are expected to instill public confidence, exhibit a commitment to excellence in learning and teaching, and demonstrate consideration for the dignity, respect, and well-being of all College members and the broader society in which all exist.

Employees are expected to report employee misconduct and conflicts of interest to the Senior Administrator without delay, using the protocols contained in Procedure A.3.6.

### SCOPE AND LIMITS

This Policy applies to:

1. All VCC employees as defined in the accompanying Standards of Employee Conduct and Conflict of Interest, Procedures (A.3.6). Section E of this policy (Privacy and Confidentiality) continues to apply to individuals, after they have left the college.
  - a. In accordance with the Provincial Government's direction, employees hired into senior management positions (applies only to Presidents, Vice Presidents, and Executive Directors) within a Public Sector Institution must abide by the BC Public Service post-employment restrictions.
2. Where conduct is of a violent nature, policy Violence in the Workplace (A.3.8), will apply; as may respective collective agreements.
3. Where conduct is alleged to be harassment, discrimination, or bullying, policy Prevention of Harassment, Discrimination and Bullying will apply (A.3.1); as may respective collective agreements.
4. Where conduct is illegal or amounts to wrongdoing within the meaning of policy Whistleblower Policy (B.2.19), that Policy may apply.

### STATEMENT OF POLICY PRINCIPLES

1. As a public institution VCC expects all its employees to comply with the standards set out in this Policy, in addition to any other applicable professional standards, code of ethics, or standards of practice and licensure. Employees are expected to refer to this Policy and Procedure A.3.6 for guidance on appropriate conduct.
2. Employees who contravene this Policy may be subject to a range of corrective measures, up to and including dismissal from the College.
3. Employees will be treated equitably under this Policy. All matters arising under this Policy will be dealt with in a fair, unbiased and timely manner.
4. Employees who knowingly observe or encounter conduct in contravention of this Policy are expected to report it without delay.
5. It is the right of every College member to make a report in good faith under this Policy without fear of reprisal. Retaliation or reprisals against persons making such reports in good faith will not be tolerated. However, reports of misconduct are serious matters. Anyone found to have made a bad faith report, as defined in the Procedures, may be subject to disciplinary action, up to and including expulsion or dismissal from the College.
6. This Policy will not be interpreted, administered, or applied so as to infringe on the academic freedom of students or employees. The frank discussion of controversial ideas, the pursuit and publication of controversial research, and the study and teaching of material with controversial content do not constitute a breach of this Policy provided such activities are conducted in a respectful, ethical and non-coercive manner.
7. Education and awareness are keys to understanding, maintaining and improving ethical and professional conduct. The College will offer educational and training programs designed to support the administration of this Policy and to ensure that all employees are aware of their responsibilities under this Policy.
8. In addressing and investigating allegations of misconduct, the College will make every effort to respect the confidentiality of those involved. Reports will be kept confidential to the extent possible consistent with the need to conduct an adequate investigation and as required by law.
9. All employees are required to maintain the confidentiality of any information they may receive during the course of an investigation under this Policy.
10. This Policy shall not be interpreted, administered, or applied in a manner which detracts from the right and obligation of those in supervisory roles to manage and discipline employees and students in accordance with the College's collective agreements, policies and procedures.
11. The application of this Policy and related Procedures shall not be construed as removing any statutory rights or obligations, or any existing rights or obligations arising out of any policy or collective agreement, and may be modified in specific situations as reasonably necessary.

12. In the event allegations of misconduct under this Policy result in another proceeding, such as a grievance, arbitration, human rights complaint, etc., the Senior Administrator may, in his/her sole discretion, decide to terminate any process under this Policy or to place a process under this Policy in abeyance pending the conclusion of the other proceeding.

## **STANDARDS OF CONDUCT AND CONFLICTS OF INTEREST**

Standards of Conduct have been organized under the following headings:

- A. Honesty and Integrity
- B. Gifts and other complimentary items
- C. Workplace relationships
- D. Employment of family members
- E. Privacy and confidentiality
- F. Conflict of interest
- G. Outside remuneration
- H. Political activity
- I. Legal proceedings
- J. Public comment, unauthorized representation or association

The Standards below are intended to provide guidance and assistance to all employees . However, no policy can speak to all situations. Employees who are uncertain about the standard of conduct required in a particular circumstance should seek assistance and clarification from his/her manager, Human Resources or the Arbiter of Student Issues.

### **A. HONESTY AND INTEGRITY**

1. Employees are expected to conduct themselves honestly, with integrity and impartially. Employees must not engage in acts of dishonesty or commit theft, fraud or willful destruction or misuse of VCC property or that of any College member. Employees are expected to comply with any applicable laws.
2. Employees must not place themselves in situations where they are obligated, or obliged, to any person or organization who might benefit from, or seek to gain, special consideration or favor.
3. Employees must conduct themselves in a manner that does not compromise the ability of the College to accomplish its mandate or undermine confidence in the employees' ability to properly fulfill their duties and responsibilities.

### **B. GIFTS AND OTHER COMPLIMENTARY ITEMS**

4. The solicitation or acceptance of gifts, favors, services, hospitality or other complimentary items, directly or indirectly, is not permitted with the exception of the following activities which are permissible:
  - a. the exchange of nominal hospitality or customary gesture of courtesy between persons doing business together ;

- b. the normal presentation of gifts or honoraria to persons participating in a public function, workshop, presentation, or conference;
  - c. the normal exchange of gifts between friends or colleagues;
  - d. token gifts exchanged as part of protocol, provided the gift is of nominal value;  
or
  - e. where the employee has purchased a ticket or was otherwise eligible to receive a prize.
5. When considering the acceptance of any offer of a permissible gift, the recipient(s) must discuss the gift with his/her Manager, and obtain approval in order to ensure that no real or perceived obligations may be attached to such gifts.
6. The President has the final authority to determine what is, or is not, appropriate and may determine disposition of the gift.

### **C. WORKPLACE RELATIONSHIPS**

7. Employees are expected to treat others with courtesy, dignity, respect and professionalism in all of their communications, interactions and conduct. All employees are expected to contribute to a positive, cooperative, respectful work environment which is inclusive of diversity. Employees are encouraged to act as ambassadors of the College in their interactions with each other and members of the public.
8. Employees must not initiate or participate in romantic, intimate or sexual relationships with students or subordinates for the duration of the professional or supervisory relationship or evaluative role. This includes employees over whom the employee has influence, input or decision making power, including but not limited to work performance, marks, and academic interest.
9. Employees must not participate in inappropriate friendships or personal relationships with students or subordinates. Given the imbalance of power inherent in such relationships, it is the supervising or professional employee's responsibility to ensure that inappropriate relationships do not occur.
10. Employees must immediately disclose to their direct Manager the existence of any personal relationships which could be perceived as a conflict of interest (e.g. an Instructor with a neighbor or friend in his/her class).

### **D. EMPLOYMENT OF FAMILY MEMBERS**

11. Employees may not be placed in positions where a conflict of interest may occur or may be perceived to occur as a result of a family relationship. Except in unusual circumstances as authorized by the President or designate, family members will not be hired, promoted or transferred into a position in which one employee has influence, input or decision making power over another's performance evaluation, compensation, promotion, work conditions and similar matters.
12. No employee will participate in the selection, appointment, or promotion process where a family member is under consideration without the written approval of the President.

13. Subject to the next paragraph, when a family member relationship is created through marriage or common-law of two employees working in a supervisor/subordinate reporting relationship, one employee will be required to transfer or resign.
14. In unusual circumstances, the President or designate may authorize family members to work in the same work area, provided that:
  - a. family members do not report to the same supervisor
  - b. no conflict of interest arises or is perceived to arise
  - c. no special considerations are granted related to scheduling of duty and off-duty time
  - d. a supervisor/subordinate relationship does not exist between the family members.

#### **E. PRIVACY AND CONFIDENTIALITY**

15. Employees are expected to respect the privacy and confidentiality of others. Access to or sharing of another individual's personal information must be limited to those who "need to know" as part of their ongoing employment responsibilities. Proper authorization or permission should be sought before sharing sensitive personal information or using or accessing another person's materials or belongings. This standard includes but is not limited to the following examples:
  - a. Employees must not discuss confidential student/employee information with other students/employees except to the extent required to accomplish legitimate work related purposes.
  - b. Instructors must only share a student's work with the class when the student has given permission.
  - c. Employees must only discuss or share information about the health or conduct of another College member with their permission, or as required for legitimate work related reasons.
16. Employees will not access or use College confidential information or records for unauthorized purposes.
17. From time to time employees may be entrusted with confidential information, which, if disclosed, could cause serious harm to the College. Employees are expected to honour that trust by taking reasonable steps to protect the College's confidential information from unauthorized access and by not using or disclosing it except in accordance with established policies and procedures.
18. Employees are expected to use confidential and personal information only for purposes necessary for carrying out authorized duties for the College. In particular, employees shall not use confidential information for the employee's own benefit or permit it to be used for the benefit of any other person without express authorization from the College.
19. The obligations set out in this section continue to apply to employees after they have left the employ of the College.

#### **F. CONFLICT OF INTEREST**

20. Employees must ensure their private or financial interests do not conflict with their work duties, responsibilities or obligations or result in a perception that such conflicts exist.
21. Employees must not give preferential treatment to family members or friends or to any organization in which they or their relatives or friends have an interest, financial or otherwise.
22. Employees must exercise care in the management of their private affairs so as not to benefit, or be perceived to benefit, from:
  - a. the use of information acquired solely by reason of their appointment or employment; or
  - b. any College transaction which involves decisions over which they have influence, such as appointments, investments, borrowings, purchases, sales, contracts, grants and regulatory or discretionary approval.
23. Where an actual or potential conflict of interest arises, or may arise, the affected employee shall immediately disclose to his/her immediate supervisor the nature and extent of such conflict of interest. Where the College determines that an individual has concealed, or has unreasonably failed to disclose a conflict of interest, the College may take disciplinary action, up to and including termination or expulsion from the College.
24. In concert with the College's IT policies: Appropriate and Responsible Use of Education and Information Technology Policy B.5.2 and Electronic Mail Policy B.5.4, incidental use of College resources is permissible where limited to responsible activity that minimizes disruption of College business while attending to necessary personal affairs. Incidental use is defined as any personal use of College-owned resources that:
  - a. does not cause any additional expense to the College;
  - b. is infrequent and brief;
  - c. does not have a negative impact on overall employee productivity;
  - d. does not interfere with the normal operations of an employee's department;
  - e. does not compromise the College in any way; and
  - f. does not contravene any elements of this Policy.

#### **G. OUTSIDE REMUNERATION**

24. Employees may engage in remunerative employment with another employer, carry on a business, or receive payment for personal activities, provided that:
  - a. It does not interfere with the performance of their duties as employees;
  - b. It does not bring the College into disrepute;
  - c. It does not result in a conflict of interest or perceived conflict of interest as defined in this Policy and Procedures;

- d. It does not result in an advantage that is derived from their employment as a College employee;
  - e. It does not appear to be an official act or to represent College opinion or policy;
  - f. It does not involve the use of College work time, premises, services, equipment, information or supplies, except as permissible under this Policy.
25. Employees who are members of a bargaining unit must consult and comply with relevant provisions of their respective collective agreements regarding outside employment.

#### **H. POLITICAL ACTIVITY**

26. Employees are free to participate in political activities including belonging to a political party, supporting a candidate for elected office and/or actively seeking elected office. However, employees must ensure their political activities are clearly separated from activities related to their employment. If engaging in political activities, employees are responsible to maintain the perception of impartiality in the exercise of their College duties and responsibilities.
27. Employees must not engage in political activities during working hours or use College facilities, equipment, or resources in support of these activities.

#### **I. LEGAL PROCEEDINGS**

28. Employees must not sign affidavits relating to facts that have come to their knowledge in the course of their duties on behalf of the College for use in court proceedings, unless the affidavit has been prepared by a lawyer acting for VCC. This requirement does not apply in circumstances where the employee, or their accredited bargaining agent, is a party to the legal proceeding in question.
29. Employees are obliged to cooperate with lawyers defending VCC's interests during legal proceedings. This requirement does not apply in circumstances where the employee, or their accredited or bargaining agent, is a party to the legal proceeding in question.
30. Legal advice, communications and written opinions prepared on behalf of VCC by legal counsel are subject to solicitor/client privilege and are therefore strictly confidential. Employees who are permitted to review such communications shall not disclose these opinions to any other person without the prior written consent of the College.

#### **J. PUBLIC COMMENT, UNAUTHORIZED REPRESENTATION OR ASSOCIATION**

31. Employees have the right to free speech and free association in accordance with the laws of British Columbia and Canada.
32. In a public or private presentation or protest, employees are not permitted to represent or leave the impression that they are speaking on behalf of the College, or that their position at the College lends validity to their private opinions.
33. In a hearing, forum, debate, protest or public communication, employees will expressly distinguish their personal opinions from the position of the College.
34. Departments of the College will request prior approval from the President before entering an association with a special interest group.
35. Employees will not use College letterhead or forms for private use.

36. Employees participating in social media are expected to follow VCC's *Social Media Best Practices* (myVCC/Services/Marketing/Social Media). The *Best Practices* have been developed to ensure that all employees participate in social media in a respectful, relevant manner that protects the reputation of the College and follows both the letter and spirit of College policies and legal requirements.

## **DEFINITIONS**

Academic Freedom: has the meaning set out in the College's policy statement on Principles of Academic Freedom.

Advisor: an employee's Manager or Supervisor, Department Leaders, Human Resources, or the Arbiter of Student Issues.

Bad Faith Report: is a report in which a College member makes allegations of misconduct without reasonable grounds, or knowing them to be false, or for malicious, frivolous or vindictive reasons.

College-Related Activity: means any activity, at any location, that is engaged in by the College or by persons acting under the College's control. All activities conducted by employees on the College's campuses are College-related.

Confidential Information: includes any information or material related to College business that is or becomes known by an individual through their employment with the College. This can include information relating to College students, staff, operations, contracts, services and service methods, facilities, equipment, technology, research, plans, personnel, finances, policies, and business procedures. It is important to recognize that Confidential Information can exist in many forms, including orally, in written documents, digital or electronic media and in graphics, and it may not necessarily be marked "confidential".

Conflict of Interest: means a situation in which an Employee's personal or financial interests are or may be perceived to be in conflict with the College's interests or mission, or with the proper performance of the employee's job duties, responsibilities or obligations. A conflict of interest may be actual, potential or apparent. A perceived conflict of interest can be as detrimental as an actual conflict of interest. Such actions undermine or compromise public confidence in the College or the College's trust in the employee's ability to properly discharge his/her work responsibilities.

Employees: for the purposes of this Policy, includes College employees, contractors, volunteers, and researchers engaged by the College.

Family Members: a parent, spouse, partner, son, daughter, sibling, niece, nephew, guardian, grandson, granddaughter or grandparent, and any other person with whom the employee resides or has a close personal relationship.

Misconduct: Conduct in contravention of the standards set out within this Policy or which could reasonably be considered to be within the scope of this Policy.

Personal Information: means recorded information about an identifiable individual.

Professionalism: describes conduct which complies with accepted standards in the methods and manner in which duties are performed. Professionalism is required in the following areas of College activity: job performance; academic preparation; workplace conduct; classroom

conduct; interactions between students, faculty, staff, administration, colleagues and the general public (inside and outside the College).

Reprisal or Retaliation: Improper measures that adversely affect employment, working or learning conditions, taken or threatened, against a College member because they have made a good faith report, sought advice about making a report or participated in an investigation of a report under this Policy.

Senior Administrator: means the Executive Director, Human Resources or his/her designate. In the case of a report involving the Executive Director, Human Resources, the "Senior Administrator" shall be the President or his/her designate. In the case of a complaint involving the President, the "Senior Administrator" shall be the Chair of the College's Board of Governors or his/her designate.

## **RELATED LEGISLATION & POLICIES**

### Legislation

*B.C. College and Institute Act*

*British Columbia Human Rights Code*

### Policies

A.3.1 Prevention of Harassment and Discrimination

A.3.8 Violence in the Workplace

B.2.19 Whistleblower

### Other

VCC Social Media Best Practices

Senior Management's post-employment restrictions: Offer of Employment Letter Schedule A

## **RELATED PROCEDURES**

Refer to A.3.6 Standards of Employee Conduct & Conflicts of Interest Procedures.